



**Corporate Support Centre**  
Alistair Neill – Chief Executive Officer

**To: All members of the Council**

our ref: Council - 12 July 2019  
contact: Matthew Evans, Democratic Services  
telephone: 01432 383690  
email: matthew.evans@herefordshire.gov.uk

4 July 2019

Dear Councillor,

**You are hereby summoned** to attend the meeting of the Herefordshire Council to be held on **Friday 12 July 2019** at The Council Chamber - The Shire Hall, St. Peter's Square, Hereford, HR1 2HX at **10.00 am** at which the business set out in the attached agenda is proposed to be transacted.

Yours sincerely

*C Ward*

**Claire Ward**

**Solicitor to the council**



# AGENDA

## Council

Date: **Friday 12 July 2019**

---

Time: **10.00 am**

---

Place: **The Council Chamber - The Shire Hall, St. Peter's Square, Hereford, HR1 2HX**

---

Notes: Please note the time, date and venue of the meeting.

For any further information please contact:

**Matthew Evans, Democratic Services**

Tel: 01432 383690

Email: [matthew.evans@herefordshire.gov.uk](mailto:matthew.evans@herefordshire.gov.uk)

---

If you would like help to understand this document, or would like it in another format or language, please call Matthew Evans, Democratic Services on 01432 383690 or e-mail [matthew.evans@herefordshire.gov.uk](mailto:matthew.evans@herefordshire.gov.uk) in advance of the meeting.

# Agenda for the Meeting of the Council

## Membership

**Chairman**

**Vice-Chairwoman**

**Councillor Sebastian Bowen**

**Councillor Kema Guthrie**

Councillor Graham Andrews

Councillor Polly Andrews

Councillor Chris Bartrum

Councillor Tracy Bowes

Councillor Pauline Crockett

Councillor Barry Durkin

Councillor Elizabeth Foxton

Councillor John Hardwick

Councillor Liz Harvey

Councillor Kath Hey

Councillor Phillip Howells

Councillor Helen l'Anson

Councillor Peter Jinman

Councillor Graham Jones

Councillor Jim Kenyon

Councillor Trish Marsh

Councillor Mark Millmore

Councillor Felicity Norman

Councillor Tim Price

Councillor Alan Seldon

Councillor Louis Stark

Councillor David Summers

Councillor Paul Symonds

Councillor Diana Toynbee

Councillor Yolande Watson

Councillor Paul Andrews

Councillor Jenny Bartlett

Councillor Christy Bolderson

Councillor Ellie Chowns

Councillor Gemma Davies

Councillor Toni Fagan

Councillor Carole Gandy

Councillor John Harrington

Councillor Jennie Hewitt

Councillor David Hitchiner

Councillor Bernard Hunt

Councillor Terry James

Councillor Tony Johnson

Councillor Mike Jones

Councillor Jonathan Lester

Councillor Bob Matthews

Councillor Jeremy Milln

Councillor Roger Phillips

Councillor Paul Rone

Councillor Nigel Shaw

Councillor John Stone

Councillor Elissa Swinglehurst

Councillor Kevin Tillet

Councillor Ange Tyler

Councillor William Wilding

## Agenda

*(The meeting will be preceded by prayers.)*

	Pages
<i>The Chairman will call a brief adjournment of the meeting after two hours.</i>	
<p><b>1. APOLOGIES FOR ABSENCE</b> To receive apologies for absence.</p>	
<p><b>2. DECLARATIONS OF INTEREST</b> To receive any declarations of interest by Members in respect of items on the Agenda.</p>	
<p><b>3. MINUTES</b> To approve and sign the Minutes of the meeting held on 24 May 2019.</p>	9 - 16
<p><b>4. CHAIRMAN AND CHIEF EXECUTIVE'S ANNOUNCEMENTS</b> To receive the Chairman and Chief Executive's announcements.</p>	17 - 20
<p><b>5. QUESTIONS FROM MEMBERS OF THE PUBLIC</b> To receive questions from members of the public. <i>Deadline for receipt of questions is 5:00pm on Monday 8 July. Accepted questions and answers will be published as a supplement prior to the meeting.</i></p>	
<p><b>6. QUESTIONS FROM MEMBERS OF THE COUNCIL</b> To receive any written questions from members of the Council. <i>Deadline for receipt of questions is 5:00pm on Monday 8 July. Accepted questions and answers will be published as a supplement prior to the meeting.</i></p>	
<p><b>7. APPOINTMENTS TO COUNCIL COMMITTEES AND OUTSIDE BODIES</b> To make appointments to the committees of the Council and outside bodies in line with the rules of political proportionality.</p>	21 - 26
<p><b>8. CHILDREN AND YOUNG PEOPLE'S PLAN 2019 - 2024</b> To approve the Children and Young People's Plan 2019 – 2024.</p>	27 - 64
<p><b>9. REVIEW OF TAXI AND PRIVATE HIRE POLICY</b> To review and approve the amended Taxi and Private Hire Policy.</p>	65 - 170
<p><b>10. TREASURY MANAGEMENT - 2018/19 OUTTURN</b> To approve the treasury management outturn for 2018/19.</p>	171 - 182
<p><b>11. LEADER'S REPORT TO COUNCIL</b> To receive a report from the leader on the activities of the executive (cabinet) since the meeting of Council on 8 March 2019.</p>	183 - 200
<p><b>12. NOTICES OF MOTION UNDER STANDING ORDERS</b> To consider Notices of Motion.</p>	201 - 204



# **The Public's Rights to Information and Attendance at Meetings**

## **YOU HAVE A RIGHT TO: -**

- Attend all Council, Cabinet, Committee and Sub-Committee meetings unless the business to be transacted would disclose 'confidential' or 'exempt' information.
- Inspect agenda and public reports at least five clear days before the date of the meeting.
- Inspect minutes of the Council and all Committees and Sub-Committees and written statements of decisions taken by the Cabinet or individual Cabinet Members for up to six years following a meeting.
- Inspect background papers used in the preparation of public reports for a period of up to four years from the date of the meeting. (A list of the background papers to a report is given at the end of each report). A background paper is a document on which the officer has relied in writing the report and which otherwise is not available to the public.
- Access to a public register stating the names, addresses and wards of all Councillors with details of the membership of Cabinet and of all Committees and Sub-Committees.
- Have a reasonable number of copies of agenda and reports (relating to items to be considered in public) made available to the public attending meetings of the Council, Cabinet, Committees and Sub-Committees.
- Have access to a list specifying those powers on which the Council have delegated decision making to their officers identifying the officers concerned by title.
- Copy any of the documents mentioned above to which you have a right of access, subject to a reasonable charge (20p per sheet subject to a maximum of £5.00 per agenda plus a nominal fee of £1.50 for postage).
- Access to this summary of your rights as members of the public to attend meetings of the Council, Cabinet, Committees and Sub-Committees and to inspect and copy documents.

## **Public Transport Links**

- The Shire Hall is a few minutes walking distance from both bus stations located in the town centre of Hereford.

## **Recording of meetings**

- Anyone is welcome to record public meetings of the council using whatever, non-disruptive, methods you think are suitable. Please note that the meeting chairman has the discretion to halt any recording for a number of reasons including disruption caused by the recording, or the nature of the business being conducted. Recording should end when the meeting ends, if the meeting is adjourned, or if the public and press are excluded in accordance with lawful requirements.
- Anyone filming a meeting is asked to focus only on those actively participating.
- If, as a member of the public, you do not wish to be filmed please make a member of the governance team aware.

## **FIRE AND EMERGENCY EVACUATION PROCEDURE**

In the event of a fire or emergency the alarm bell will ring continuously.

You should vacate the building in an orderly manner through the nearest available fire exit and make your way to the Fire Assembly Point in the Shire Hall car park.

Please do not allow any items of clothing, etc. to obstruct any of the exits.

Do not delay your vacation of the building by stopping or returning to collect coats or other personal belongings.

The Chairman or an attendee at the meeting must take the signing in sheet so it can be checked when everyone is at the assembly point.



**Minutes of the meeting of Council held at The Council Chamber -  
The Shire Hall, St. Peter's Square, Hereford, HR1 2HX on Friday  
24 May 2019 at 10.30 am**

**Present:** Councillors: Graham Andrews, Paul Andrews, Polly Andrews, Jenny Bartlett, Christy Bolderson, Sebastian Bowen, Tracy Bowes, Ellie Chowns, Pauline Crockett, Gemma Davies, Barry Durkin, Toni Fagan, Elizabeth Foxton, Carole Gandy, Kema Guthrie, John Hardwick, John Harrington, Liz Harvey, Jennie, Kath Hey, David Hitchiner, Phillip Howells, Bernard Hunt, Helen I'Anson, Terry James, Peter Jinman, Tony Johnson, Mike Jones, Jim Kenyon, Jonathan Lester, Trish Marsh, Bob Matthews, Mark Millmore, Jeremy Milln, Felicity Norman, Roger Phillips, Tim Price, Paul Rone, Alan Seldon, Nigel Shaw, Louis Stark, John Stone, David Summers, Elissa Swinglehurst, Paul Symonds, Kevin Tillet, Diana Toynbee, Ange Tyler, Yolande Watson and William Wilding

**Officers:** Chris Baird, Richard Ball, Annie Brookes, John Coleman, Matthew Evans, Andrew Lovegrove, Caroline Marshall, Alistair Neill, Stephen Vickers and Claire Ward and Karen Wright

**1. ELECTION OF CHAIRPERSON**

Councillor Bob Matthews proposed and Councillor Tony Johnson seconded the nomination of Councillor Sebastian Bowen as Chairperson of the Council.

*(Councillor Sebastian Bowen declared a schedule 1 interest and left the meeting for the vote)*

**RESOLVED: That Councillor Sebastian Bowen is elected Chairperson of the Council for the forthcoming municipal year.**

Councillor Sebastian Bowen made and signed the statutory declaration of acceptance of office.

*(Councillor Sebastian Bowen as the Chairman)*

**2. APPOINTMENT OF VICE CHAIRPERSON**

Councillor John Stone proposed and Councillor David Summers seconded the nomination of Councillor Kema Guthrie as Vice Chairperson of the Council.

*(Councillor Kema Guthrie left the meeting for the vote)*

**RESOLVED: That Councillor Kema Guthrie is appointed Vice Chairperson of the Council for the forthcoming municipal year.**

Councillor Kema Guthrie made and signed the statutory declaration of acceptance of office.

**3. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor Graham Jones.

**4. DECLARATIONS OF INTEREST**

There were no declarations at this stage of the meeting please see minute 1 above and minute 7 below.

**5. MINUTES**

**RESOLVED: That the minutes of the meeting held on 8 March 2019 be confirmed as a correct record and signed by the Chairman.**

**6. CHAIRPERSON'S AND CHIEF EXECUTIVE'S ANNOUNCEMENTS**

Council noted the Chairperson's and Chief Executive's announcements as printed in the agenda papers.

**7. ELECTION OF LEADER OF THE COUNCIL**

Councillor Peter Jinman proposed and Councillor Bernard Hunt seconded the nomination of Councillor David Hitchiner.

*(Councillor David Hitchiner declared a schedule 1 interest and left the meeting for the vote)*

**RESOLVED: That Councillor David Hitchiner is elected Leader of the Council for the forthcoming municipal year.**

**8. APPOINTMENTS TO COUNCIL COMMITTEES AND OUTSIDE BODIES**

Council considered the report attached to the agenda relating to appointments to committees of the council and outside bodies in line with the rules of political proportionality. Council was informed of the supplement published following the agenda which provided the tables for allocations of seats on committees and outside bodies to political groups.

Members who had been nominated for positions which attracted a special responsibility allowance under the councillors' allowances scheme had a schedule 1 interest in that item. Following a written request the solicitor to the Council had granted a dispensation and therefore those members who were affected could participate in the discussion, remain in the room and vote on all of the recommendations in agenda item 8. It was advised, however, that members should refrain from voting in respect of recommendation (f) where they were nominated for an individual appointment.

Council considered the recommendations in the report as follows:

Recommendation (a)

Councillor Trish Marsh proposed and Councillor Gemma Davies seconded recommendation (a) which was carried by a simple majority of the Council.

**RESOLVED: That the list of ordinary committees listed at paragraph 9 are confirmed with their terms of reference as set out in the council's constitution**

Recommendation (b)

Councillor Alan Seldon proposed and Councillor Pauline Crockett seconded recommendation (b) which was carried by a simple majority of the Council.

Following the allocation of seats based on political proportionality, five seats remained unallocated and Council determined that ungrouped members should be nominated.

Councillor John Hardwick proposed and Councillor John Harrington seconded the appointment of Councillor Yolande Watson to the Audit and Governance Committee which was carried by a simple majority of the Council.

Councillor Gemma Davies proposed and Councillor Toni Fagan seconded the appointment of Councillor Jennie Hewitt to the Employment Panel which was carried by a simple majority of the Council.

Councillor John Harrington proposed and Councillor Alan Seldon seconded the appointment of Councillor Jim Kenyon to the Employment Panel which was carried by a simple majority of the Council.

Councillor Alan Seldon proposed and Councillor David Summers seconded the appointment of Councillor Jim Kenyon to the Planning and Regulatory Committee which was carried by a simple majority of the Council.

Councillor Gemma Davies proposed and Councillor John Harrington seconded the appointment of Councillor Yolande Watson to the Planning and Regulatory Committee which was carried by a simple majority of the Council.

**RESOLVED: That the number of seats on each committee as set out at paragraph 9, and the allocation of those seats to political groups as set out at appendix 2 are approved and the allocation of seats to ungrouped members are agreed as below;**

<b>Committee</b>	<b>Councillor</b>
Audit and Governance	Councillor Yolande Watson
Employment Panel	Councillor Jennie Hewitt
Employment Panel	Councillor Jim Kenyon
Planning and Regulatory	Councillor Jim Kenyon
Planning and Regulatory	Councillor Yolande Watson

Recommendation (c)

Councillor Barry Durkin proposed and Councillor Ellie Chowns seconded recommendation (c) which was carried by a simple majority of Council.

Following the allocation of seats based on political proportionality, one seat remained unallocated and Council determined that ungrouped members should be nominated.

Councillor John Harrington proposed and Councillor Yolande Watson seconded the appointment of Councillor Jennie Watson to the Standing Advisory Council for Religious Education (SACRE) which was carried by a simple majority of Council.

**RESOLVED: That the allocation of seats on outside bodies to political groups as set out at appendix 3 are approved and the allocation of seats to ungrouped**

members are agreed as below;

Outside Body	Councillor
SACRE	Councillor Jennie Hewitt

Recommendation (d)

Councillor Jim Kenyon proposed and Councillor Jonathan Lester seconded recommendation (d) which was carried unanimously by Council.

**RESOLVED: That the appointment of five co-opted members of children and young people scrutiny committee are approved as follows:**

- i. one representative as nominated by the diocese of Hereford
- ii. one representative as nominated by the archdiocese of Cardiff
- iii. one parent governor as elected from the primary school sector
- iv. one parent governor as elected by the secondary school sector
- v. one parent governor as elected by the special school sector;

Recommendation (e)

Councillor Alan Seldon proposed and Councillor Nigel Shaw seconded recommendation (e) which was carried unanimously by Council.

**RESOLVED: That the suspension of the rules of proportionality in respect of the standards panel, the River Lugg Internal Drainage Board, and the Wye Valley AONB Joint Advisory Committee is approved;**

Recommendation (f)

Council moved to recommendation (f) and the appointment of chairpersons and vice chairpersons to council committees.

The consideration of each appointment was as follows:

**Chairperson of the Adults and Wellbeing Scrutiny Committee**

Councillor Barry Durkin proposed and Councillor John Stone seconded the nomination of Councillor Elissa Swinglehurst as Chairperson of the Adults and Wellbeing Scrutiny Committee.

There were no other nominations.

Councillor Elissa Swinglehurst was appointed by a simple majority of Council.

**Vice Chairperson of the Adults and Wellbeing Scrutiny Committee**

Councillor John Harrington proposed and Councillor Kath Hey seconded the nomination of Councillor Jenny Bartlett as Vice Chairperson of the Adults and wellbeing Scrutiny Committee.

There were no other nominations.

Councillor Jenny Bartlett was appointed by a simple majority of Council.

#### **Chairperson of the Audit and Governance Committee**

Councillor Roger Phillips proposed and Councillor Jonathan Lester seconded the nomination of Councillor Nigel Shaw as Chairperson of the Audit and Governance Committee.

There were no other nominations.

Councillor Nigel Shaw was appointed by a simple majority of Council.

#### **Vice Chairperson of the Audit and Governance Committee**

Councillor Mark Millmore proposed and Councillor Jonathan Lester seconded the nomination of Councillor Christy Bolderson as Vice Chairperson of the Audit and Governance Committee.

There were no other nominations.

Councillor Christy Bolderson was appointed by a simple majority of Council.

#### **Chairperson of the Children and Young People and Scrutiny Committee**

Councillor Elissa Swinglehurst proposed and Councillor David Summers seconded the nomination of Councillor Carol Gandy as Chairperson of the Children and Young People Scrutiny Committee.

There were no other nominations.

Councillor Carol Gandy was appointed by a simple majority of Council.

#### **Vice Chairperson of the Children and Young People and Scrutiny Committee**

Councillor Liz Harvey proposed and Councillor Alan Seldon seconded the nomination of Councillor Diana Toynbee as Vice Chairperson of the Children and Young People Scrutiny Committee.

There were no other nominations.

Councillor Diana Toynbee was appointed by a simple majority of Council.

#### **Chairperson of the Employment Panel**

Councillor Gemma Davies proposed and Councillor John Hardwick seconded the nomination of Councillor David Hitchiner as Chairperson of the Employment Panel.

There were no other nominations.

Councillor David Hitchiner was appointed by a simple majority of Council.

#### **Vice Chairperson of the Employment Panel**

Councillor Jonathan Lester proposed and Councillor David Summers seconded the nomination of Councillor Tony Johnson as Vice Chairperson of the Employment Panel.

There were no other nominations

Councillor Tony Johnson was appointed by a simple majority of Council.

### **Chairperson of the General Scrutiny Committee**

Councillor Barry Durkin proposed and Councillor Carol Gandy seconded the nomination of Councillor Jonathan Lester as Chairperson of the General Scrutiny Committee.

There were no other nominations

Councillor Jonathan Lester was appointed by a simple majority of Council.

### **Vice Chairperson of the General Scrutiny Committee**

Councillor Jonathan Lester proposed and Councillor Ellie Chowns seconded the nomination of Councillor Tracy Bowes as Vice Chairperson of the General Scrutiny Committee.

There were no other nominations.

Councillor Tracy Bowes was appointed by a simple majority of Council.

### **Chairperson of the Planning and Regulatory Committee**

Councillor Pauline Crockett proposed and Councillor John Harrington seconded the nomination of Councillor John Hardwick as Chairperson of the Planning and Regulatory Committee.

There were no other nominations.

Councillor John Hardwick was appointed by a simple majority of Council.

### **Vice Chairperson of the Planning and Regulatory Committee**

Councillor Ellie Chowns proposed and Councillor Felicity Norman seconded the nomination of Councillor Alan Seldon as Vice Chairperson of the Planning and Regulatory Committee.

There were no other nominations.

Councillor Alan Seldon was appointed by a simple majority of Council.

### **Chairperson of the Licensing Sub-Committee**

Councillor Ellie Chowns proposed and Councillor Felicity Norman seconded the nomination of Councillor Alan Seldon as Chairperson of the Licensing Sub-Committee.

There were no other nominations.

Councillor Alan Seldon was appointed by a simple majority of Council.

**RESOLVED: That the appointment of committee chairpersons and vice chairpersons of the committees are approved as follows:**

<b>Committee</b>	<b>Position</b>	<b>Councillor</b>
Adults and wellbeing scrutiny committee	Chairperson	Councillor Elissa Swinglehurst
	Vice Chairperson	Councillor Jenny Bartlett

Audit and governance committee	Chairperson	Councillor Nigel Shaw
	Vice Chairperson	Councillor Christy Bolderson
Children and young people scrutiny committee	Chairperson	Councillor Carol Gandy
	Vice Chairperson	Councillor Diana Toynbee
Employment panel	Chairperson	Councillor David Hitchiner
	Vice Chairperson	Councillor Tony Johnson
General scrutiny committee	Chairperson	Councillor Jonathan Lester
	Vice Chairperson	Councillor Tracy Bowes
Planning and regulatory committee	Chairperson	Councillor John Hardwick
	Vice-chairperson	Councillor Alan Seldon
Licensing sub-committee	Chairperson	Councillor Alan Seldon

**9. DATE OF NEXT MEETING**

The next meeting of the Council would take place on 12 July 2019.

The meeting ended at 11.26 am

**Chairperson**





**Chairman's Announcements – Council Meeting – 12<sup>th</sup> July 2019**  
**Events attended by the Chairman since the last**  
**Council meeting on 24<sup>th</sup> May 2019**

- \*6<sup>th</sup> June – Breast Cancer Haven Stakeholder Event, The Haven, Hereford
- 10<sup>th</sup> June – Citizenship Ceremony, Town Hall, Hereford
- 14<sup>th</sup> June – Three Counties Show, Three Counties Showground
- 17<sup>th</sup> June – Flag Competition Shortlisting, Cider Museum, Hereford
- \*19<sup>th</sup> June – Healthwatch Herefordshire Annual Showcase, Kindle Centre, Hereford
- 22<sup>nd</sup> June – Belmont Boardwalk Official Opening, Haywood Lane, Hereford
- 22<sup>nd</sup> June – Hereford Malayalee Association Tug of War Competition, Hereford
- 24<sup>th</sup> June – Armed Forces Flag Raising, Hereford
- 24<sup>th</sup> June – Armed Forces Covenant Signing, Courtyard, Hereford
- 25<sup>th</sup> June – Armed Forces Event, Professor Webber talk and George Butterworth film, Courtyard, Hereford
- 26<sup>th</sup> June – Armed Forces Event, Professor Webber talk and 'They Shall Not Grow Old' film
- 28<sup>th</sup> June – The Arts in Care, Waverley House, Leominster
- 29<sup>th</sup> June – Armed Forces Day - Leominster, Queenswood and High Town, Hereford
- 5<sup>th</sup> July – The Dean's Drinks Reception, The Deanery, Hereford Cathedral
- 6<sup>th</sup> July – ShireJam 2019, Herefordshire and Worcestershire Scouts Camp, Three Counties Showground
- 7<sup>th</sup> July – Powys Civic Service and Lunch, Powys
- 8<sup>th</sup> July - Citizenship Ceremony, Town Hall, Hereford
- 11<sup>th</sup> July – Walenty Pytel event, Cider Museum, Hereford
- \*11<sup>th</sup> July – Wye Valley Trust AGM, Hereford

\*Attended by the Vice-Chairman



## Chief Executive's Announcements – 12 July 2019

- Talk Community Hubs – a new project to develop community hubs across the county will start in August. Project coordinators have now been recruited and will work with communities to design and develop the hubs to meet the needs of the local community.
- The new Understanding Herefordshire website is now live making it easier to find key facts and figures about the county's people and places. It provides a source of information covering all of the factors which affect health and well-being including population, lifestyles, housing, the economy and environment. Profiles for every ward can be accessed from the interactive map. [www.herefordshire.gov.uk/understandhere](http://www.herefordshire.gov.uk/understandhere)
- The children's integrated needs assessment is soon to be published (on the Understanding Herefordshire website). It includes a 'deep dive' into early help as well as an overview of other topics including childhood obesity, oral health, social mobility, special educational needs and disabilities, and hospital admissions. The report highlights the importance of child and parental mental health, as well as the need to consider the whole family when making decisions.
- Adults and Communities has seen a sustained improvement in overall numbers for Delayed Transfer of Care.
- Herefordshire Council's out of hours noise team will be available on Friday and Saturday evenings from 21 June until the end of August, and on August bank holiday Sunday, monitoring noisy summer hot spots and investigating noise complaints.
- Herefordshire Council's Natural Flood Management project received national coverage with the initiative being featured on BBC Radio 4's Farming Today programme on 14 May.
- The construction of new student accommodation at Station Approach, Hereford, was given official approval following a decision taken on 10 June, enabling building work on the 178 bed purpose-built facility to commence. It is planned to be completed ready for students to move in for the academic year starting September 2020.
- Work has started on the £9 million Cyber Quarter - Midlands Centre for Cyber Security in Hereford and was marked by an official ground breaking ceremony on 7 June. This is a joint venture between the University of Wolverhampton and Herefordshire Council and part-funded by the Marches Local Enterprise Partnership (LEP) and the European Regional Development Fund (ERDF). It is due to open in summer 2020.
- The Ministry of Housing, Communities & Local Government (MHCLG) recently announced a new High Street Community Clean-Up Fund and allocated £33,489 to support community litter groups in Herefordshire. The council used this funding to purchase additional clean-up equipment, training and signage for local community groups. The Great Herefordshire Spring Clean ran from 22 March – 23 April, as part of the Great British Spring Clean, and was a huge success, with over 60 litter picks carried out by parish councils or community groups, and over 825 bags of litter collected.
- Herefordshire Council has partnered with scheme operator Beryl, for a two year contract to provide bike share across Hereford. The scheme will be launched this month, with bikes distributed at key destinations across the city. The bikes will be available for hire via the Beryl App, which lets users find a bike and then easily unlock it, simply using their smartphone.
- Armed Forces Week, a national celebration of the contribution made to our country by those who serve and have served in Her Majesty's Armed Forces, launched on 24 June with flag raising across the county. As part as Armed Forces Day 2019 on 29 June, a Spitfire flypast was held and the Rifles Regiment marched through the city. Hereford commemorations concluded at Suvla Barracks, where dignitaries attended 'Sounding the Retreat'.

- The long awaited new boardwalk around Belmont Pools was officially opened on 22 June and the ribbon cutting ceremony was attended by organisations and others who supported the project. The hardwood boardwalk will hopefully last for years and means that people of all abilities, including those using mobility scooters, wheelchairs, prams and cycles can move safely in a loop around the pool and into the country park.
- Building control are currently experiencing a high volume of applications, due to an Approved Inspector no longer being able to carry out their function. This has meant that the live applications being dealt with by this provider have reverted to the local authority in line with legal requirements. The Building Control service are currently receiving a high level of enquires from concerned house owners and business. The Building Control team are commencing reverting these applications and assessing the status of each before instigating an inspection regime to ensure compliance with the building regulations is achieved.
- Herefordshire Council will have a strong presence at the Herefordshire skills show on Wednesday 3 July at Herefordshire racecourse. The event will be attended by over 50 employers and 400 young people and job seekers and it will help us to promote the diversity of roles within the council. There will be a strong focus on social work roles and we will be taking the opportunity to promote active travel and the opportunities Herefordshire offers young people.
- The revenue and benefits team have been short listed for three national awards by the Institute of Revenues Rating and Valuations ( IRRV)
- Herefordshire received praise from the DfE for achieving a performance level of 93.7% of Education Health and Care needs assessments completed in 20 weeks in 2018.
- The DfE has also reviewed Herefordshire’s progress since the Ofsted inspection of local authority children’s services in June 2018 and the focused visit in January 2019 and provided a letter setting out conclusions. The letter notes that “They (*Herefordshire*) are taking the necessary actions through their improvement plan, which is reviewed regularly, but are aware that further challenges will emerge and of the need to continue to drive forward improvement”
- Safeguarding and Family Support now has permanent team managers and heads of service in all positions which is really positive. However, the service is still experiencing significant pressure in terms of recruitment for social workers, particularly in our CP Court teams with a high turnover of agency staff and a real struggle to recruit agency and permanent staff. A range of measures are being taken. We are very aware of the dedication of staff who continue to focus on their work with children, young people and families.
- Herefordshire has agreed to new arrangements in line with Working Together 2018 to replace the Herefordshire Safeguarding Children’s Board.
- We congratulate Caryn Cox in Public Health, who has been honoured as a long-term volunteer for St John Ambulance, at a special Investiture Ceremony in Llandaff Cathedral in Cardiff. Caryn was admitted as an Officer of the Order of St John (OstJ) and presented with the Insignia by the Prior of the Order of St John in Wales.



<b>Meeting:</b>	<b>Council</b>
<b>Meeting date:</b>	<b>Friday 12 July 2019</b>
<b>Title of report:</b>	<b>Appointments to council committees and outside bodies</b>
<b>Report by:</b>	<b>Solicitor to the Council</b>

### **Classification**

Open

### **Decision type**

This is not an executive decision

### **Wards affected**

(All Wards);

### **Purpose and summary**

To review the representation of political groups on the council and determine the allocation of seats on committees and relevant outside bodies to political groups.

### **Recommendation(s)**

That:

- (a) **the allocation of committee seats to political groups as set out at appendix 2 (*to follow*) be approved; and**
- (b) **the allocation of seats on outside bodies to political groups as set out at appendix 3 (*to follow*) be approved.**

## Alternative options

1. Council could decide to suspend the rules of proportionality for all committees and establish its own criteria for appointing members to its committees. This would require a vote to do so in respect of each committee to which these rules apply and without any member of the council voting against each proposal. However such a blanket approach is inconsistent with the spirit of political proportionality within the Local Government and Housing Act 1989 and would additionally require Council to approve which councillor would take each individual seat on the relevant committees and outside bodies.
2. Following the changes to the political composition of the council, Council could decide to propose the appointment of committee chairpersons and vice chairpersons of the committees.

## Key considerations

3. Following changes to the political composition of the council, full Council is required to review how political proportionality is applied to appointments to committees and sub-committees.
4. The political composition of the council has changed since the annual meeting of the Council on 24 May 2019. This change has resulted from the following: formation of a new political group, the True Independents; formerly ungrouped members joining the Herefordshire Independents; and two by-elections for the Ross North and Whitecross electoral divisions on 6 June 2019 and 11 July 2019 respectively. The current membership of political groups at the council is shown in appendix 1 (*to follow*).
5. Council is under a duty to ensure membership of those committees and outside bodies covered by the relevant rules reflects the political composition of the council, as far as practicable, by allocating seats on the committees to political groups in proportion to their numerical strength on the council, whilst also maintaining a similar proportional balance of overall seat numbers. Once Council has approved the allocation of seats to political groups, it is a matter for the relevant political group leaders to confirm which of their members will take up any seats allocated to their group. Cabinet (as the executive), the licensing sub committee (a statutory committee) and the health and wellbeing board (with a membership set out by statute) are exempt from the requirements of political proportionality. Any member who is not a member of a group is not entitled to an allocation of seats within these rules.
6. These rules of political proportionality should also be applied when allocating seats on outside bodies to which the council makes three or more appointments.
7. It is open to Council to suspend the rules of political proportionality in relation to allocation of seats on any particular body. To do so requires approval by Council with no member voting against the proposal; this is known as a *nem con* vote. Abstentions do not invalidate such a vote.
8. Council has agreed to establish committees of council as listed in the table below. The terms of reference for these committees are set out within the functions scheme of the constitution:

<http://councillors.herefordshire.gov.uk/ieListDocuments.aspx?CId=332&MId=6384&Ver=4&Info=1>

Committee	Seats
-----------	-------

---

Further information on the subject of this report is available from  
Matthew Evans, Tel: 01432 383690, email: [Matthew.Evans@herefordshire.gov.uk](mailto:Matthew.Evans@herefordshire.gov.uk)

Adults and wellbeing scrutiny	7
Audit and governance	7
Children and young people scrutiny	7
Employment panel	5
General scrutiny	7
Planning and regulatory	15
<i>Total seats</i>	<i>48</i>

9. The table in appendix 2 (*to follow*) details the allocation of seats on the above committees based on the political proportionality of the council as set out in appendix 1 (*to follow*).
10. Those outside bodies to which three or more appointments are currently made on a politically proportionate basis are detailed in the table in appendix 3 (*to follow*), with the allocation of seats based on the political proportionality of the council as set out in appendix 1 (*to follow*). The Hereford and Worcester Fire and Rescue Service is in the process of transferring from the current Fire Authority to the West Mercia Police and Crime Commissioner. Once the transfer has been completed the Fire Authority will be abolished and there will no longer be a requirement to appoint members to the body. The date for the finalisation of the transfer of responsibility is not currently known.

## Community impact

11. In accordance with the council's adopted code of corporate governance, Herefordshire council is accountable for how it uses the resources under its stewardship, including accountability for outputs and outcomes achieved. In addition the council has an overarching responsibility to serve the public interest in adhering to the requirements of legislation and government policies. This report and the decisions it enjoins enables the council to meet its statutory duties and fulfil the objective in the corporate plan to secure better services, quality of life and value for money.

## Equality duty

12. Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:
- A public authority must, in the exercise of its functions, have due regard to the need to -
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
  - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
  - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
13. The public sector equality duty (specific duty) requires us to consider how we can positively contribute to the advancement of equality and good relations, and demonstrate that we are paying 'due regard' in our decision making in the design of policies and in the

delivery of services. As this is a decision on the administrative functions of the council, we do not believe that it will have an impact on our equality duty.

## Resource implications

14. None arising from the recommendations.

## Legal implications

15. The council is required to ensure that the allocation of seats to committees is compliant with relevant rules contained in the Local Government and Housing Act 1989 and regulations made under that act.
16. In summary these regulations require that in determining the allocation of seats the council must apply the following four principles as far as reasonably practicable:
- a. that not all the seats on the body are allocated to the same political group;
  - b. that the majority of the seats on the body is allocated to a particular political group if the number of persons belonging to that group is a majority of the authority's membership;
  - c. subject to paragraphs (a) and (b) above, that the number of seats on the ordinary committees of a relevant authority which are allocated to each political group bears the same proportion to the total of all the seats on the ordinary committees of that authority as is borne by the number of members of that group to the membership of the authority; and
  - d. subject to paragraphs (a) to (c) above, that the number of the seats on the body which are allocated to each political group bears the same proportion to the number of all the seats on that body as is borne by the number of members of that group to the membership of the authority.
17. Alternative arrangements not complying with these requirements as set out in paragraph 7 may be made so long as no member of the council votes against it.

## Risk management

- 18.

Risk / opportunity	Mitigation
Failure to appoint to committees and outside bodies could render them inquorate or unlawful	The recommendations in this report mitigate these risks
Failure to obey the rules of political proportionality could similarly render a committee or body unlawful	The recommendations in this report mitigate these risks

## Consultees

19. None

## Appendices



Appendix 1: Table of membership of respective political groups *(to follow)*

Appendix 2: Table of allocation of seats on committees of council *(to follow)*

Appendix 3: Table of outside bodies with politically proportionate appointments *(to follow)*

## **Background papers**

None identified.





<b>Meeting:</b>	<b>Council</b>
<b>Meeting date:</b>	<b>Friday 12 July 2019</b>
<b>Title of report:</b>	<b>Children and Young People's Plan 2019 - 2024</b>
<b>Report by:</b>	<b>Cabinet member for Children and Families</b>

## Classification

Open

## Decision type

Budget and policy framework

This is a key decision because it is likely to be significant having regard to: the strategic nature of the decision; and / or whether the outcome will have an impact, for better or worse, on the amenity of the community or quality of service provided by the authority to a significant number of people living or working in the locality (two or more wards) affected.

Notice has been served in accordance with Part 3, Section 9 (Publicity in Connection with Key Decisions) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

## Wards affected

(All Wards);

## Purpose and summary

To approve the Children and Young People's Plan 2019-2024.

The draft Children and Young People's Plan 2019 - 2024 (CYPP), attached at Appendix A, includes priorities that will enable continued service improvement to support positive outcomes for all children and young people throughout Herefordshire. The plan establishes key priorities and outlines how they will be achieved through work undertaken by all participating partner agencies.

Further detailed delivery plans for each priority are being formulated with partners and relevant multi-agency groups that will identify specific actions, governance arrangements and expected timescales for realising the goals set out in the CYP Plan.

## Recommendation(s)

That:

- (a) **the draft Children and Young People’s Plan 2019-2024 at appendix A be approved by Council.**

## Alternative options

1. The Children and Young People’s Partnership could continue to work within the 2015-2018 plan or adopt different priorities. This approach is not recommended as it would mean the partnership is working to deliver priorities that are out of date, do not acknowledge achievements made since 2015, may not reflect current views of children and young people in Herefordshire, may not respond to trends highlighted within the latest Joint Strategic Needs Assessment, and does not enable the effective alignment to other relevant strategies across the partnership.
2. Dispense with a strategic plan for the children and young people of Herefordshire. Children, young people and families expect organisations, agencies and services to work together to provide the effective support that they may need. There has been strong commitment from partners to a strategic plan in previous years, which has helped to drive service improvements within and between organisations. Dispensing with such a plan is likely to have a negative impact on multi-agency accountability and coordination in the future

## Key considerations

3. The Children and Young People’s Plan is a key enabler for the Herefordshire Health and Wellbeing Strategy to give children the best start in life.
4. The Herefordshire Children and Young People’s Partnership oversees the development and delivery of the Children and Young People’s (CYP) Plan. The partnership includes:
  - Together NHS Foundation Trust
  - Early years and education sectors
  - Economic Partnership Development Group
  - Healthwatch Herefordshire
  - Herefordshire Clinical Commissioning Group
  - Herefordshire Council
  - Herefordshire Safeguarding Children Board
  - Herefordshire Voluntary Organisations Support Service
  - West Mercia Police
  - West Mercia Youth Justice Board
  - Wye Valley NHS Trust
5. The Children and Young People’s Plan covering the period 2015 – 2018 had the aim of ensuring that ‘The children and young people of Herefordshire have a great start in life and grow up healthy, happy and safe within supportive family environments’ and identified six priorities for action.
6. A review of Herefordshire’s performance relating to those six priorities has been undertaken. Each priority area has been reviewed to determine areas of progress and to highlight areas where further focus is necessary over the coming years to further improve outcomes for children and young people in Herefordshire.

---

Further information on the subject of this report is available from Amanda Price,  
email: [amanda.price@herefordshire.gov.uk](mailto:amanda.price@herefordshire.gov.uk)

## 7. Achievements and challenges (2015-2018):

- a. Priority 1 - Early Help: The Family First programme has successfully supported over 1,244 families (exceeding the target of 600) in need of early help, of which 366 have achieved sustainable change (up to December 2018). Lead workers have been identified for each family who have co-ordinated relevant services to meet the family's needs. The programme continues to broaden its work with partners to support early identification, ensuring families are identified at an early stage.

The Early help offer was highlighted as an area to be further strengthened throughout the stakeholder engagement work undertaken, particularly with professionals. A new Early Help Strategy is being prepared to consider actions that will help to tackle ongoing challenges for families in Herefordshire including domestic abuse and neglect.

- b. Priority 2 - Early Years: The percentage of mothers who breastfeed their babies in the first 48hrs after delivery has improved (from 67.7% in 2014/15 to 74.8% in 2016/17) and is 0.3% above the national average. Seventy four point one per cent of children at the end of the reception year achieved a good level of development and Herefordshire was again in the top quartile of local authorities in England in 2017/18. The number of 3 & 4 year old children benefiting from early education in a good/ outstanding provider has risen from 87% in 2015 to 95% in 2018.

It is recognised that the prevalence children who are overweight or obese is still an issue that needs to be addressed locally, and although improvements have been recently reported in terms of oral health, Herefordshire continues to perform below the national average.

- c. Priority 3 - Mental health and emotional wellbeing: A joint review into special educational needs and disabilities by the CQC and Ofsted in September 2016 acknowledged the low waiting times and flexible provision by Child and Adolescent Mental Health Services. Herefordshire has achieved improvements in both waiting times for assessment and treatment for these services. The Herefordshire Children and Young People Mental Health and Emotional Wellbeing Transformation Plan 2015-2020 has been refreshed, including a clear roadmap for further improvement.

Stakeholder engagement highlighted that mental health remains a key area that must be reflected within the new CYP plan. Increasing awareness and early support around emotional wellbeing and mental health were particular areas of focus.

- d. Priority 4 - Children and young people in need of safeguarding: Herefordshire has improved the local response to child sexual exploitation with strong partnerships in place, and an increased ability to identify those which may be at risk. Foster carer recruitment has been better than the regional trend, however additional focussed work is underway to further improve the sufficiency of the Council's in-house fostering service to ensure more looked after children can be placed closer to home.

The number of looked after children in Herefordshire remains high and the new plan will provide an opportunity to consider how a stronger early help and edge of care offer can help to prevent children becoming looked after.

- e. Priority 5 - Addressing challenges for teenagers: Admission episodes (crude rate per 100,000) for alcohol specific conditions is 39.9 for Herefordshire (15/16 – 17/18) and has continued to decline, in line with national trends. There have been improvements in the support available through the 16 plus team which supports young people as they transition into adulthood. The rate of first time entrants to the criminal justice system has reduced (from 565.2 in 2015 to 447.2 in 2017) although this is still higher than the England average (295.1) and is a priority area for the Community Safety Partnership.

Increasing opportunities for children and young people to contribute to their local community and to be better prepared for adulthood were key themes through the engagement work with children and young people and are captured in the new plan.

- f. Priority 6 - Children and young people with disabilities: The proportion of EHC (Education Health and Care) plans issued within 20 weeks is in the top quartile, 87.6% compared to 64.9% nationally (2017). Herefordshire has successfully ensured that 100% of children and young people with special educational needs statements now have a plan in place, meeting the national target for April 2018.

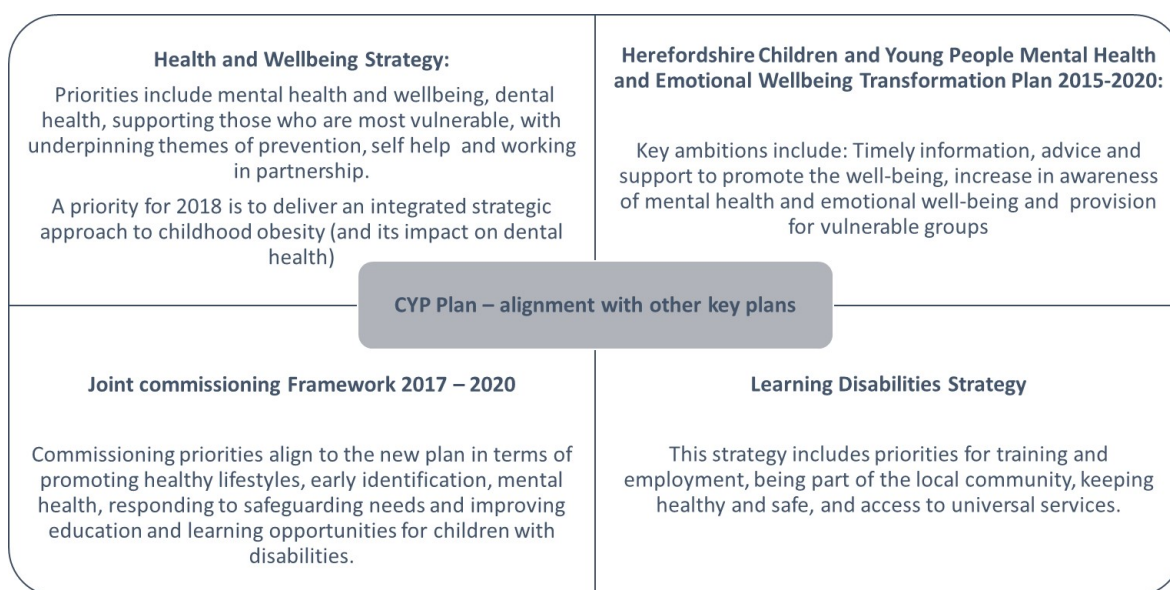
Recognition of the additional challenges faced by children with special educational needs and disabilities has been central to the increased focus on improving educational attainment and preparing for adulthood.

- 8. Having reviewed the previous plan, taken account of the latest data available from the Joint Strategic Needs Assessment and the latest Children's Integrated Needs Assessment (due for completion in summer 2019), considered recent Ofsted inspection feedback, and having listened to children young people and families, the Partnership has identified a range of issues to focus on during the next five years. The "Where are we now" and "Establishing our focus for the next five years" section of the draft plan (appendix A) detail the key issues. Briefly, these include:

- i. opportunities and information to keep healthy and active
- ii. relatively high levels of childhood obesity and dental decay
- iii. early support for emotional resilience and good mental health
- iv. access to work experience, employment opportunities and social mobility
- v. educational achievement of children in receipt of free school meals, looked after children and those with special educational needs and disabilities
- vi. accidents near schools, the potential dangers of traffic and the condition of some roads makes walking and cycling less attractive
- vii. higher than expected numbers of looked after children, compared to areas similar to Herefordshire
- viii. children and young people want to be heard and help improve their local environment and community so that they are more inclusive and accessible

- 9. To continue to address these issues, the Children and Young People's Partnership has prepared a new five-year plan (appendix A), where partner members make a pledge to children and young people for them to:

- i. be safe from harm - keeping children and young people safe
  - ii. be healthy - improving children and young people’s health and wellbeing
  - iii. be amazing - helping ALL children and young people succeed
  - iv. feel part of the community - ensuring that children and young people are influential in our communities
10. Appendix B provides details of the partnership’s initial action plans to deliver these pledges. The action plans are intended to be working documents, which will be regularly reviewed by the partnership and will be updated to address any challenges to progress or changes in local need and demand. Where appropriate, there will be further and more operational or project plans within and between partner members to deliver the detailed changes that will be required to achieve the pledges. Where relevant, individual service development proposals will be subject to additional governance requirements within one or more partner agency. Key partnership strategies including (but not limited to) Herefordshire Children and Young People Mental Health and Emotional Wellbeing Transformation Plan 2015-2020, the Local Maternity System Board Plan, the Joint Commissioning Framework 2017 – 2020, and the Learning Disability Strategy have been considered alongside the development of the new CYP plan to ensure it aligns and supports their delivery:



11. The CYP Plan 2019-2024 sets out Herefordshire’s vision and priorities for children and families in Herefordshire and recognises that everyone has a role to play in making Herefordshire an even better place to grow and prepare for adulthood, including communities, families and children and young people themselves.
12. The partnership is aiming to move Herefordshire into the top quartile for a wide range of national indicators, and continue to further improve local performance even when a top quartile position has already been achieved. It is developing a performance dashboard to show the impact that is achieved against each of the pledges. Progress will be reported on a quarterly basis to the CYP Partnership board and overseen by the Health and Wellbeing Board. Where the Council has statutory accountability for services and outcomes that will be influenced by the plan, performance will be reported in accordance with the council’s adopted Performance, Risk and Opportunity Management Framework.

13. Both the CYP plan and action plans will be made available once adopted by Herefordshire Council on the CYP Partnership's website. A group of young people are working with the partnership to develop a suite of communication tools that can be used to launch and promote the new plan. The young people have already brought considerable energy and enthusiasm to this project and ideas under development include short videos, web content, a plan on a page, and a launch event.

## **Community impact**

14. The county has an older age profile and numbers of children have declined in Herefordshire by around 7% over the last decade. However, the number of under-fives and births has been rising for the best part of the last decade. The next five years are expected to yield a gradual increase in the numbers of 0-18yr olds in the county, to around 38,938 by 2023 (ONS population projections 2019).
15. The new CYP plan has taken into account relevant evidence including performance data, local analysis and engagement findings relating to children and young people in Herefordshire, to ensure that partnership actions address key local priorities. The plan intends to provide a framework within which partners can not only bring about change within their own field, but will also enable partners to work together to target interventions successfully, and ensure maximum impact.
16. The plan also recognises the central role that individuals, families and communities have in improving the lives of children and young people, and this will be further reflected within more detailed delivery plans.
17. While the plan will support all children and young people in Herefordshire, it is expected that it will particularly impact on some key groups. It is expected that the number of children that are looked after by the council will decrease as a result of improved multiagency early help and edge of care approaches. It is also expected that health inequalities and the gaps in educational achievement and employment and training outcomes will reduce between looked after children, those with special educational needs and disabilities, and their peers.

## **Equality duty**

18. Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:
19. A public authority must, in the exercise of its functions, have due regard to the need to -
  - a. eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
  - b. advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
  - c. foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
20. The CYP Plan is an opportunity to establish partnership actions which can promote equality, foster positive relations and address discrimination in Herefordshire.
21. The plan includes an Equality statement which states the partnership's commitment to equality and confirms that equality issues will be considered fully at each stage of any



development of plans/ further actions or implementation of new services. Where required this will include the undertaking of individual Equality Impact Assessments.

## Resource implications

22. Although production of the new CYP plan will not have any direct resource implications, it does highlight investment in children and young people's services across the partnership, and provides an opportunity to identify:
  - a. Priority areas which may be responded to more efficiently;
  - b. Emerging issues which may require review of available resources;
  - c. Opportunities to use partnership resources more effectively.
23. Any potential resource implications relating to specific actions will be fully explored within delivery plans and be reported via appropriate governance on a case by case basis.

## Legal implications

24. The CYP plan forms part of the policy framework for the council in accordance with children and young people's plan (England) regulations 2005.

## Risk management

25. As an overarching strategic plan there are a number of risks associated with its development as highlighted below:

Risk / opportunity	Mitigation
The plan does not effectively reflect key priorities that relate to children and young people in Herefordshire	The plan has been developed alongside a number of key stakeholders, including over 300 children and young people. The consultation provided further opportunity to ensure the priorities contained within the plan are reflective of the views of children and young people in Herefordshire.
Ambitions reflected in the plan are unrealistic due to the limited partnership resource to support delivery	It is necessary for the plan to articulate key ambitions of the partnership, this will enable contributors to identify how resources available can be better aligned or more efficiently utilised. Quarterly monitoring will be undertaken in order to track delivery.
Lack of partnership engagement inhibits delivery	<p>Joint ownership of the CYP plan will be explicit at the outset. Partners are presently undertaking relevant approval processes for the Plan within their respective organisations.</p> <p>Partner commitment will be visible within the plan through inclusion of respective logo's/ signatures.</p> <p>Partner member governance arrangements will be robust, with clear accountability.</p> <p>The plan has been aligned to other key partnership plans and strategies including the Health and Wellbeing Strategy for Herefordshire.</p>

## Consultees

26. The Children and Young People's plan was presented to cabinet on the 25 June 2019 and some minor amendments have been made within the action plan. Cabinet recommended the plan for approval by council.
27. To ensure that the CYP plan is informed by a broad range of stakeholder perspectives a significant number of engagement activities have been undertaken involving over 400 representatives across Herefordshire. This has included direct engagement with children and young people (over 300 results of which are outlined in appendix c). In addition, professionals involved in the delivery of key actions within the 2015-2018 plan, and a broad range of key partners including providers of services for young people and children were consulted.
28. Engagement included visits to schools across Herefordshire, groups including carers, children in care, children of service families, disabled children and their families, and children and young people with mental health needs. In summary:
  - The importance of mental health was prominent in almost all groups involved in the engagement work: 'There needs to be more understanding and better access to early help. Knowing where to get help is really important'.
  - Many groups focussed on increasing aspirations and supporting those who needed extra help to reach their goals: 'There is a lack of support for young people who are transitioning into adults'.
  - Some children and young people told us that that they sometimes didn't feel safe in some parts of the county. They also wanted more education on safety, including online safety and on healthy relationships.
  - It was clear from talking with children and young people that their communities and the local environment were issues that really mattered to them. They wanted to feel part of the community, find ways to contribute and to have their voices heard. Protecting the local environment, and having places locally where they could mix and be more active was a common theme.
29. In addition to the above engagement activity, consultation was undertaken between 27<sup>th</sup> July and 30<sup>th</sup> September on the draft plan providing a further opportunity to ensure the plan effectively reflected key priority areas, and received further views on key actions required across the partnership. This generated a further 64 responses from parents, providers and partners including Parish Council representatives; summarised in appendix D.
30. In addition the draft plan was been discussed at a number of partnership boards including the Herefordshire Joint Commissioning Board and the Herefordshire Health and Wellbeing (HWB) Board. Actions identified by the HWB board included:
  - taking the strategic priorities identified in the plan and work to deliver them through the governance structures of their respective organisations;
  - board members to reference and encourage discussion of the strategic priorities identified in the plan in forums not specifically dealing with children and families to identify opportunities for indirect contributions to achieving outcomes; and

---

Further information on the subject of this report is available from Amanda Price,  
email: [amanda.price@herefordshire.gov.uk](mailto:amanda.price@herefordshire.gov.uk)

- board members to publicise the plan and the outcomes achieved through it.
31. The draft plan was also considered by the children and young people’s scrutiny committee, which was supportive of the approach and the draft plan.
32. The majority of respondents agreed with the priority areas and high level actions set out in the plan and shared their ideas of further actions necessary:
- Keeping children and young people safe – 85% agreed. Comments included: Recognition of the importance of parental support and multi- agency working.
  - Improving children and young people’s health and wellbeing – 80% agreed. Comments included: Increasing mental health resilience, strengthening local involvement in national campaigns, and responding to barriers faced by marginalised groups.
  - Helping ALL children and young people succeed – 78% agreed. Comments included: increased support for children who experience barriers to achievement (including children in care, children with special educational needs and ethnic minorities) and better links between schools and businesses
  - Ensuring that children and young people are influential in our communities – 81% agreed. Comments included: the need to recognise and involve marginalised communities, raising community awareness, and demonstrably responding to children and young people’s views
33. In total over 500 people have now contributed to the development of the plan either through workshops, partnerships meetings or surveys. The broad range of contributions bring confidence that the new plan reflects the priority areas of focus to improve children and young people’s lives in Herefordshire.

## Appendices

Appendix A: The Children and Young People’s Plan 2019 - 2024

Appendix B: Action Plan

Appendix C: Voices of children and young people

Appendix D: Consultation feedback

## Background papers

None





# **Giving children and young people a great start in life**

## **The Children and Young People's Plan for Herefordshire 2019 - 2024**

## Foreword

The Children and Young People's Plan sets out our vision and priorities for children, young people and families in Herefordshire. We believe that everyone has a role to play; we can all contribute to making Herefordshire a great place to grow up.

Children and young people are at the heart of this plan. We have listened to their views and their experience of growing up in Herefordshire. They have told us about the things that matter to them and what things make a positive difference in their lives. We have listened to the views of families, staff and service providers as well as reviewed our local performance to help us to better understand the key areas for us to focus on in this plan.

It is encouraging that many children and young people have told us how much they like living in Herefordshire. They like the friendly communities, the good schools and report that interaction with professionals, including health professionals and social workers, is a positive experience; they also enjoy and appreciate the countryside, wildlife and quality of the environment.

There are also some exciting changes happening in the county over the coming years, including our new University focusing on engineering, and a new Cyber Security Centre, helping to make Herefordshire a more attractive place for young people to live, study and plan their careers.

We have achieved a great deal in the county over the last few years. The educational attainment of our children and young people is something to be proud of; this speaks to the unstinting efforts of our schools and teachers.

We have all worked together to improve support for mental health and will continue our efforts to keep this important area in sharp focus.

The range of support provided for children and young people across the county makes a huge difference to their quality of life and supporting families at the earliest opportunity remains key to our approach. We need to ensure that there is a sound joint understanding of thresholds of need across our range of multi-agencies so that we can be effective in keeping children safe. However, we are living in challenging times when rising needs are making ever increasing demands on public services. We need to ensure that we are doing all we can to target support so that it makes a difference, particularly to our most vulnerable, so that we enable families to thrive and young people to make a successful transition to adulthood.

Herefordshire Council and its partners have the wellbeing of children and young people as a core priority. We are working hard together to deliver a high standard of care, education, opportunity and support to all our children and young people and to increase their understanding of living in our diverse communities. We work with multiple partners to bring an integrated approach which will underpin the safeguarding, wellbeing and nurturing of children and young people. This plan identifies the areas which are to be the focus for the plan period – we have achieved a great deal to be proud of over the last few years, but there is always more to do, improvements to make, more to achieve.....so, let's get on with it.

Cllr Norman  
Chair of the Children and Young People's Partnership Board  
(Cabinet member for Children and Families)

## Our vision for Children and Young People in Herefordshire

We will work to ensure that:

**‘The children and young people of Herefordshire have a great start in life and grow up healthy, happy and safe within supportive family environments’.**

### A profile of Herefordshire

Herefordshire has the fourth lowest population density in England, with a land area of 2,180km<sup>2</sup> but a population of only 189,300 (2016).

Most of the county (95%) is rural and 53% of the population live in rural areas.

The county has an older age population profile than England & Wales, with 24% of the population aged 65 or older compared to 18% nationally; 16.8% of the current population are aged 0-15yrs compared to 19% nationally.

Overall numbers of children have declined by around 7% over the last decade. However, the number of under-fives and births have been rising for the best part of the last decade. The next five years are expected to show a gradual increase in the numbers of children, to around 33,200 by 2023.

A larger proportion of school-aged children (2017/18 academic year) have a statement for SEN or EHCP locally (3.1%) compared to nationally (2.9%). However, local figures are in line with those for the West Midlands region (3.1%).

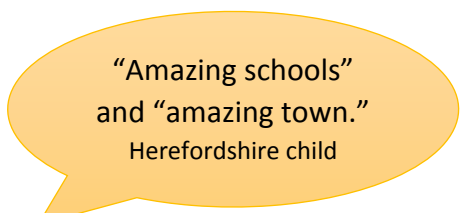
Unemployment in the county is low, but average earnings in the county are significantly below both the regional and national averages. Average house prices are high compared with elsewhere in the region.

Annually there are more people coming into the county than leave across all ages except 18-20 year-olds, the ages at which young people are most likely to be moving away to study.

### Where are we now?

Since the previous Children and Young People’s Plan was introduced in 2015, there have been many achievements to be proud of in Herefordshire. Just some of these are highlighted below:

- The teen pregnancy rate has reduced year on year in Herefordshire and is now 13.2% per 1,000, which equates to just 39 pregnancies (2017). This is the lowest rate in the region and one of the lowest compared to other similar areas (the rate has more than halved since 2010).
- Changes in models of care to support children in mental health crisis have been implemented, including extended provision for urgent assessments for young people experiencing a crisis. This is now available seven days per week in partnership with the local Children’s Ward.
- A review into special educational needs and disabilities by the CQC and Ofsted in September 2016 acknowledged the low waiting times and flexible provision by Child and Adolescent Mental Health Services.
- 2018 saw Herefordshire young people out-performing pupils nationally in the Year1 Phonics Screening Check. Eighty four per cent of Herefordshire pupils achieved the threshold mark or better compared to 82 per cent across England. This represents a rise of 16 percentage points since 2013.
- There is clear evidence that standards are rising in both primary and secondary schools and academies across the county. In 2018



“Amazing schools”  
and “amazing town.”  
Herefordshire child

the performance of all pupils in Reception year in Herefordshire ranked in the top 25% (top quartile) of all local authorities, with 74.1% achieving a good level of development. Boys in Herefordshire outperformed the England average in 2018 and Herefordshire girls were amongst the highest performers in the country.

- Great progress has been made in implementing Education Health and Care (EHC) plans<sup>1</sup> – all children and young people with a Special Educational Need Statement now have a plan in place.
- In total 366 families with significant challenges and in need of early help have been supported to make sustainable change (up to December 2018).
- The rate (per 100,000 youth population) of first time entrants to the criminal justice system has reduced (from 565.2 in 2015 to 529 in 2016 to 447.2 in 2017), although this is still higher than the national average (295.1) and is currently a priority for the Community Safety Partnership.
- As part of its commitment to support looked after children into adulthood, the Local Authority has introduced a council tax exemption for care leavers (up to the age of 25).

## Establishing our focus for the next 5 years

In developing the plan, over 300 children and young people from across Herefordshire have been involved, through visiting schools, youth groups and clubs. This has included (but is not limited to) primary and secondary school aged children, children and young people with disabilities, those with mental health issues, children in care and young carers.

Children and young people have shared what it is like growing up in Herefordshire, the main issues that affect them, and about what they believe are the things that need to change over the next few years.

Families and professionals have shared the challenges faced locally and ideas to make a positive change.

Alongside this, performance in key areas has been considered, helping to identify areas that need greater focus.

The section below outlines the key findings:

## Health and wellbeing

### Children and young people said:

*'We want more opportunities to be active in our own community and better information and advice about keeping healthy.'*

*'Access to dentists can sometimes be difficult in rural areas'*

The importance of mental health was prominent in almost all groups involved in the engagement work: 'There needs to be more understanding and better access to early help. Knowing where to get help is really important'.

### Data tells us:

- In Herefordshire almost 1 in 4 reception age children (4-5yrs) and more than 1 in 3 year 6 children (aged 10-11yrs) are overweight or obese (2016/17). This was viewed as a key priority area by professionals.
- Recently released data shows that the percentage of five year olds free of decayed, missing or filled teeth has increased by 10.8% (2014/15 = 58.7%, 2016/17 = 69.5%,) however it is still below

<sup>1</sup> An EHC plan is the document which replaces Statements of SEN and Learning Difficulties assessments for children and young people with special educational needs



the England figure (76.7%). Engagement with professionals highlighted this as a priority area of focus.

- In Herefordshire, 1,073 children and young people were held on the caseload with Child and Adolescent Mental Health Services in 2017 - 18. Using national data we can estimate that 8,600 children and young people may require support with their mental health or emotional resilience, whether this is low level support or more intensive mental health support. Although waiting times for assessment and treatment for Child and Adolescent Mental Health Services have improved considerably, there are a number of children that would benefit from support at an earlier stage with their mental health.

## Education and moving into adulthood

**GET EXPERIENCE**

**STAND OUT  
FROM THE CROWD**



### Children and young people said:

*'There is a need to make sure every child has an equal education'*

*'We need more work experience opportunities, including jobs for under 16's'*

*'Make the most of the new university, support to follow your dreams'.*

Many groups interviewed focused on how some need extra help to reach their goals.

### Data tells us:

- Standards have been rising in primary and secondary schools and academies but, children and young people who are eligible for free school meals continue to attain less well than their classmates.
- A national report published in November 2017<sup>2</sup> highlighted that Herefordshire is a 'cold spot' in relation to social mobility<sup>3</sup> in fact ranking 271 out of 324 for local authorities across the country. Herefordshire children are less likely to be in education and training than the England average, and children have told us they want more opportunities to experience work and better chances to realise their ambitions and to prepare them for adult life.
- The achievement of children and young people with an Education Health and Care plan could also improve as this group has a lower level of achievement in Herefordshire than the same group nationally. Engagement undertaken with professionals has highlighted the need to improve support for children who may face challenges that could limit their achievement, including children living in income deprived families and children with special educational needs and disabilities.

---

<sup>2</sup> [www.gov.uk/government/publications/state-of-the-nation-2017](http://www.gov.uk/government/publications/state-of-the-nation-2017)

<sup>3</sup> Social mobility may be defined as the ability of individuals or groups to move upward or downward in status based on wealth, occupation, education, or some other social variable.

## Safe environments



### Children and young people said:

*'We want Herefordshire roads to be safer for children '*

*'Poorer roads are difficult to cycle on'*

*'We want to feel safe at night and for our parents to feel safe letting us out'*

Children and young people largely focussed on safety outside the home. Some told us that that they don't always feel safe in some parts of the county and raised issues about roads in Herefordshire. They also want more education on safety, including online safety and

healthy relationships.

Professionals in Herefordshire who work with children and young people focussed on safety in the home environment and are aware of the high numbers of children who become looked after across our county. These professionals have consistently highlighted the need for a stronger approach to early identification and early help, including better intervention on specific issues such as domestic abuse and neglect.

### Data tells us:

- In the last 5 years there have been 210 accidents near schools in Herefordshire, of which 34 were categorised as serious<sup>4</sup>.
- Although more recent data is not available, we know that in 2011, the percentage of children walking to school locally (39%) is low compared to national figures (51.2%). This is also the case for the percentage of children cycling to school (1% locally compared to 1.8% nationally).
- In 2018 there were 315 looked after children in Herefordshire. This is 87 per 10,000 of the population which is much higher than the national average of 64 per 10,000.

## Environment and community



### Children and young people said:

*'Want to be involved in community developments and activities'*

*'More sport and outdoor activities/ community play areas, accessible to all'*

*'Children should have a stronger voice'*

*'Need to encourage recycling'*

It was clear from talking to children and young people that their communities and the local environment are issues that really matter to them. They want to feel part of the community, find ways to contribute and to have their voices heard. Protecting the local environment, having places locally where they could mix and be more active was a common theme for most children.

Many children and young people want to have a better understanding of people from different backgrounds, from different areas, or who are facing particular challenges, including disabilities. Children

<sup>4</sup> Herefordshire Sustainable Modes of Travel to School Strategy (February 2018).

highlighted that they are keen to find ways to create more opportunities to be inclusive, and for local communities to be accessible for all.

## Where do we need to be?

As a result of the engagement with children, young people and professionals, and analysis of relevant local information, four priorities have been identified that will drive the work of the partnership.

Over the next 5 years our pledges are:

1. Keeping children and young people safe – **BE SAFE FROM HARM**
2. Improving children and young people's health and wellbeing – **BE HEALTHY**
3. Helping ALL children and young people succeed – **BE AMAZING**
4. Ensuring that children and young people are influential in our communities – **FEEL PART OF THE COMMUNITY**

For each pledge, we have considered where we want to get to, ideas of how change could be achieved, and how we will know if we've succeeded. This plan on a page is our roadmap for the next five years (see appendix 1).

## Delivery of the plan

Those who have worked alongside us in the development of the plan are passionate about making a difference and improving lives and building on the strengths of children and young people across Herefordshire – it's not just about what we do but also how we do it. We have therefore agreed four principles that we will use to help guide the plan's delivery. These are:

**Right time:** Early identification of families and early intervention to prevent crisis

**Right people:** Recognising and involving all key partners in achieving change, including families, communities and children and young people.

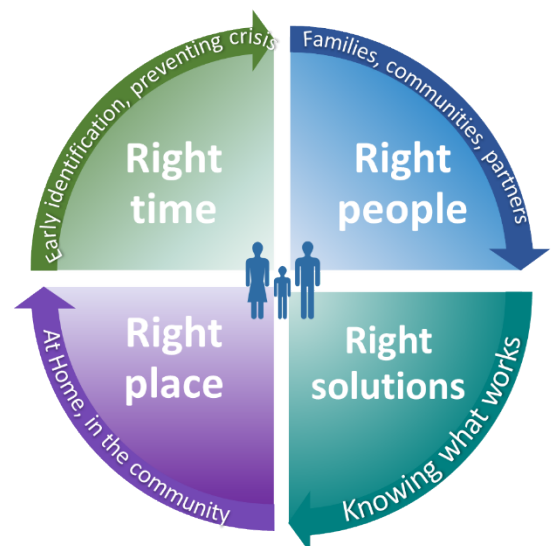
**Right solutions:** use evidence to understand what works

**Right place:** wherever possible, supporting children, young people and families at home, in their communities.

We will ensure the child and young person is at the centre of all we do.

The Children and Young People's Plan is overseen by the Herefordshire Children and Young People's Partnership (CYPP) with partner agencies working together to address issues affecting children, young people and their families. The plan contributes to delivering the Health and Wellbeing Strategy for Herefordshire and is aligned with a number of key partnership plans.

Many organisations play an important role in supporting Herefordshire children and young people. Mapping a child's journey through life illustrates a number of opportunities to maximise a child's life chances. This includes provision of quality maternity services that can support positive health and wellbeing for mothers, health visiting services, breastfeeding support and early year's provision. Schools, local communities, the local voluntary sector and specialist services all play an important role in helping



children grow in safe and supportive environments. Further and higher education, employment opportunities and appropriate housing are all key for successful transition into adulthood.

Whilst the pledges in the plan represent what we aim to achieve for all Herefordshire children, throughout its delivery clear recognition of those children and young people who face additional barriers is necessary. Work to develop the plan has highlighted the specific needs of particular groups of children, including but not limited to; children with special educational needs and disabilities, young carers, children living in poverty, children in care, and children of particular minority groups such as Gypsy, Roma and Traveller families.

The diverse needs of children living in different parts of the county has also been recognised, for example the additional barriers faced for children and families living in more rural parts of the county, in terms of accessing services and support.

All partners engaged in the delivery of this plan are committed to providing equitable rights for children and families in Herefordshire, whatever their disability, age, gender, race, nationality, religion, marital status, maternity, sexual orientation or background. The plan is an opportunity to make sure equal rights are fully considered when:

- providing services
- purchasing and procuring services
- employing staff
- working in partnership with other organisations
- engaging with our communities

We believe that promoting equality is essential for the creation of a cohesive society and for a strong economy.

The Children and Young People's Partnership Board will oversee the development of more detailed delivery plans and identify or develop multi-agency groups that are best placed to deliver against our pledges. The partnership will ensure that the specific needs of children and families facing additional barriers are recognised and responded to.

Progress will be monitored on a quarterly basis by the board, including the ongoing review and development of targets to track progress. Children, young people and families will be involved in an annual review of what we have delivered to ensure the areas of focus and priority actions are the right ones for the whole plan period.

Responsible for a minimum estimated spend of £42.6 million in children and young people's provision, partners have a real opportunity to make a difference and will together identify:

- Priority areas which can be responded to more efficiently;
- Emerging issues which may require review of available resources;
- Opportunities to use partnership resources more effectively.

Any potential resource implications relating to specific actions will be fully explored within delivery plans.

## **Statement of Partnership Commitment**

The contribution of children and young people in establishing our priorities for the coming years has been invaluable and we look forward to working alongside children, young people, families and communities to deliver the plan.

We are committed to the delivery of the plan and recognise the role we all must play in ensuring the children and young people of Herefordshire have a great start in life and grow up healthy, happy and safe within supportive family environments’.

Signatures/ logos of partner agencies to be placed here:



# GIVING CHILDREN AND YOUNG PEOPLE A GREAT START IN LIFE

## The Children and Young People's Plan for Herefordshire 2019 - 2024

OUR PLEDGES CHILDREN AND YOUNG PEOPLE	WHAT ARE WE GOING TO DO?	HOW WILL WE DO IT?	HOW WILL WE KNOW IF WE'VE MADE A DIFFERENCE?
<p><b>1. Be SAFE FROM HARM</b>  <b>Champion - Assistant Director Safeguarding and Family Support</b></p>	<p>Help children and young people to keep themselves safe.</p>	<p>Increase access to education on healthy relationships and online safety.                      Strengthen our response to any new areas of concern by raising awareness across communities and putting in place multi agency arrangements to support children and young people and their families (e.g. County Lines and Peer on Peer abuse).</p>	<ul style="list-style-type: none"> <li>• More children are having an early help assessment from partners.</li> </ul>
<p><b>Be safe with others</b>                      You will live with supportive families and carers and have a better understanding of healthy and positive relationships.</p>	<p>Develop our family centred approach by building up Early Help, including targeted services, to provide support to families at the right time.</p>	<p>Develop a new Partnership Early Help Strategy which clearly sets out:</p> <ul style="list-style-type: none"> <li>• Our shared understanding of, and commitment to the local Early Help offer at all levels of our organisations</li> <li>• Individual contributions to supporting families in need of Early Help</li> <li>• How the partnership will work together to strengthen support provided to families, including training.</li> <li>• How we will co-ordinate activities to tackle issues including domestic abuse, parental mental health, substance misuse and neglect.</li> </ul>	<ul style="list-style-type: none"> <li>• The number of children who either become looked after or are on a child protection plans will reduce so that it is in line with our population and with statutory neighbours</li> </ul>
<p>We will work together to make clear decisions so you receive the right support at the right time.</p>	<p>Improve safeguarding in children's services</p>	<p>Redesign our pathway to support and make sure this is clear and well understood.                      Provide the right support for the right people at the right time, by giving clearer guidance and training on thresholds of need across the partnership.</p>	<ul style="list-style-type: none"> <li>• Children's services will be rated good by Ofsted</li> </ul>
<p><b>Feel safer</b>                      You will know how to keep safe where you live so that you are confident when you go out.</p>	<p>Develop our family centred approach to reduce the number of children becoming looked after</p>	<p>Develop new services that can work effectively with vulnerable families to prevent children entering care.                      Bid for a national initiative to link with best practice and develop a suite of services within a unified family centred approach. If this bid is unsuccessful secure funding to develop an approach with a DfE approved partner in practice</p>	<ul style="list-style-type: none"> <li>• Young people will feed back that they feel safer and families will report that support received has made a positive difference.</li> </ul>
	<p>Improve social work capacity and practice</p>	<p>Further develop skills in the workforce by using a new model of good practice.</p>	<ul style="list-style-type: none"> <li>• Further measures will be established as part of the work to develop a family centred approach</li> </ul>
	<p>Improve road safety</p>	<p>Support delivery of the Local Transport Plan, including reducing short distance car journeys by working with local employers and further developing local active travel schemes, developing community transport and rural transport hubs.                      Deliver our Sustainable Modes of Travel to School Strategy including road safety education programmes, training in schools and consideration of speed limits near schools.                      Develop a Local Cycling and Walking Infrastructure Plan.</p>	

# GIVING CHILDREN AND YOUNG PEOPLE A GREAT START IN LIFE

## The Children and Young People’s Plan for Herefordshire 2019 - 2024

OUR PLEDGES CHILDREN AND YOUNG PEOPLE	WHAT ARE WE GOING TO DO?	HOW WILL WE DO IT?	HOW WILL WE KNOW IF WE’VE MADE A DIFFERENCE?
<p><b>2. Be HEALTHY</b></p> <p><b>Champion – Director of Public Health</b></p> <p><b>Lead a healthier lifestyle</b> You will have good information and support to help you keep active and eat healthily, reducing risk of obesity and chronic illness in later life.</p> <p><b>Have healthier teeth</b> You and your family will receive clear advice about the importance of good dental health.</p> <p><b>Be confident to talk about mental health</b> You will have better support to meet your emotional and mental health needs.</p>	<p>Target support for children and families from pre-birth and maternity services through infancy to school readiness</p>	<p>Developing targeted information and advice about healthy eating and exercise for families, and ensuring it is accessible and promoted in local communities.</p> <p>Increasing opportunities to be active in local communities, by finding ways to work alongside communities and local partners (including Sports partnerships and parish councils)</p> <p>Working with schools and communities to support healthy lifestyles and delivering schemes to enhance walking and cycling opportunities in Herefordshire.</p> <p>Increase access to breastfeeding advice and support.</p>	<ul style="list-style-type: none"> <li>• The percentage of reception age children who are overweight or obese will be below national average</li> <li>• The percentage of children with decayed, missing or filled teeth will be no more than national average.</li> <li>• The percentage of year 6 age children who are overweight or obese will be below the national average.</li> <li>• Increase (or at least maintain) the number of babies breastfeeding at 6-8 weeks, or longer.</li> <li>• Further improve waiting times for treatment</li> <li>• At least 35% of children and young people with a diagnosable mental health condition receive treatment from an NHS funded community mental health service.</li> <li>• Increase in the number of children and young people attending ‘Crucial crew’ and accessing ‘Strong Young Minds’ education and awareness sessions.</li> </ul>
	<p>Support targeted dental health initiatives, and assess the feasibility of fluoridation of the local water supplies.</p>	<p>Drive forward improvement in parts of the county where dental health issues are greatest.</p> <p>Identify families where good oral health is the greatest challenge and develop specific approaches to overcome barriers.</p> <p>Provide early advice and guidance to parents regarding oral health and encourage greater access to and availability of fluoride varnish.</p>	
	<p>Ensure that there is a co-ordinated and comprehensive offer to support children’s social, emotional and mental health</p>	<p>Work alongside children and young people to promote mental health awareness with peers, families and within schools/ other educational settings (such as mental health first aid).</p> <p>We will work together across a broad range of professionals to support early identification and early support (aligned with our Early Help offer)</p> <p>Effectively supporting children and young people with complex mental health conditions locally and within the community wherever possible.</p> <p>Explore together our approaches (such as 5 ways to wellbeing) to supporting emotional resilience, with particular focus on vulnerable groups/ stages in a child’s life which may be more challenging.</p>	



# GIVING CHILDREN AND YOUNG PEOPLE A GREAT START IN LIFE

## The Children and Young People’s Plan for Herefordshire 2019 - 2024

OUR PLEDGES CHILDREN AND YOUNG PEOPLE	WHAT ARE WE GOING TO DO?	HOW WILL WE DO IT?	HOW WILL WE KNOW IF WE’VE MADE A DIFFERENCE?
<p><b>3. Be AMAZING</b></p> <p><b>Champion - Assistant Director Education Development and Skills</b></p> <p><b>Have a great start in life</b> We will support you to have a great start in life and to overcome barriers to your achievement.</p> <p><b>Be better prepared for adulthood</b> You will receive quality guidance on careers to help you make informed choices.</p> <p><b>Have better chances of success</b> You will have more opportunities to develop the skills you will need for the world of work.</p>	<p>Add value to the education, development and skills strategy through collaborative partnership working</p>	<p>Learn from the best practice nationally and get the most out of national initiatives for Herefordshire schools and colleges.</p> <p>Develop close working between health and early years’ settings so that children get the best possible start to their education.</p> <p>Develop a strategy to improve provision for children and young people with special educational needs and disabilities.</p> <p>Support children and young people with social, emotional and mental health needs to remain in mainstream education.</p> <p>Improve existing partnership working between schools and the range of multi-agencies so that there is a joined up approach to supporting children and young people, particularly around their mental health and on issues such as county lines.</p> <p>Improve outcomes for our most vulnerable children and young people through the development of innovative curriculum approaches which meet their needs and interests.</p> <p>Increase the range of career opportunities available for young people in Herefordshire, from apprenticeships to higher education through the development of a county careers strategy.</p> <p>Develop children and young people’s initiative, creativity and resilience through supporting links between schools and employers on projects such as work experience, work-based learning and enterprise.</p> <p>Provide better support and guidance for 16-19 year olds who are at risk of being out of education, employment or training.</p> <p>Create exciting innovative learning spaces through the schools’ capital investment strategy.</p>	<ul style="list-style-type: none"> <li>• Results in Herefordshire will be in the top 25% of all local authorities at the end of the primary and secondary phases of education, and in Year R, for all groups of pupils</li> <li>• The proportion of young people who are either going to university or who are in education and training will be above national average</li> </ul>

# GIVING CHILDREN AND YOUNG PEOPLE A GREAT START IN LIFE

## The Children and Young People’s Plan for Herefordshire 2019 - 2024

OUR PLEDGES CHILDREN AND YOUNG PEOPLE	WHAT ARE WE GOING TO DO?	HOW WILL WE DO IT?	HOW WILL WE KNOW IF WE’VE MADE A DIFFERENCE?
<p><b>4. FEEL PART OF THE COMMUNITY</b></p> <p><b>Champion – Assistant Director Communities</b></p> <p><b>Live in a happier community</b> With your help, we will tackle discrimination and ensure everyone feels valued in our community.</p> <p><b>Be more influential</b> We will work with you so that you are involved both in decision making in our community and in delivering this Children and Young People’s Plan.</p>	<p>Engage children with young people on topical issues in our community and encourage inclusion</p>	<p>Support local communities to improve their local area for children and young people, including leisure activities and safe places to spend time with peers.</p>	<p>Surveys of children and young people’s views across all ages will demonstrate that they feel engaged and positive about their ability to make a difference to their communities.</p>
		<p>Promote and encourage the development of local volunteering opportunities for children and young people.</p>	
		<p>Identify and develop opportunities for children and young people to be more involved in their local communities (such as local planning incl. transport and supporting the local environment).</p> <p>This will include developing opportunities with partner agencies, including Parish Councils and the new University (New Model Institute for Technology &amp; Engineering).</p>	
		<p>Enable children and young people to be involved in decisions about the way they are supported.</p>	
		<p>Share good practice from across the county to encourage local partners to listen and respond to children and young people’s views.</p>	
		<p>Ensure actions above recognise and respond to areas where there are potential gaps/ identified issues (e.g. opportunities for adolescents to be involved in local communities/ being listened to).</p>	

# Herefordshire Children and Young People's Plan

## Voices of Children and Young People

Summary findings July 2018



Just some of the children and young people who have contributed:

Walford Primary School

Hoople Educational Group

Bromyard Youth Group

City Youth Council

Take over day

Gorsely Goffs Primary School

Hereford Young Carers

No Wrong Door Drop In

Children In Care Council

Ledbury Primary School

Marches Family Network Saturday session

Hereford Hive

Broadlands Primary School

Lady Hawkins High School

HOPE Support Centre

Young Person's Network

# ideas

## FOOD

- ★ STARBUCKS
- ★ BURGER KING
- ★ MAC DONALDS

REASONING

- ★ Job opportunities
- ★ Tax
- ★ Life (Wages/food/etc)

## COMMUNITY

- ♥ COMMUNITY SERVICES
- ♥ COMMUNITY CENTRE
- ♥ PUBLIC TRANSPORT
- ♥ COUNCILING & SUPPORT for YP

REASONING

- ♥ Gives a safe environment for all ages
- ♥ Gives an opportunity to help for YP
- ♥ TRAFFIC IN HERFORD

## EXERCISE/HEALTH

- CHILDREN'S GYM'S
- ICE RINK / TRAMPOLINE PARK
- BASKETBALL COURTS
- SKATE PARK (RENOVATION)
- ORAL HEALTH
- DISABILITIES
- NHS

REASONING

- oral health is not working in plan
- Awareness
- obesity awareness

## WORK

- ★ UIG WORK
- ★ WORK EXPERIENCE
- ★ NEWS PAPER

REASONING

- ★ Gives people a chance to good stuff with their time

## SECURITY

- ♥ PEOPLE DO NOT FEEL SAFE AT NIGHT
- ♥ SECURITY PATROL
- ♥ KIDNAPPING

REASONING

- ♥ Makes people safe at night

## EDUCATION

- OVERCROWDED SCHOOLS
- ASSISTANCE WITH WORK
- SUPPORT FOR SCHOOL CHILDREN
- SCHOOL UNIFORMS
- COUNCILING IN SCHOOL

REASONING

- WITH LESS OVERCROWDED SCHOOLS, THERE WOULD BE MORE OPPORTUNITIES FOR YOUNG PEOPLE TO LEARN.

## PUBLIC TRANSPORT

- ★ CYCLE PATHS
- ★ BUS LANES
- ★ TRAFFIC

REASONING

- ★ HERFORD IS TERRIBLE WITH ROADS & TRAFFIC

## HOUSING

- ♥ CHEAPER HOUSING
- ♥ HOUSING FOR PEOPLE COMING OUT OF CARE
- ♥ HOUSING FOR TEENAGERS
- ♥ ELDERLY HOUSING

REASONING

- ♥ Gives a chance for independence
- ♥ Gives a chance to get away from home issues

# Children and Young People's plan

## Entertainment

• More parks

↳ Swings in the middle of town

Child friendly - dentist, hospitals, GPs

• Activity centres

↳ ice rink, laser tag, trampolines, courts (volleyball, netball, badminton etc.)

• Hangout places

↳ free, safe, wifi, has food and young people can decorate the rooms themselves.

closer mental health services

Baby swimming

• Sports for younger children

↳ stop younger kids from feeling-left out, scared, manipulated when playing with older children.

## Disabilities

• Spend more time with disabled children

↳ take them places cinema etc.

Study hall

• Parks with access to children with disabilities

↳ Bishop meadows has a disabled swing

community work

• Sports for disabled children.

Injury services

more nursery

# Initial priorities from Children and Young People



# Findings so far... health and wellbeing

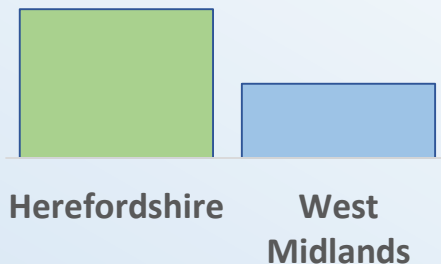
Almost a quarter of reception age children (4-5yrs) and over a third of year 6 children (aged 10-11yrs) are overweight or obese (2016/17)



Healthy options often more expensive

Need information and advice about healthy food choices

55



In 2014/15 the proportion of Herefordshire's 5 year olds free from dental decay (59 per cent) was lower than the figures for both England and the West Midlands while the mean number of decayed, missing or filled teeth in 5 year olds in Herefordshire was 1.43, a figure twice as high as in the West Midlands and 30 per cent higher than that for England as a whole.

Healthwatch:  
Educational messages around; low sugar, healthy eating and oral health

Not easy to get to dentist/ hospital appointments– have to take a whole day out of school

# Findings so far... health and wellbeing (cont..)

We want a voice for children and young people in Herefordshire.

More places to be calm in Hereford and Ledbury

Make mental health clinics and groups better promoted

We need to know more about what mental health issues there are out there

We need somewhere to go which is non-judgmental, where we won't get a label of "you have a mental health problem"

Better support for children and young people with anxiety issues: We suffer with bus anxiety and anxiety within busy places like schools

Promoting Children and Young People being proud and confident about their identity

Counselling provision across Herefordshire varies

Closer mental health services for rural areas

In Herefordshire, an estimated 8,620 children and young people require support with their mental health or emotional resilience.

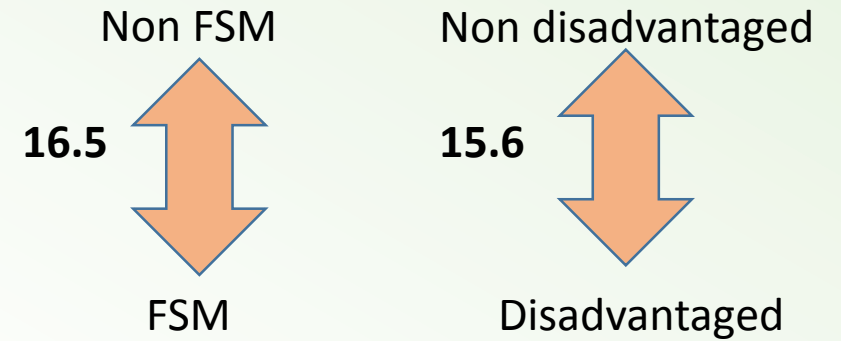


# Findings so far.. Education and preparing for adulthood

Make sure every child has an equal education

Herefordshire need to receive better education about young people with special educational needs/ disability and promote "more understanding" "equal rights in Herefordshire," "less bullying."

Standards rising in both primary and secondary schools and academies but, gaps widening for FSM and disadvantaged pupils.  
Poor social mobility in Herefordshire.  
Progress and attainment scores for children with SEN support/ statement or EHC plan need to improve.



57

We need more work experience opportunities, incl jobs for under 16's

There is a lack of support for young people who are transitioning into adults

Make the most of the new university, support to follow your dreams

Number of 16 and 17yr olds in:	Herefordshire	England
Education and training	89.6	91.3
Apprenticeships	4.2	5.4
Training	0.8	1.3
work based learning	0.6	0.8
Part time education	0.1	0.3



# Findings so far.. safety

In January 2018 there were 309 looked after children in Herefordshire. This is 84 per 10,000 of the population which is high in comparison to statistical neighbours.

Stakeholder feedback has highlighted the need for a stronger approach to early identification and early help.

Slight, serious, or fatal collisions, although smaller number, are a higher rate per 100,000 than the UK, but similar to statistical neighbours (data from 2011-15)

Education re:  
safety and healthy  
relationships

we want to feel safe at night  
and for our parents to feel  
safe letting us out

I don't feel  
safe in  
Hereford

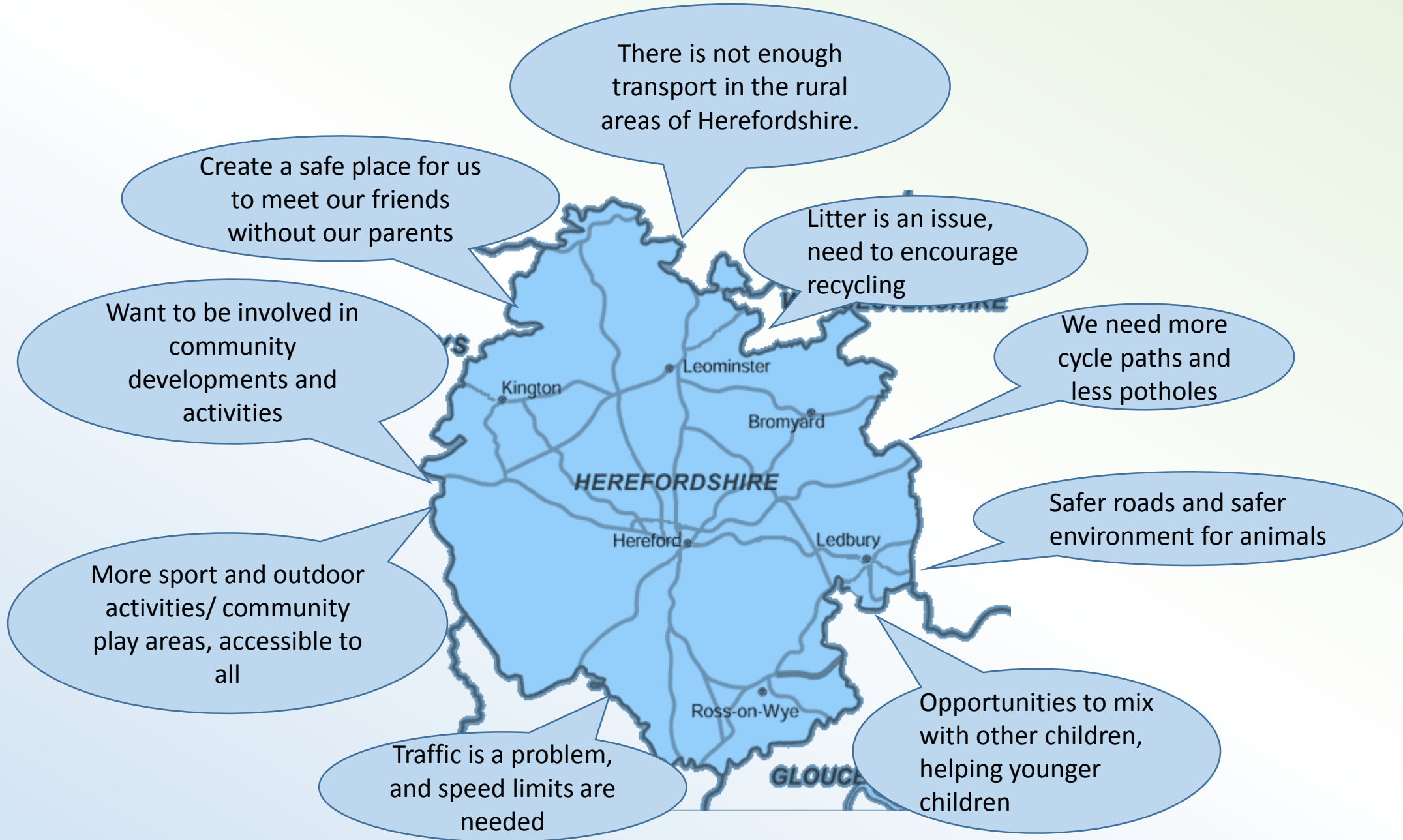
Children  
should have a  
stronger voice

E-Safety in  
schools

Make Herefordshire roads  
safer for children and young  
people, slowing traffic

# Findings so far... environment and community

69



# Much to be proud of...

The lovely wildlife and the sound of the birds singing

Good countryside

Lots of wildlife and makes me happy

It is a nice environment

Good schools

69 Social workers are kind and helpful

Doctors are good

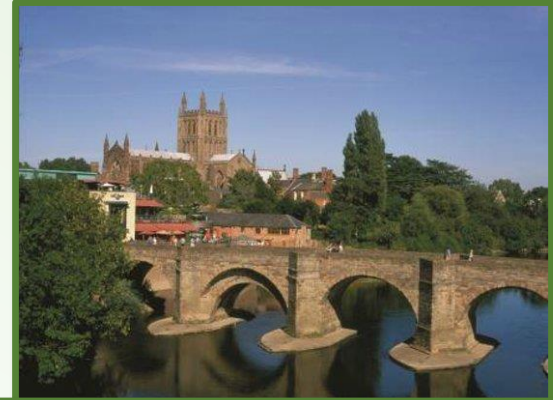
I like to come to school

It is very friendly in Hereford.

Ledbury is a friendly place

“I have made more friends here than anywhere else I have lived.”

“Amazing schools” and “amazing town.”



# Draft Children and Young People’s Plan

## Consultation Summary

November 2018

Building on the significant engagement undertaken to develop the new Children and Young People’s plan, a draft was shared between July and September 2018 in order to gain further feedback, and to help shape the actions required to deliver change.

A total of 55 responses were received through an online questionnaire in addition to emailed comments (10) and feedback from a number of partnership meetings, including the Joint Commissioning Board and the Health and Wellbeing Board.

Questionnaire respondents identified their roles as follows (respondents could select more than one role):

Your role (please tick all that apply):

<b>Parent</b>	<b>25</b>
<b>Carer</b>	<b>4</b>
<b>Professional</b>	<b>19</b>
<b>Interested member of the public</b>	<b>15</b>
<b>Provider</b>	<b>3</b>
<b>Other</b>	<b>7</b>

Questionnaire responses have been summarised below, alongside a summary of comments received during the consultation period aligned to each priority area:

### 1. Be Safe from harm

Please tell us if you agree/ disagree with the actions set out for

Keeping children and young people safe:

<b>Agree</b>	<b>Disagree</b>	<b>Unsure/ no comment</b>
<b>46</b>	<b>3</b>	<b>5</b>
<b>85%</b>	<b>6%</b>	<b>9%</b>

Responses included greater recognition of the role of parents, the importance of working with community groups, and impact of bullying.

Suggested actions included increasing awareness about how to keep children safe both for children and families, better multi-agency working and tackling poverty. Parental mental health, substance misuse and neglect were also areas highlighted as needing a particular focus. In addition responses highlighted the importance of road safety including speed limits near schools, and children having safe places to go in the community.

## 2. Be Healthy

Please tell us if you agree/ disagree with the actions set out for

Improving children and young people's health and wellbeing:

Agree	Disagree	Unsure/ no comment
44	9	2
80%	16%	4%

Responses included the key importance of prevention in relation to mental health, parental education (including maternity support), breastfeeding support, involvement of broader community groups including sports groups, and greater recognition of issues relating to children who are underweight. Suggested actions included earlier mental health support, health monitoring in schools, improving sports facilities/ increasing activities, reducing screen time and aligning with national programmes to support good health (e.g. Time to Change – ending mental health discrimination). Respondents highlighted the importance of cycle/ walk to school initiatives, better education, increasing emotional resilience and concerns about capacity/ resource to support mental wellbeing. Targeting particular communities most likely to suffer poor health was also highlighted.

## 3. Be Amazing

Please tell us if you agree/ disagree with the actions set out for

Helping ALL children and young people succeed

Agree	Disagree	Unsure/ no comment
42	6	6
78%	11%	11%

Responses included a need for increased support for vulnerable groups who experience barriers to achievement (including children in care, children with special educational needs and ethnic minorities) and links to poverty and educational attainment.

Suggested actions included more support for schools to help low performing pupils, increasing links between schools and local businesses, business mentors for pupils needing extra support, out of school activities to encourage confidence, the importance of recognising pupil achievements, school/ homework clubs and involvement of parents, and the role of the mobile library service to increase access to learning materials and a method of sharing key messages.

#### 4. Feel part of the community:

Please tell us if you agree/ disagree with the actions set out for

Ensuring that children and young people are influential in our communities:

Agree	Disagree	Unsure/ no comment
44	4	6
81%	7%	11%

Responses included the need to recognise and support involvement of marginalised communities, the role of families in encouraging community involvement, and raising community awareness of issues such as autism.

Suggested actions included the role of parish councils to support local communities, accessible green spaces, listening to young people including those not in school, more groups and clubs including gardening, art, physical activities, encouraging involvement of young people in local government, community projects and a recognition of both rural and urban issues.

#### How do you think you/ your organisation could help to deliver this plan?

A number of respondents highlighted how they could contribute to the plan, including supporting provision of local facilities, sharing of key messages in communities, and encouraging engagement with children and young people. Others highlighted they can help to collect views from families/ children and young people.

#### Do you have any other comments on the plan?

General comments received included positive comments on the ease of reading/ clarity of the plan, and agreement with the vision, priorities and key principles.

Other responses highlighted concerns about the resources available to deliver the plan, the need for clearer actions and measures of success, and the need for the one page plan to be more child friendly. A number of respondents highlighted the need to work across a broad range of partnerships and for some organisations to deliver more integrated services.

#### Next steps

The feedback received through the consultation has helped to inform the draft action plan, and will be continually reviewed alongside the initial engagement findings throughout the life of the plan.







<b>Decision maker:</b>	<b>Council</b>
<b>Decision date:</b>	<b>12 July 2019</b>
<b>Title of report:</b>	<b>Review of Taxi and private Hire Policy</b>
<b>Report by:</b>	<b>Chief Executive</b>

### **Classification**

Open

### **Decision type**

Non-key

### **Wards affected**

(All Wards);

### **Purpose and summary**

The purpose of this policy is to set out the expectations of Herefordshire Council as the licensing authority in relation to matters connected to taxis and to approve the reviewed and amended Taxi and Private Hire Policy.

The previous policy required updating due to a number of minor changes in work practices, changes in guidance and best practice.

The main addition to the policy is the inclusion of a mandatory training element for new and existing drivers in relation to safeguarding.

### **Recommendation(s)**

**That:**

- (a) The draft policy at appendix 1 be approved.**

### **Alternative options**

---

Further information on the subject of this report is available from  
Fred Spriggs, Tel: 01432 383542, email: [fspriggs@herefordshire.gov.uk](mailto:fspriggs@herefordshire.gov.uk)

1. Not to approve the revised policy. This is not recommended as the changes proposed ensure that the policy is clear and compliant with current best practice and constitutional requirements and improve the robustness of the council's safeguarding measures.
2. To make further changes to the policy. This is not recommended as the draft policy has been subject to consultation and no further areas for improvement or change identified.

## **Key considerations**

3. Herefordshire Council has 1,050 licence holders including: Hackney Carriage Proprietors, Private Hire vehicle proprietors and Dual Driver and Operators. The licenses are renewed on either an annual or three yearly basis depending on the licence type. The policy and conditions are used by the trade and the licensing authority and ensures that the requirements of the licence are met. The review of this policy was made following changes to current best practice issued by Department for Transport and the Institute of Licensing. The revised policy is provided at appendix 1 and a summary of all amendments provided at appendix 2.
4. The proposed inclusions and amendments are necessary to fulfil the responsibility the council has for safeguarding vulnerable persons. The most significant change is the introduction of a mandatory safeguarding training element to ensure that licence holders are aware of potential indicators of concern and know what to do if they see them. The changes are made to improve safety standards, and are deemed necessary in order to achieve these improvements. The revised policy will ensure that decisions made in relation to taxi matters are clear and fair to all licence holders.
5. If approved, the policy will be uploaded to the web-site and notification will be sent to all licence holders regarding the amended policy. It is not expected to have any major impact on the trade; reasonable time will be allowed for existing drivers to undertake the training.

## **Community impact**

6. This policy further enhances the licensing authority's ability to carry out further suitability tests and ensures that all dual drivers are informed about their safeguarding responsibilities. In addition it offers the opportunity to share information regarding issues surrounding child sexual exploitation, modern slavery and illicit trade practices.
7. The mandatory training element within the amended policy will be provided in conjunction with Children's Services, who have indicated that this training can be provided by an existing trainer within the employ of Herefordshire Council.
8. Once a dual driver licence is granted they will be authorised to also carry out county transport work on behalf of Herefordshire Council which may include providing transport to and from schools, and transporting social care clients.

## **Equality duty**

9. The requirements of this policy are relevant to all applicants and dual drivers, and ensures a fair and level administration of all new and existing licence holders.

Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:

A public authority must, in the exercise of its functions, have due regard to the need to -

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
  - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
  - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
10. The council considers the inclusions and amendments made by them to the policy are necessary to fulfil the responsibility it has for the safeguarding of vulnerable persons. Many of these vulnerable individuals will share a protected characteristic. The inclusions are made to improve safety standards and demonstrate how the council is proactive in fulfilling its equality duty.

## **Resource implications**

11. There is a requirement that licensing is cost neutral to the council. Further costs may be incurred by taxi drivers or vehicle licence holder or operators if they submit late applications or are not complaint, which is based upon full cost recovery. Where taxi drivers or vehicle licence holders or operators are compliant there are no additional costs other than for the safeguarding training which will be in the region of £30-£50 and will be added to the licence fee. There is no financial implication for the Council.

## **Legal implications**

12. The council is required by law to license the operation of taxis (hackney carriages) and private hire vehicles. The principal consideration in licensing taxis and private hire vehicles should be the safety and convenience of those travelling in such licensed vehicles. The proposed amendments are based on legislation and updated guidance and therefore reflect this need. Sections 47, 48, 51 and 55 of the Local Government (Miscellaneous Provisions) Act 1976 permits local authorities to place conditions on licensed taxis, licensed private hire vehicles, licensed drivers and licensed operators.

## **Risk management**

13. The proposed policy will offer greater protection for the most vulnerable persons in our community whilst they are travelling with a Herefordshire Council dual driver.
14. The reputation of the Council will not suffer due to the adoption of this revised policy which mitigates the risk associated with poor control and regulation of the licensed trade.
15. Training will be arranged at service level and pose no risk at any other level within the Authority. If the training cannot be provided internally, an external provider will be sought.

## **Consultees**

16. All trade companies and individuals were consulted. One response was received. The response received was non specific and was recorded as indicating a general dissatisfaction with the licensing authority and it being over-zealous. The licensing authority has considered the response and has made no changes on this account.

## **Appendices**

Appendix 1 Proposed Taxi and Private Hire Policy

Appendix 2 Table summarising changes made to existing Policy

## **Background papers**

None identified

**HACKNEY CARRIAGE AND PRIVATE HIRE  
LICENSING POLICY 2019 - 2024**

## **INDEX**

- 1. Introduction and Overview**
- 2. Deregulation**
- 3. Enforcement**
- 4. Enforcement Action**
- 5. Scheme of Delegated Functions**
- 6. Panel Hearings and Decisions**
- 7. Applications**
- 8. Driver Applications**
- 9. Operator Applications**
- 10. Vehicle Licence Applications**
- 11. Fares**
- 12. Fees**
- 13. Complaints**
- 14. Safeguarding Children and Vulnerable Persons**
- 15. Children and Vulnerable Persons Protection Policy**
- 16. Managing Individuals Who Pose a Risk of harm**
- 17. Review and Evaluation**
- 18. Data Protection**
- 19. Further Information**
- 20. Appendices**

## **HEREFORDSHIRE COUNCIL**

### **HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY**

#### **1. Introduction and Overview**

1.1 Herefordshire Council (hereinafter called “the Licensing Authority I”) is responsible for the licensing of Hackney Carriage, Private Hire and Operator businesses within Herefordshire. These licences are regulated by qualifying licensed vehicles, drivers and operators within the terms of the Local Government (Miscellaneous Provisions) Act 1976, the Town Police Clauses Act 1847, as extended by the Public Health Act 1875 and the Transport Act 1985. This policy document sets out the policies that the Licensing Authority will apply when making decisions upon applications received for:

- a. Dual Driver Licences for both hackney carriage and private hire vehicles
- b. Operator Licences
- c. Vehicle Licences (hackney carriage and private hire)

The policy will be reviewed every five years or sooner if deemed necessary. Minor changes will be made by officers. More significant changes may need to be referred to the Assistant Director for a formal decision or whatever other process is appropriate given the Council’s constitution at that time.

1.2 The Licensing Authority will have regard to The Institute of Licensing Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades, government guidance taken from the Action Plan for Hackney Carriage and Private Hire, Office of Fair Trading Regulation of licensing taxi and PHV services in the UK and the Best Practice Guidance on Taxis and Private Hire Vehicles. The Policy is consistent with Section 17 of the Crime and Disorder Act 1998 which requires the Local Authority to do all that it reasonably can to prevent crime and disorder within its locality. The policy is consistent with the Human Rights Act 1998, the Environmental Protection Act 1990, the Race Relations Act 1976, the Race Relations (Amendment) Act 2000, Herefordshire Council’s enforcement and prosecution policy, and the Anti-social Behaviour Act 2003. The Licensing Authority will also have due regard to other organisations’ policies and strategies.

1.3 The initial policy was made after consultation with:

- a. The Chief Officer of Police;
- b. Bodies representing local holders of Dual Drivers licences;
- c. Bodies representing local holders of Operator licences;
- d. Bodies representing local holders of Vehicle licences;
- e. Departments within the Herefordshire Council (e.g. Planning, Highways, Parking Enforcement, Diversity, Legal, County Transport, Governance and Safeguarding; and
- f. Cabinet Member

1.4 The purpose of this policy document is to assist officers in arriving at decisions on particular applications or incidents, setting out those matters that will normally be taken into consideration. Additionally, the policy document seeks to provide clarity for applicants, and other persons interested in or users of the Taxi/Private Hire service within Herefordshire. Whilst the Licensing Authority has produced this policy as the general approach to be taken in considering applications, the Council

recognises that each application will always be considered on its individual merits and shall base this decision on the DBS report, Medical report, Occupational Health assessment of the Medical report, DVLA information, vehicle compliance tests, knowledge test results, mandatory safeguarding training, and the information supplied by the applicant, together with any other relevant representations.

- 1.5 This Policy Statement recognises the Race Relations Act 1976, as amended by the Race Relations (Amendment) Act 2000, which places a legal obligation on public authorities to have due regard to the need to eliminate unlawful discrimination and to promote equality of opportunity and good relations between persons of different racial groups. This Policy Statement also recognises that the Council is required to produce a race equality scheme assessing the impact of proposed policies on race equality and to monitor policies for any adverse impact on the promotion of race equality, and this Policy Statement is referenced in this race equality scheme. The Licensing Authority, in determining applications, will have regard to this legislation so as to avoid any possible indirect discriminatory impact on particular ethnic groups.

## **2. Deregulation**

- 2.1 The Licensing Authority operates full de-regulation in accordance with Government Guidance and Best Practice.

## **3. Enforcement**

- 3.1 The Licensing Authority recognises the fact that licensing is not to be the sole or only means of addressing problems or issues connected with the taxi trade. Other mechanisms include:

- Planning controls;
- Powers of local authorities to enforce through existing bylaws, conditions, Penalty Points Scheme and statutory instruments;
- Police powers to enforce the law;
- Highways management, including civilian Parking Enforcement Officers;
- Vehicle Inspectorate (VOSA);
- DVLA;
- Occupational Health;
- Officer Panel;
- DBS checks; and
- Home Office checks

- 3.2 Any enforcement action will be determined on a risk basis by officers of the Licensing Authority and its partner agencies, resources will be concentrated on areas identified as having the highest risk affecting public safety.

- 3.3 Inspections will include the vehicle, operator and driver. The driver inspections may include the use of random breath testing equipment to detect excess alcohol and random drugs testing. Breath and other illegal substance testing will be carried out by the police or other specialists in the area. Failure of such tests will be actioned by the appropriate authority i.e., excess alcohol will be enforced by the Police.

- 3.4 All enforcement actions and decisions will be in line with the Council's Enforcement and Prosecution Policy and the Code for Crown Prosecutors.



#### 4. Types of Enforcement Action

4.1 The following enforcement actions may be taken by one or more of the actions listed below:-

- a) Take no action
- b) Take informal action i.e., written, verbal warnings
- c) Issue penalty points
- d) Use statutory notices, (stop notices etc.)
- e) Suspend a licence
- f) Revoke a licence
- g) Use formal simple cautions
- h) Report for Prosecution
- i) Reporting to other Government bodies e.g., Home Office, National Fraud Initiative

#### 5. Scheme of Delegated Functions

5.1 All applications received that fall outside the Licensing Authority's standard conditions and policy will be referred to a Panel of advisers before the Chair of the Panel makes a decision and will incur additional costs unless waived by the Chair at the time of the hearing. Appeals following Officer Panel decisions can be made to the Magistrates Court and must be made within 21 days of the decision.

5.2 Table of delegated functions to consider applications and appropriate enforcement action to be taken:

Matter to be dealt with	Panel views sought	Magistrate Court	Officers
Appeals following Officer Panel Decisions		Direct to Magistrate Court	
Application for dual driver			If all mandatory checks and test results are received.
Application for dual driver licence with unspent cautions/convictions	All cases		
Application for dual driver licence with spent cautions/convictions not of sexual, violent or similar nature.			HC9 (Principal Officer grade) or above. May refer to Panel
Application for dual driver/operator licence where the applicant is listed on a national offenders register or has spent/unspent convictions of a violent, sexual or similar nature.	All cases		

Application for operator licence			If no information is received from a standard DBS check.
Application for operator licence with unspent convictions/cautions	All cases		
Application for vehicle licence which complies fully with licence conditions and policy			If all mandatory checks and test results are received and are satisfactory.
Application for vehicle licence, which does not comply with licence conditions and policy	All cases		
Request to transfer vehicle licence, which complies with licence conditions and policy			If all mandatory checks and test results are received and are satisfactory.
Request to transfer vehicle licence, which does not comply with licence conditions and policy	All cases		
Request to change vehicle on plate within standard conditions			If all mandatory checks and test results are received and are satisfactory.
Request to change vehicle on plate outside standard conditions	All cases		
Applications with licence restored after disqualification under the totting up procedure i.e. speeding	All cases		
Applications with isolated motoring cautions/convictions - may refer if of a serious nature.			HC9 or above. May refer to Panel
Application with cautions/convictions for major traffic offences which are less than 10 years old.	All cases		

If the traffic offence is a single offence and is more than 10 years old, Officers have discretion not to refer and to determine.			HC9 or above. May refer to panel
Application with cautions/convictions for driving without insurance	All cases		
Applications with drink/drugs drive offences	All cases		
If the offence is a single drink drive offence and is more than 10 years old, Officers have discretion not to refer and determine			HC9 or above. May refer to panel
Offences/allegations committed during the term of the licence involving sexual offences, exploitation, violence or public order offences.			Immediate suspension issued by HC9 or above, to be reviewed at the Officer Panel.
Offences/allegations committed during the term of the licence not involving sex, exploitation, violence or public order offences.			HC9 or above (may refer to officer panel)
Suspension of dual driver licence			Any of the following:- Chief Executive, Director, Assistant Director, Service Manager,
Review of suspension of a dual driver licence following an administrative suspension for failure to supply documents			HC9 or above may refer to Officer Panel if required
Review of suspension of a dual driver licence as a result of being suspected after being involved in a criminal offence			Service Manager or above, may refer to Officer Panel if required

Revocation of the dual driver licence	All cases		
Minor Complaints			Licensing Team - HC6 or above
Persistent /serious complaints			HC9 or above. May refer to officer panel
Applications with unsatisfactory medical report from GP or other medical advisor i.e. Council's Medical Advisor			Refusal by HC9 or above
Issue of Penalty Points /Notices			Authorised Officers of the Licensing Authority. Officers will carry identification and authorisations can be checked during normal office hours.
Exceeding maximum permitted penalty points or persistent offences/complaints of a similar nature	All cases		
New applicant barred on the ISA Register	All cases		
Notification of ISA barring during term of the licence	All cases		Immediate suspension issued, to be reviewed at Officer Panel.
Suspension of vehicle licence on public safety grounds			HC9 or above. May refer to officer panel
Appeals following Officer Panel decisions including refusal, suspension or revocation of licence		Direct to Magistrates Court	

## 6. Panel meetings

6.1 Officer Panel meetings are arranged to determine any applications that Officers of HC9 or below are not authorised to make within the scheme of delegation. The panel will be chaired by an officer the Service Manager for Licensing or in their absence a HC9 or above who will make the decision. All matters presented to the Panel will be in the format of a written report, a copy of which will be provided to the applicant before the Panel meeting. Each case will be determined on its individual merits and the Licensing Authority will give appropriate weight to:

- The Legislation
- The information provided by all parties to the Officer Panel Meeting
- Available guidance
- This Policy Statement
- Consideration of Convictions Policy

- Specialist advice  
[Appendix 2](#) contains details of the hearing Officer Panel process.

- 6.2 Hearings will be held at dates throughout the year and will be at least monthly whenever possible. The Officer Panel will be made up of the Council's expert officers in accordance with the latest revision of the panel's protocol / terms of reference. The Panel will provide specialist advice to enable the Chair to make a decision.
- 6.3 A legal advisor, advocate or a friend may represent any applicant, where such individuals choose not to represent themselves.
- 6.4 The Panel will meet in private to protect the personal details of applicants.
- 6.5 Where possible the applicant will be advised verbally of the decision on the day of the meeting when the chair has made the decision and then in writing within 5 working days of the hearing. The written decision determined by the chair will be accompanied with reasons for the decision.
- 6.6 To make a fair decision it is important that that the chair is aware of all of the facts relating to any given case. The applicant will be given every opportunity to present suitable and sufficient evidence to support their case. It is expected that any evidence presented by any of the parties should be within a 20 minute time period.
- 6.7 Any appeal following an Officer decision in relation to taxi or private hire matters can be made to the Magistrates Court within 21 days of the decision.
- 6.8 The full terms of reference for this Officer Panel is presented in Appendix 12.

## **7. Applications – General**

- 7.1 All applications require submission of the application form and the full fee.
- 7.2 Where the application form is not fully completed and/or the full fee has not been received the application will be deemed as incomplete and rejected. (Where a fee is declined by a bank/building society then the fee will be deemed as not paid and the application incomplete).
- 7.3 Application forms can be submitted on line together with the payment or by post or in person to the offices of the Licensing Authority. Payment can be made by telephone.
- 7.4 No plate or badge will be issued until all the relevant information and documentation is received by the staff of the Licensing Authority to enable them to assess the validity of the application which can take up to 5 working days.
- 7.5 No refunds will be considered if the application is refused or not pursued by the applicant unless some of the application fee is unused, this will be calculated for each application on a case by case basis by the staff of the licensing authority.

## **Renewals**

- 7.6 In the case of renewals, the application form must be submitted in the prescribed manner and on the prescribed form (and meet the requirements of paragraphs 7.1), the fee must be received before the expiry date (where a fee is declined by a bank/building society then the fee will be deemed as not paid and the application incomplete).
- 7.7 All applications must be received at least 5 working days before expiry. Where any application is received within the 5 working day period then the licence may not be issued prior to expiry, as staff at the Licensing Authority may not have sufficient time to issue it. In this circumstances an applicant may pay a late fee which will ensure that the renewed licence is issued by the expiry date.
- 7.8 Where a licence is not renewed prior to expiry than the licence will lapse and any application made after expiry will require a new application and compliance with all of the conditions relating to new applications unless it complies with condition 7.9.
- 7.9 All applications received within five working days after the expiry date will be considered as being outside of conditions and will be referred to Officer Panel for determination. A fee will be charged for referral to the officer panel and must be submitted before at least 5 working days before the date of the panel. Applications received within 5 working days of expiry will be issued with a licence until the next available Officer Panel, unless the fee is not paid.
- 7.10 The licence shall lapse on the 5th working day before the next panel sits unless the referral fee has been paid prior to this time.
- 7.11 Any vehicle application which is still awaiting documentation after 10 working days of expiry of the licence will have the vehicle licence issued with no vehicle shown on the licence. An application will then be required for a change of vehicle on plate and will require payment of the fee.
- 7.12 Where an annual self-declaration or a DBS certificate is provided after expiry, or a medical from the drivers GP is provided less than 28 days before expiry, 6 penalty points will be issued for each late document. Should this happen on a second occasion 12 penalty points will be issued and the matter will be referred to the officer panel.

## **8. Dual Driver Applications**

### **New applications**

- 8.1 To obtain a new Dual Driver licence the following requirements shall be met: -
- a) The applicant must be medically examined by a qualified medical practitioner who has known the applicant for a period of at least 12 months, immediately prior to the medical examination and has immediate access to the applicant's full medical records. The medical fitness standard adopted by the Licensing Authority for such licence holders reflects the fitness standard for Group 2 DVLA drivers. The medical will be required for all new applications and every five years thereafter or more frequently on medical advice. A driver will require a medical in their 65<sup>th</sup> year and annually thereafter, this may also be required more frequent based on medical advice.
  - b) The Licensing Authority will refer the medical report to the Council's Occupational Health medical practitioner for approval. The additional cost will

be met by the applicant. When deemed necessary by the Occupational Health Specialist the applicant may be required to undergo a medical examination by the Council's Medical practitioner or other medical expert. The additional cost will be met by the applicant. No licence can be issued until the medical is signed off by the Council's medical practitioner.

- c) In order to consider that the applicant is a 'fit and proper' person to have a dual drivers licence issued, an enhanced DBS certificate must be submitted to the licensing authority. The cost will be met by the applicant. This will be required on initial application and thereafter every three years or sooner if offences are committed during the term of the licence. If the applicant is an overseas applicant, and has lived outside of the UK for more than 6 months, a certificate of good conduct will be required from each of the relevant Embassy where they have resided.
- d) DBS Checks carried out by other organisations are only valid for a period of 1 month after issue and can only be considered if all relevant sections are complete. If the application process takes longer than 4 months a new DBS check will be required. No badge will be issued unless there is a current DBS check in place.
- e) A knowledge test set by the Council must be successfully completed before a new dual drivers badge can be issued. The test can only be taken 3 times. Prior to each test a fee for re-taking the test will be charged. If the applicant fails the test three times then the Licensing Authority will be unable to issue a licence and the process is concluded. An applicant may not re-apply for a period of 12 months. A new application and fee will be required.
- f) Mandatory training, approved by the Licensing Authority, must be undertaken and satisfactorily completed, by all new dual drivers prior to a driver's badge being issued.
- g) The applicant will be required to provide a DVLA check code, obtainable from the DVLA website <https://www.gov.uk/view-driving-licence> together with consent for the Licensing Authority to access that record, in order that the Licensing Authority can be satisfied the applicant has the necessary driving licence. If the applicant does not hold a British or European Union Driving Licence, additional conditions specified by the DVLA may apply depending on the country of issue.
- h) The applicant must be aged 21 years or over, and hold a full driving licence granted in the UK under Part 111 of the Road Traffic Act 1988 for at least 12 months.
- i) All applicants are required to provide evidence of eligibility to work in the UK.
- j) Prior to issue of a new dual drivers badge an applicant will be required to sign a declaration to state that there has been no change in their medical condition or convictions history etc. since the initial application.
- k) Herefordshire Council has a policy to determine an applicant's 'fit and proper' status which enables dual driver applications to be determined. The Consideration of Convictions Policy can be found at [Appendix 4](#)
- k) The drivers Code of Good Conduct and Driver Dress Code can be found at [Appendix 5 and 6](#)

- l) All drivers who have a 3 year dual driver badge will be required to provide an annual declaration of their medical fitness and their 'fit and proper' status to include any cautions, warnings and convictions; this will incur an annual fee. Failure to complete this form and pay the required fee, prior to expiry, will result in suspension of the licence.
- m) No dual drivers badge will be issued beyond the expiry date shown on the licence issued by the DVLA.
- n) The dual driver conditions can be found at [Appendix 3](#)

### **Renewal applications**

- 8.2 a) All dual drivers badges must be renewed every 3 years or such lesser time as indicated on the licence.
- b) DBS Checks are valid for 3 years from date of issue and most medicals are valid for 5 years until age 65 or more regularly as advised by a medical professional.
- c) Dual driver's badges will only be renewed if there is in place a valid DBS check, medical and vehicle insurance. A copy of the drivers licence, the DVLA check code and consent will also need to be supplied together with a persons right to work in the UK. If an existing licence holder does not supply a new DBS certificate before expiry they risk having their licence suspended or not renewed. Each case will be risk assessed individually.
- d) Mandatory training, approved by the Licensing Authority, must be undertaken and satisfactorily completed, by all existing licence holders within 12 months from the date of implementation. Where an existing driver has failed to complete the training within this period then their licence will be suspended until completed..

## **9. Operator Applications**

- 9.1 Before a person is first licensed as an Operator the following requirements shall be met:
  - a) To determine if the applicant is a 'fit and proper' person to have an Operator Licence issued, a basic DBS check must be carried out and provided for the Licensing Authority. This will only apply to applicants who do not undertake Enhanced DBS checks as part of a Dual Drivers or County Transport Badge application.
  - b) The Private Hire Operator Conditions can be found at [Appendix 7](#)

## **10. Vehicle Licence Applications**

- a) There needs to be in existence either a policy of insurance or 'such security' as complies with the requirements of Part V1 of the Road Traffic Act 1988



which must show the use as ‘the carriage of passengers for hire or reward’.

- b) To determine if the applicant is a ‘fit and proper’ person to have a vehicle proprietor’s licence issued, a Basic DBS check must be carried out and provided to the Licensing Authority. This will only apply to applicants who do not undertake Enhanced DBS checks as part of a Dual Drivers or County Transport Badge application.
- c) The vehicle must comply in all respects with the licence conditions for the type of licence being applied for and the compliance test.
- d) New Hackney Carriage licences will only be issued to vehicles, which are fully wheelchair accessible and meet the criteria stated in the vehicle licence conditions. Wheelchair accessible vehicles must be wheelchair accessible at all times.
- e) New private Hire vehicles will only be issued on vehicles which are fully compliant and meet the criteria stated in the licence conditions.
- f) The Vehicle Licence Conditions can be found at [Appendix 8](#)
- g) Details of vehicle damage and how it will be assessed can be found at [Appendix 9](#)
- h) The seating configuration of MPV vehicles can be found at [Appendix 10](#)

## **11. Fares**

- 11.1 If a request is made by the Taxi Trade the Licensing Authority will review fares annually in February in accordance with Section 65 of the Local Government (Miscellaneous Provisions) Act 1976. The notice of any uplift will be advertised and a copy of the Notice will be open to public inspection without payment during normal office hours. A Notice will also be included in a local newspaper for the area for a period of two weeks.
- 11.2 Any objections to the proposed increases should be made in writing to the Licensing Authority stating the reason.
- 11.3 If no objections are made or if all objections so made are withdrawn, the proposed increases shall come into operation on or as near the 1<sup>st</sup> April or at the date of withdrawal of the last objection.
- 11.4 If objections are duly made and not withdrawn, the Licensing Authority shall set a further date not later than two months after the date specified on which the proposed increases shall take effect with or without modification, as decided by Licensing Authority’s Cabinet Member after consideration of any objections, or whatever other process as may be required by the Council’s constitution at that time..

## **12. Fees**

- 12.1 The Licensing Authority has a full cost recovery policy in respect of fees and these will be reviewed annually.

12.2 The Licensing Authority will not consider any licence application until the appropriate prescribed fee in respect of the same has been paid in full to the Licensing Authority...

12.3 If any fee is required and that fee is not paid during the term of the licence (e.g. Annual Self-declaration) or after, the Licensing Authority will take action to recover this fee as a civil debt through the County Court and/or suspend the licence the fee relates too.

### **13. Complaints in respect of Licensed Drivers, Vehicles or Operators**

13.1 All complaints which are pursued by the Licensing Authority are based upon the driver's fitness to hold a licence and/or a licensed vehicle plate or Operator licence. Full details of how to make a complaint about a licence holder can be found at [Appendix 11](#).

### **14. Safeguarding children and vulnerable persons**

#### **Arrangements for Safeguarding Children and Vulnerable Persons Statement**

14.1 The Licensing Authority has a duty of care to children and vulnerable persons who use Taxi or Private Hire transport that is licensed by the them. The Licensing Authority recognises that all children and vulnerable persons have a right to be safe and protected from abuse and harm. It takes seriously its duty to safeguard and protect children and vulnerable persons and will take all reasonable steps to ensure that the operators and drivers of Taxi and Private Hire vehicles and any other licence holders pose no threat to children or vulnerable persons.

14.2 The definition of a child is a person under the age of 18.

14.3 A vulnerable person is defined as vulnerable when they cannot take steps to protect themselves. Some people need support throughout their life, and anyone can become vulnerable through stresses at home or at work, illness, excess alcohol and many other reasons.

### **15. Child and Vulnerable Persons Protection Policy**

15.1 The Licensing Authority licences Taxi/Private Hire Drivers and will ensure compliance with the provisions of the Children Act 2004. The Licensing Authority will seek to ensure that those involved in delivering its services understand what action is to be taken if they have concerns about the safety or welfare of a child or vulnerable person. On first application, all drivers are required to undertake an Enhanced DBS check, and every 3 years thereafter. Any applicants who do not hold a current British Passport will be required to submit a 'Code of Good Conduct' from the country or countries where they have resided for a period of more than 6 months..

15.2 All mandatory tests and training must be completed successfully prior to a licence being issued. Existing licence holders will be given 12 months from a specified date to complete any prescribed Safeguarding training.

15.3 The Licensing Authority has in force a Policy that determines their principles on dealing with applications who have a negative DBS disclosure this can be found at [Appendix 4](#).

15.4 This statement complements Herefordshire's Council's arrangements for the adults and children's safeguarding boards and complies with Section 11 of the Children Act 2004.

## **16. Managing Individuals Who Pose a Risk of Harm**

16.1 Under the Criminal Justice Act, the Licensing Authority has a duty to co-operate with multi agency public protection arrangements. The Licensing Authority is committed to these arrangements and where necessary will liaise with the Local Authority Designated Officers who have responsibility for Safeguarding.

16.2 Where the Licensing Authority receives a complaint regarding the moral, physical, sexual harm or neglect of a child or vulnerable person the licence holder will be contacted and where the matter is considered to be serious the Licensing Authority can issue a precautionary suspension. This can be issued pending further investigation in accordance with relevant legislation.

16.3 It is recognised that the Licensing Authority may not be able to offer further explanation in view of any pending Police or other official investigation. The suspension will be reviewed at Officer Panel of which at least one of the Panel Members shall be responsible for Safeguarding.

## **17. Review and Evaluation**

17.1 The Licensing Authority will review this Policy and statement and where appropriate amend the Safeguarding of Children and Vulnerable Persons arrangements for Licensing, to ensure that it is consistent with the arrangements agreed by Herefordshire Council in respect of Safeguarding Children and Vulnerable Persons.

## **18. Data Protection Statement**

*Herefordshire Council is the Data Controller under data protection law and will use the information you provide on this form in order to provide you with a licensing service.*

*The legal basis for processing this data is:*

- Your consent to do so. You can withdraw your consent at any time by notifying us. Our contact details to do so, or for any other queries, are Licensing Authority, No 8 St Owen Street, Hereford. E-mail [taxi-licensing@herefordshire.gov.uk](mailto:taxi-licensing@herefordshire.gov.uk). Telephone 01432 261761*
- Our legal obligations under licensing legislation*
- That it is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested*

*We will keep your data whilst you have a current licence and for 10 years after expiry. Your information may be shared with other teams within the Council, Hoople, Occupational Health in Herefordshire, Police Authorities, Government Agencies, Intelligence sharing systems in relation to statutory data sharing*

*requests, detection or prevention of crime, other Local Authorities, and in order to provide you with the service. As a licence holder some of your details are required to be in the public domain and will be shared in Freedom of Information requests.*

*Individuals have a number of rights under data protection law, including the right to request their information. You also have a right to make a complaint about our handling of your personal data to the Information Commissioner's Office <https://ico.org.uk/>*

## **19. Further Information**

For more information regarding Taxi or Private Hire licensing contact:

Telephone: - 01432 261761

Address: - Licensing Authority, 8 St Owen Street, Hereford HR1 2PJ

E-mail:- [taxi-licensing@herefordshire.gov.uk](mailto:taxi-licensing@herefordshire.gov.uk)

## **20. Appendices**

Appendix 1	Penalty Points Scheme
Appendix 2	Referral to Officer Panel or Regulatory Sub-Committee procedure
Appendix 3	Driver Conditions
Appendix 4	Consideration of Convictions Policy
Appendix 5	Drivers Code of Conduct
Appendix 6	Drivers' Dress Code
Appendix 7	Private Hire Operator Conditions
Appendix 8	Vehicle Conditions
Appendix 9	Vehicle damage
Appendix 10	Seating configuration for a MPV vehicle
Appendix 11	Complaints
Appendix 12	Terms of Reference for Officer Panel
Appendix 13	Grandfather Rights agreed by Regulatory Committee on 6 <sup>th</sup> April 2010

# Appendix 1



## **PENALTY POINTS SCHEME**

### **Index**

- 1. Penalty Points Scheme**
- 2. Recommendations**
- 3. List of Offences/Breach of Vehicle Licence Conditions/Byelaws**
- 4. List of Offences/Breach of Driver Licence Conditions**
- 5. List of Offences/Breach of Operator Licence Conditions**
- 6. County Of Herefordshire District Council Byelaws relating to Hackney Carriages**

## 1. Penalty Points Scheme

1.1 This scheme will be used where appropriate. The penalty point's scheme does not fetter the Licensing Authorities duty to consider other forms of enforcement and formal prosecutions should it be deemed proportionate to the offence(s).

1.2 The penalty points system outlined below identifies a number of breaches of Herefordshire Council Conditions and Byelaws. It then indicates the number of points to be issued. The implementation of points would take place immediately or following investigation by the Licensing Authority.

1.3 The details of how the scheme will be operated are as follows:

- a) Penalty points will be applied by Authorised Officers of the Council either immediately or upon completion of investigation of relevant breaches of the Licesning Authority's hackney carriage and private hire conditions.
- b) Any penalty points issued will be confirmed in writing to the relevant licence holder or issued as a penalty points notice at the time of discovery.
- c) The number of penalty points issued will be in accordance with the attached tariff. (Appendix 1).
- d) The Council retains the discretion to issue penalty points to driver, proprietors and operators for a single contravention if the circumstances warrant it, i.e. the breach is one against all these licences and it is considered joint responsibility is held.
- e) The imposition of penalty points against a driver who is an employee will not necessarily result in additional imposition of points to their employer or operator.
- f) Penalty points issued under this scheme will have a "life" of twelve months, and then will be deemed spent. The system is based upon a rolling twelve-month period.
- g) There is no financial penalty associated with the system, and the licensee may continue to work. However, the licensee will be asked to attend the Officer Panel hearing if more than a certain number of points are imposed on an individual licence in any one 12 month period. The thresholds are as follows:

Dual Driver	11 Points
Hackney Carriage Vehicle	11 Points
Private Hire Vehicle	11 Points
Private Hire Operator	23 Points

- h) If there are three repeat contraventions within a 6-month period the offender will automatically be referred to the Officer Panel.
- i) For persons holding **more** than one vehicle licence the threshold for commencement of formal action will be increased by **1 point** per vehicle licence held

E.g. Person holding 6 Vehicle Licences = 6 Additional points are added to the single vehicle threshold of **12 points**

This will give an **18 points** threshold before formal action is considered by the Council

## 2. Recommendations

- 2.1 On appearing before the Officer Panel the following recommendations will generally be made by Officers.
- a) On the accumulation of 12 or more penalty points in a 12 month period a driver or a vehicle proprietor will be subject to a recommendation to suspend their licence for a period of 1 month. If the points issued are connected to breaches of licence conditions, there will be an additional requirement to sit and pass the Council's knowledge test.
  - b) On the accumulations of 24 or more penalty points in a 12 month period an operator will be subject to a recommendation to suspend their licence for a period of 1 month.
  - c) Drivers, proprietors, or operators who accumulate the necessary total of points in a rolling year on a second or subsequent occasion, will be asked to reappear before the Officer Panel. The Panel will take into account previous penalty points, cautions, suspensions or prosecutions when considering Officers recommendation for a longer period of suspension, or revocation of licence.
- 2.2 The above recommendations do not fetter the discretion of the Officer Panel who may always decide to take no further action, to suspend the licence for any period, or to revoke a licence.
- 2.3 Any driver or vehicle proprietor or operator subject to suspension or revocation has the right of appeal to the Magistrates Court. All suspensions will be subject to a 21-day appeals period prior to implementation to allow for the formal appeals process, unless it is deemed to be a public safety issue, whereupon the suspension will take immediate effect.

## 3. List of Offences/Breach of Vehicle Licence Conditions/Byelaws

<u>Condition number</u>	<u>Offence</u>	<b>Code</b>	<b>Points</b>
9.1	Undertaking alterations to equipment, dimensions or other specification to a licensed vehicle without consent	<b>V1</b>	<b>4</b>
9.2	Fail to comply to original requirements	<b>V2</b>	<b>4</b>
10.1 (a)	Failure to display approved roof sign	<b>V3</b>	<b>2</b>
10.1	Failure to maintain roof sign in working order	<b>V4</b>	<b>2</b>
10.1 (b)	Failure to display roof sign on the front part of the roof	<b>V5</b>	<b>2</b>
10.1 (c)	Failure to display front door signs.	<b>V6</b>	<b>4</b>
10.1 (c)	Displaying incorrect signs i.e., wrong wording or magnetic	<b>V7</b>	<b>4</b>
10.1.(d)	Displaying other sign on front door	<b>V8</b>	<b>4</b>
10.1 (e)	Private hire vehicles advertising incorrectly	<b>V9</b>	<b>4</b>

10.1 (f)	Display sign that does not comply	<b>V10</b>	<b>4</b>
10.1 (g)	Display sign that does not comply	<b>V10</b>	<b>4</b>
10.2	Failure to display three or more “no smoking” signs in the vehicle	<b>V11</b>	<b>4</b>
10.3	Private hire displaying the word taxi	<b>V12</b>	<b>4</b>
11.1	Incorrectly displaying licence plate	<b>V13</b>	<b>4</b>
11.2	Failure to return plate on expiry of licence if requested to do so by Licensing Staff	<b>V14</b>	<b>4</b>
11.3	Failure to report loss or damage of a vehicle plate, following discovery of loss or damage.	<b>V15</b>	<b>2</b>
11.4	Failure to surrender vehicle licence and plate if proprietor does not wish to retain vehicle licence	<b>V16</b>	<b>2</b>
12.1	Advertising on vehicle without written authorisation from the Licensing Authority	<b>V17</b>	<b>4</b>
13.1	Failure to submit taximeter for testing when requested to do so by Licensing Authority	<b>V18</b>	<b>2</b>
13.2	No tamperproof seal	<b>V19</b>	<b>4</b>
13.3	Tampering or allowing an unauthorised person to tamper with taximeter	<b>V20</b>	<b>4</b>
13.4	Failure to display a statement of fares inside the HC	<b>V21</b>	<b>2</b>
13.5	Wilfully or neglectfully causing letters or figures in the statement to be obscured	<b>V22</b>	<b>2</b>
13.6	Failure to deposit copy of statement of fares which differ from the approved fares	<b>V23</b>	<b>2</b>
14.1 + 15.1	Failure to notify Licensing of accidents or damage affecting the safety, performance or appearance of the vehicle	<b>V24</b>	<b>2</b>
15.2	Failure to supply steering geometry and alignment reports following an accident if required	<b>V25</b>	<b>2</b>
15.5 + 15.6	Failure to get authorisation for a temporary transfer vehicle or leaving the vehicle on for more than two weeks	<b>V26</b>	<b>2</b>
17.1	Failure to have insurance for the licensed vehicle	<b>V27</b>	<b>2</b>
17.2	Failure to produce insurance certificate for the vehicle	<b>V28</b>	<b>2</b>
17.3	Failure to keep copy of insurance/cover note in the vehicle	<b>V29</b>	<b>2</b>
17.4	Failure to notify Council of change of insurer or particulars within 2 working days.	<b>V30</b>	<b>2</b>



18.1	Failure to produce details to the Council of drivers permitted to drive	<b>V31</b>	<b>2</b>
18.2	Failure to notify change of drivers	<b>V32</b>	<b>2</b>
18.3	Failure to notify Council of change of address or other contact details	<b>V33</b>	<b>2</b>
19.1	Failure to carry a suitably marked approved fire extinguisher within the vehicle	<b>V34</b>	<b>2</b>
19.2	Failure to carry marked first aid equipment as specified in conditions	<b>V35</b>	<b>2</b>
19.1	Failure to obtain written permission to use trailers on Licensed vehicles	<b>V36</b>	<b>12</b>
20.1	Failure to present vehicle and trailer for inspection	<b>V37</b>	<b>4</b>
22.1	Failure to maintain radio equipment in safe condition which poses a risk of injury to passengers	<b>V38</b>	<b>2</b>
23.1	Proprietor/Driver of vehicle allowing a greater number of persons to be conveyed than is specified on the licence	<b>V39</b>	<b>2</b>
23.2	Failure to maintain a reasonable standard of behaviour	<b>V40</b>	<b>2</b>
23.3	Failure to provide information requested by an Authorised Officer	<b>V41</b>	<b>4</b>
23.4	Failure to provide assistance to an Authorised Officer	<b>V42</b>	<b>4</b>
23.6	Failure to provide insurance or interim MOT prior to expiry (1 <sup>st</sup> instance)	<b>V43</b>	<b>6</b>
23.6	Failure to provide insurance or interim MOT prior to expiry (2 <sup>nd</sup> instance)	<b>V44</b>	<b>12</b>
24.1	Using CCTV equipment not in accordance with the provisions of the conditions and the data protection act	<b>V45</b>	<b>4</b>
24.3	Fail to have 3 CCTV signs	<b>V46</b>	<b>2</b>
24.4	Fail to check CCTV weekly	<b>V47</b>	<b>2</b>
24.4	Tampering/noncompliance with CCTV seal	<b>V48</b>	<b>2</b>
25.4	Providing alcoholic drinks not in accordance with the sale or supply of alcohol legislation	<b>V49</b>	<b>12</b>

#### 4. Breaches of Dual Driver Licence Conditions

<b><u>Condition number</u></b>	<b><u>Offence</u></b>	<b><u>Code</u></b>	<b><u>Points</u></b>
1.2	Driver not clean and respectable in their dress	<b>D1</b>	<b>2</b>
1.2	Driver not complying with the Dual Drivers Dress Code	<b>D2</b>	<b>2</b>

1.2	Driver not behaving in a civil and orderly manner	<b>D3</b>	<b>3</b>
1.3	Driver allowing noise from radio or other similar equipment to be a source of nuisance or annoyance to any person inside or outside the vehicle	<b>D4</b>	<b>2</b>
1.4	Driver smoking/vaping/similar whilst in the vehicle	<b>D5</b>	<b>4</b>
1.5	PH drivers parking in a position or location which gives the appearance of being for hire, whilst not on a pre-booking	<b>D6</b>	<b>3</b>
1.6	PH driver plying for hire	<b>D7</b>	<b>4</b>
1.7	PH driver calling out or influencing person to travel in the vehicle for gain without a prior appointment	<b>D8</b>	<b>3</b>
2.1	Fail to have in possession drivers badge whilst driving a licensed vehicle	<b>D9</b>	<b>2</b>
2.2	Not displaying second badge which is visible to passengers being conveyed in the vehicle	<b>D10</b>	<b>2</b>
2.3	Failure to surrender drivers badge to the Licensing Authority upon expiry, revocation or suspension of their licence when requested by Licensing Staff	<b>D11</b>	<b>2</b>
2.6	Failure to supply annual self-declaration and fee (1 <sup>st</sup> Occasion)	<b>D12</b>	<b>6</b>
2.6	Failure to supply annual self-declaration and fee (2 <sup>nd</sup> occasion)	<b>D13</b>	<b>12</b>
3.1	Failure to carry evidence of insurance cover, this can be a cover note, in the vehicle whilst on duty	<b>D14</b>	<b>2</b>
4.1	Carrying greater number of persons than the number specified on the licence	<b>D15</b>	<b>12</b>
4.2	Carrying other persons in the vehicle without the consent of the hirer	<b>D16</b>	<b>2</b>
4.2	Carry a member of family/friend in a vehicle for hire/hired	<b>D17</b>	<b>2</b>
4.3 a)	Failing to carry or ensure safety of passenger luggage	<b>D18</b>	<b>4</b>
4.3 b)	Failing to offer reasonable assistance with luggage	<b>D19</b>	<b>2</b>
4.3 c)	Failing to take steps to ensure passenger safety	<b>D20</b>	<b>6</b>
5.1	Fail to search vehicle after journey	<b>D21</b>	<b>2</b>
5.2	Fail to hand found property to the police	<b>D22</b>	<b>2</b>

6.1	Fail to operate taxi meter correctly	<b>D23</b>	<b>4</b>
6.4	Charging more than the metered fare	<b>D24</b>	<b>4</b>
6.5	Using taximeter without a seal	<b>D25</b>	<b>4</b>
6.6	Tampering or allowing tampering of a taximeter	<b>D26</b>	<b>4</b>
6.7	Cancelling the fare or concealing the fare on meter before the hirer has agreed the fare	<b>D27</b>	<b>2</b>
6.8	Demanding more than the previously agreed fare	<b>D28</b>	<b>4</b>
6.9	Demanding more than the fare shown on the taxi meter	<b>D29</b>	<b>4</b>
6.10	Starting the fare before the hirer enters the vehicle without prior agreement	<b>D30</b>	<b>4</b>
7.1	Failure to notify proprietor of complaints made by the passengers	<b>D31</b>	<b>2</b>
7.2	Failure to notify passengers of their right to refer their complaint to the Council	<b>D32</b>	<b>2</b>
8.1	Failure to attend at appointed time or place without sufficient cause	<b>D33</b>	<b>2</b>
8.2	Unnecessarily prolonging journey in distance or time	<b>D34</b>	<b>4</b>
9.1	Failure to provide copy of dual drivers licence to operator	<b>D35</b>	<b>2</b>
9.2	Failure to ensure insurance cover for them to drive vehicle	<b>D36</b>	<b>4</b>
9.3	Failure to ensure vehicle is licensed by Licensing Authority for the purpose used	<b>D37</b>	<b>2</b>
10.1	Failure to notify Licensing Authority of change of address/telephone number within 7 days	<b>D38</b>	<b>4</b>
10.2	Failure to notify Licensing Authority of motoring or criminal convictions during the period of licence	<b>D39</b>	<b>12</b>
10.3	Failure to notify Licensing Authority of involvement in incidents which the Police are involved and may lead to a caution/conviction	<b>D40</b>	<b>12</b>
10.4	Failure to notify Licensing Authority in writing within 7 days of serious injury or illness affecting fitness to drive	<b>D41</b>	<b>12</b>
10.5	Failure to notify the Licensing Authority of a DVLA notifiable condition	<b>D42</b>	<b>12</b>

11.1	Failure to carry assistance dog without exemption	<b>D43</b>	<b>2</b>
11.2	Making additional charge for carrying assistance dog	<b>D44</b>	<b>2</b>
12.1	Not using mobile phone in accordance with The Road Vehicle (construction and use) (Amendment) (No.4) Regulation 2003	<b>D45</b>	<b>2</b>
13.2	Failure to keep vehicle reasonably clean	<b>D46</b>	<b>2</b>
13.3	Failure to notify Council of vehicle damage within 72 hours or present vehicle if requested to do so	<b>D47</b>	<b>4</b>
13.4	Failure to provide a written receipt for the fare paid if requested to do so by the passenger	<b>D48</b>	<b>2</b>
13.5	Failure to co-operate with any Authorised Officer, Constable or any other clearly identifiable person nominated by the Council	<b>D49</b>	<b>4</b>
14.1	Failure to keep a record of bookings in the Private Hire Vehicle. This can be computerised/electronic or written	<b>D50</b>	<b>2</b>
15.1	Failure to comply the regulations governing the wearing of seat belts	<b>D51</b>	<b>4</b>

## 5. Breaches of Operator Licence Conditions - Private Hire

<b><u>Condition number</u></b>	<b><u>Offence</u></b>	<b><u>Code</u></b>	<b><u>Points</u></b>
1.3	Operating more vehicles than stated on licence	<b>O1</b>	<b>2</b>
2.1	Failure to obtain and maintain insurance on vehicle	<b>O2</b>	<b>12</b>
2.1	Failure to produce evidence of insurance cover to the Council	<b>O3</b>	<b>6</b>
2.2	Fail to valid insurance on expiry	<b>O4</b>	<b>6</b>
2.3	Failure to notify Council of change of insurer within 2 days	<b>O5</b>	<b>2</b>
2.4	Fail to have public liability insurance for premises	<b>O6</b>	<b>2</b>
3.1	Failure to operate the business in a manner which does not cause nuisance to the public or to persons in nearby premises	<b>O7</b>	<b>2</b>
3.2	Failure to provide a prompt, efficient or reliable service	<b>O8</b>	<b>2</b>

3.3	Failure to attend a booking at appointed time or place without sufficient cause	<b>O9</b>	<b>2</b>
3.4	Knowingly allowing a greater number of persons in the licensed vehicle than is prescribed on the licence	<b>O10</b>	<b>12</b>
3.5	Fail to have necessary documents and equipment	<b>O11</b>	<b>2</b>
4.1	Operating the business from a premises outside the County of Herefordshire	<b>O12</b>	<b>12</b>
4.2	Failure to keep booking or waiting areas which the public have access, clean, adequately heated, ventilated and lit	<b>O13</b>	<b>2</b>
4.3	Failure to provide seating facilities in waiting areas	<b>O14</b>	<b>2</b>
6.1	Failure to supply written confirmation within seven days of changes to the particulars shown on the application form relating to the licence	<b>O15</b>	<b>4</b>
6.2	Fail to notify Licensing Authority of change of address	<b>O16</b>	<b>2</b>
7.1	Failure to notify the Council within seven days of any convictions imposed on them, during the period of the licence	<b>O17</b>	<b>12</b>
8.1	Failure to keep proper records for a period of not less than six months	<b>O18</b>	<b>3</b>
8.2	Failure to keep proper records	<b>O19</b>	<b>2</b>
8.3	Fail to keep entries correctly	<b>O20</b>	<b>2</b>
8.4	Fail to notify details of security arrangements	<b>O21</b>	<b>2</b>
8.5	Fail to keep records of private hire vehicles operated	<b>O22</b>	<b>2</b>
8.6	Displaying the word Taxi or Cab on a private hire vehicle	<b>O23</b>	<b>2</b>
8.7	Failure to keep records of all drivers employed or failure to produce details of the drivers	<b>O24</b>	<b>2</b>
8.8	Failure to notify Council within seven days of the particulars of any driver who is no longer employed by the operator	<b>O25</b>	<b>2</b>
9.1	Failure to maintain telephone or radio equipment in sound condition or failure to repair defects promptly	<b>O26</b>	<b>2</b>

9.2	Failure to have or produce evidence of a Licence issued by the Department of Trade and Industry licence for all radio equipment	O27	2
10.1	Using unlicensed drivers to drive a Herefordshire Council licensed vehicle	O28	12
11.1	Failure to keep a written record of all complaints or failure to make available to the Council	O29	2
12.1	Fail to provided insurance or interim MOT (1 <sup>st</sup> Occasion)	O30	6
12.1	Fail to provided insurance or interim MOT (2 <sup>nd</sup> Occasion)	O31	12

#### 6. Breaches of County of Herefordshire District Council Byelaws Relating To Hackney Carriages

<b>Byelaw number</b>	<b>Offence</b>	<b>Code</b>	<b>Points</b>
2 (b) (i)	Wilfully or negligently causing licence number to be concealed from public view while the carriage is standing or plying for hire	B1	2
2 (b) (ii)	Causing or permitting the carriage to stand or ply for hire with an illegible plate	B2	2
3	Failure to furnish the hackney carriage in accordance with requirements of the Byelaw	B3	2
4.	Failure to provide a taximeter in accordance with the requirements of the Byelaw	B4	2
5.	Failure to operate taximeter in accordance with requirements of the Byelaw.	B5	2
6.	Driver or proprietor tampering with meter or permitting any unauthorised person to tamper with meter	B6	4
7. (b)	Failure to proceed to another rank when at the time of arrival rank is full	B7	2
7. (c) (d)	Failure to station or move the carriage immediately behind the carriage or carriages in front on the rank	B8	2
8.	A proprietor or driver using the services of a person to importune a person to hire the vehicle	B9	2
10.	Failure by driver to take reasonable precautions to ensure the safety of passengers	B10	4

11.	Driver or proprietor allowing more persons to be conveyed than the licence allows	<b>B11</b>	<b>12</b>
12.	Failure by driver to wear the badge provided by the council when plying for hire	<b>B12</b>	<b>2</b>
13.	Failure to provide when requested reasonable assistance with luggage	<b>B13</b>	<b>2</b>
15.	Failure to display statement of fares inside the carriage in a legible state	<b>B14</b>	<b>2</b>
17.	Failure to notify lost property to the officers of the Council or Police within 48 hours of discovery	<b>B15</b>	<b>2</b>
18.	Plying for hire whilst static at a place which is not a rank	<b>B16</b>	<b>3</b>

## Appendix 2

### TAXI LICENSING OFFICER PANEL HEARING PROCEDURE

1. The Chair will open the hearing and introduce the members of the Officer Panel and other members present.
2. The Chair will ask the Applicant and their representative present to introduce themselves.
3. The Chair will inform all those present that the meeting is not open to the public.
4. The Chair will remind the Applicant that they can be represented by a legal representative at their own expense or by any other person of their choice.
5. The Licensing Officer will present the report and call any witnesses.
6. The Chair will invite members of the Panel and the Applicant to ask any relevant questions of the Licensing Officer or the witnesses.
7. The Chair will invite the Applicant or their representative to present the Applicant's case and to call any witnesses on behalf of the Applicant.
8. The Chair will invite members of the panel to put questions to the Applicant and/or their representative and/or witnesses.
9. The Chair will invite the Applicant and/or their legal representative to sum up.
10. The Chair will ask the Applicant to confirm that they have said all they wish to.
11. The Chair will ask the Panel Members if they have all the information they need to reach a decision.
12. The Applicant and any other parties present will retire from the meeting room so that the Panel can reach its decision in private.
13. The Chair will arrive at a decision after having listened to the views of the panel members. When the Chair has reached its decision the Applicant and their representative will be invited to return to the meeting room. The Chair will relay the decision and the reason(s) for the decision to the Applicant.
14. The Chair will inform the Applicant of the date on which the decision will take effect and of any right of appeal to Magistrate Court.

*An appeal to the Magistrates' Court against the Officer Panel's decision must be lodged within 21 days of the date on which written confirmation of the decision is received by the Applicant.*



## Appendix 3



### DUAL DRIVERS CONDITIONS

## INDEX

- 1.0 Conduct of the driver
- 2.0 Badges and Plates
- 3.0 Insurance
- 4.0 Passengers\luggage
- 5.0 Lost property
- 6.0 Taxi meter/fares
- 7.0 Complaints/compliments
- 8.0 Prompt attendance
- 9.0 Licence/application
- 10.0 Change of details/circumstance
- 11.0 Animals
- 12.0 Mobile phones
- 13.0 General conditions
- 14.0 Private hire
- 15.0 The wearing of seatbelts

## CONDITIONS ATTACHED TO PRIVATE HIRE/HACKNEY CARRIAGE DRIVERS

Herefordshire Council as the Licensing Authority licenses both Hackney Carriage and Private Hire Vehicles under the provisions of The Town and Police Clauses Act 1985, Part 11 of the Local Government Miscellaneous Provisions Act 1976 as amended by the Transport Act 1985.

These conditions have been reviewed by the Licensing Authority and will replace all previous conditions and will remain in place until 2024, minor amendments are delegated to Officers, and more complex amendments will be referred to the Cabinet Member for decision or by whatever other process is constitutional at that time. The Service Manager with responsibility for licensing will determine the appropriate method of decision.

**All applications received which fall outside the Licensing Authority's Conditions or Policy will be referred to Officer Panel for determination and may incur additional costs to be paid by the applicant. Money will only be refunded in exceptional circumstances if the Chair instruct a refund.**

**Once a valid application has been accepted no refunds will be considered unless authorised by the Chair.**

**The Offices of the Licensing Authority is:  
8 St Owens Street  
Hereford  
HR1 2PJ  
Tel: 01432 261761  
Email; [taxilicensing@herefordshire.gov.uk](mailto:taxilicensing@herefordshire.gov.uk)**

*(The Licensing Authority will use Government Guidance, Legislation, IOL Guidance and the Licensing Authority's Hackney Carriage and Private Hire Licensing Policy to base its decisions)*

### **1.0 CONDUCT OF THE DUAL DRIVER**

- 1.1 The driver of a hackney carriage or private hire vehicle licensed by the Licensing Authority shall hold a current dual drivers badge and the vehicle must be licensed by the Licensing Authority. Drivers of private hire vehicles must be aware that the driver, vehicle and Operator must all have licences issued by the Licensing Authority.
- 1.2 At all times the driver shall be clean and respectable in their dress and person and behave in a civil and orderly manner. The Drivers Dress Code and Drivers Code of Good Conduct must be complied with. These can be found at [Appendix 5 and 6](#).
- 1.3 The driver shall not at any time cause or permit the sound emitted by any radio or other similar equipment in the vehicle to be a source of nuisance or annoyance to any person, whether inside or outside the vehicle.
- 1.4 The driver or passengers are not permitted to smoke, vape or use electronic cigarettes or any other like device, in the licensed vehicle at any time.

- 1.5 All private hire drivers, when not engaged in a pre-arranged booking, must not park in such a position or location on the public highway which could give the appearance of being for hire.
- 1.6 The driver of a private hire vehicle shall not ply for hire.
- 1.7 The driver of a licensed vehicle shall not call out or influence any person in any way, which might reasonably be considered as an invitation to travel in their vehicle for gain.

## **2.0 BADGES AND PLATES**

- 2.1 Whilst driving a licensed vehicle, the driver shall have readily available on their person a dual driver badge which shall be produced on the request of an officer of the Licensing Authority, the Police or a member of the public.
- 2.2 The second drivers badge issued by the Licensing Authority shall be displayed where it can be easily seen and read in the vehicle. This should not be in a location which can obscure the drivers view through the windscreen or windows.
- 2.3 The driver will return their drivers badge to the Licensing Authority on revocation, suspension or at the request of the Licensing Authority.
- 2.4 Insurance may be invalid if the dual drivers licence has expired or is suspended/revoked.
- 2.5 The driver is also required to supply the annual self-declaration form, fee and other documentation required to maintain the 3 year badge. Failure to supply these will result in the licence being suspended and Penalty Points being issued.
- 2.6 Where an annual self-declaration is provided after expiry 6 penalty points will be issued on the first occasion and 12 penalty points on a second occasion. The driver may have their dual drivers badge suspended until the self-declaration is provided.

## **3.0 INSURANCE**

- 3.1 The driver shall carry evidence of insurance cover in the vehicle at all times whilst on duty, showing that the vehicle is suitably insured for the purpose of Hackney Carriage/Private Hire use. A photocopy of the certificate or cover note will be accepted or if stored on a phone. Electronic e-mail copies will be accepted direct from the Insurance Company or broker.
- 3.2 Where insurance is provided after expiry 6 penalty points will be issued on the first occasion and 12 penalty points on a second occasion. The proprietor may have the vehicle licence suspended until such time as insurance is produced.

## **4.0 PASSENGERS\LUGGAGE**

- 4.1 The driver shall not carry or permit to be carried in their vehicle any greater number of persons than the number specified in the licence issued to the vehicle.

- 4.2 The driver shall not, without the consent of the hirer, carry any other person in the vehicle.
- 4.3 Members of the drivers family and friends shall not be carried during any period that the vehicle is for hire or is being hired by a member of the public or whilst under contract.
- 4.4 All drivers shall if required: -
  - a) Carry a reasonable quantity of passenger's luggage, ensuring its security.
  - b) Afford reasonable assistance in removing it to or from the entrance of any building, station, or place at which they may take up or set down such person.
  - c) Take reasonable precautions to ensure the safety of persons carried in or entering or alighting from the vehicle.

## **5.0 LOST PROPERTY**

- 5.1 The proprietor or driver of a licensed vehicle shall, after each journey search the vehicle for lost property.
- 5.2 Any property found by the driver in the vehicle, or handed to them, shall, if not claimed by or on behalf of the hirer within 24 hours, be handed into to the police.
- 5.3 The proprietor or driver shall be entitled to receive from any person to whom the property is re-delivered an amount equal to five pence in the pound of the estimated value (or the fare for the distance from the place of finding to the return address of the owner of the property or police station, whichever be the greater, but not more than ten pounds).

## **6.0 TAXI METER/FARES**

- 6.1 Licensed vehicles equipped with a taximeter (compulsory for a hackney carriage but optional for a private hire car) shall operate the taximeter in accordance with the requirements of the conditions.
- 6.2 For hackney carriages the taximeter must be used even if it is a pre-booked journey. A lesser fee than the metered fare may be charged.
- 6.3 If the journey is undertaken through a service contract or out of the county and the fee is quoted and known to be less than the metered fare the hackney carriage would not be required to use the taximeter.
- 6.4 The driver shall not charge more than the metered fare or the additional fees permitted by the agreed tariffs.
- 6.5 All taximeters shall be fitted with a tamper-proof seal.
- 6.6 A driver of a licensed vehicle shall not tamper with or permit any person, other than a proper authorised person or approved technician, to alter or adjust any taximeter with which the vehicle is provided, with the fittings thereof, or with the seals affixed thereto. This includes disconnecting the taximeter from the vehicle
- 6.7 If the vehicle is fitted with a taximeter, the driver shall not cause the fare showing to be cancelled or concealed until the hirer has had reasonable

opportunity of examining it and has agreed the fare.

- 6.8 The driver shall not demand from the hirer a fare in excess of any previously agreed fare for that hiring agreed between the hirer and the driver/operator or, if the vehicle is fitted with a taxi meter, the fare shown on the face of the taximeter.
- 6.9 Where a hirer's journey finishes outside Herefordshire and no fare or rate has been agreed prior to the hire, the driver or operator shall not charge more than the fare that is indicated on the taxi meter.
- 6.10 The fare for each journey shall only begin when the hirer enters the vehicle, unless prior agreement has been made or if the customer is not available until later than the agreed pick up time. Appropriate waiting time shall be given without charge to people with disabilities.

## **7.0 COMPLAINTS**

- 7.1 The driver shall advise the proprietor of the vehicle of any complaints made by passengers. If there are serious complaints these must also be passed to the Licensing Authority by the driver or vehicle proprietor.
- 7.2 The driver shall advise passengers of their right to refer the complaint to the Licensing Authority and give contact details for them to do so.

## **8.0 PROMPT ATTENDANCE**

- 8.1 The driver who has agreed or has been hired to be in attendance with the vehicle at any appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with such vehicle at such time and place.
- 8.2 The driver shall not, without reasonable cause, unnecessarily prolong, in distance or in time, the journey for which the vehicle has been hired.

## **9.0 LICENCE/APPLICATION**

- 9.1 If the driver is permitted or employed to drive a hackney carriage and/or private hire vehicle by an operator/vehicle proprietor they shall, before commencing to drive that vehicle, provide a copy of their dual driver's licence with that operator/vehicle proprietor for retention by them, until such time as the driver ceases to be permitted or employed to drive for that operator/vehicle proprietor.
- 9.2 All drivers should ensure that the proprietor holds valid insurance to cover them for the hiring of a hackney carriage and/or private hire vehicle. The driver should also ensure that the proprietor has a private hire operator's licence where appropriate.
- 9.3 All drivers shall ensure that any car driven by them is licensed by the Licensing Authority for that purpose.

## **10.0 CHANGE OF DETAILS/CIRCUMSTANCES**

- 10.1 The driver shall notify the Licensing Authority in writing of any change of their address and/or contact details within 7 days of such change.
- 10.2 The driver shall immediately, disclose to the Licensing Authority in writing, details of any conviction/caution/warning (motoring or criminal) involving them during the period of the licence. Failure to do this could result in immediate suspension of the dual driver licence and/or referral to Officer Panel for determination, the cost of referral will be paid by the licence holder, unless this fee is waived by the Chair of the Panel.
- 10.3 The driver shall immediately, disclose to the Licensing Authority in writing, details of any involvement in incident/s which may lead to caution/conviction/warning. Failure to do this could result in immediate suspension of the dual driver licence and/or referral to Officer Panel for determination and the cost will be paid by the licence holder, unless this fee is waived by the Chair of the Panel.
- 10.4 The driver or person nominated by them shall notify the Licensing Authority in writing, as soon as possible and in any event within 7 days of any serious illness or injury affecting their fitness to drive in any way. Failure to do this could result in immediate suspension of the dual driver licence and/or referral to Officer Panel for determination and the cost will be paid by the applicant, unless this fee is waived by the Chair of the Panel.
- 10.5 The driver or person nominated by them shall notify the Licensing Authority in writing, as soon as possible and in any event within 7 days of any condition which would require notification to the DVLA (Full details can be found at <https://www.gov.uk/driving-medical-conditions>). Currently this includes but is not exhaustive:
  - [diabetes or taking insulin](#)
  - [syncope \(fainting\)](#)
  - heart conditions (including [atrial fibrillation](#) and [pacemakers](#))
  - [sleep apnoea](#)
  - [epilepsy](#)
  - [strokes](#)
  - [glaucoma](#)
  - head injury

## 11.0 ANIMALS

- 11.1 Any animal belonging to or in the custody of any passengers can be conveyed in a licensed vehicle at the driver's discretion.
- 11.2 A driver of a licensed vehicle which has been hired by or for a disabled person with their guide, hearing or prescribed assistance dog, or a person who wishes such a disabled person to accompany them in the vehicle will have a duty to: -
  - a) Convey the disabled passenger's dog and allow it to remain with the passenger; and
  - b) Are not to make any additional charge for doing so.

An assistance dog is defined by regulations as a dog which is trained by a specified charity i.e. "Dogs for the Disabled", "Support Dogs" or "Canine Partners for Independence", to assist a disabled person with a physical impairment, and which at the time that its

owner hires a taxi is wearing a yellow jacket inscribed with the name of one of those charities.

- 11.3 The driver shall only be exempt from the condition 11.2 on medical grounds if they have obtained an exemption certificate from the Licensing Authority. An exemption certificate will only be issued where the driver has supplied medical evidence from a GP or other recognised medical specialist. The certificate of exemption shall be exhibited in a prominent position within the licensed vehicle.

## **12.0 MOBILE PHONES**

- 12.1 Drivers wishing to use a mobile phone in the vehicle must use them in accordance with The Road Vehicles (construction and use) (Amendment) (No.4) Regulation 2003. In brief a driver may not hold a mobile telephone while driving or operate a 2- way radio.

## **13.0 GENERAL CONDITIONS**

- 13.1 The holder of a licence shall comply with the provisions of the Town Police Clauses Act 1847 as amended by Part 11 of the Local Government (Miscellaneous Provisions) Act 1976, a copy of which is available for inspection at the Licensing Authority.
- 13.2 The driver is to ensure daily that the vehicle is clean both inside and out.
- 13.3 The driver is to inform the Licensing Authority and the proprietor of the vehicle of any accident or damage to the vehicle within 72 hours, and present the vehicle for inspection forthwith if requested to do so. The vehicle is not to be used for hire if the damage is significant and/or effects passenger safety or comfort.
- 13.4 The driver shall, if requested by the hirer of the vehicle, provide them with a written receipt for the fare paid.
- 13.5 The driver of a licensed vehicle shall co-operate with any Authorised Officer, Constable or any other clearly identifiable person nominated by the Licensing Authority, with any enquires.

## **14.0 PRIVATE HIRE**

- 14.1 Private hire vehicle drivers must keep a record of journeys, which is to be kept in the vehicle or accessible through the private hire operator immediately if it is requested.
- (i) The driver of a private hire vehicle shall at all times whilst acting in accordance with the private hire driver's licence keep a record sheet in the private hire vehicle and before commencement of each journey, enter particulars of each journey to be undertaken and the name and address of the person who has made the booking. This may be in computerised form if the operating system provides this facility. If the journey is part of a contract, individual records of each journey will not have to be detailed, as long as the journeys are noted in the contract of hire.

## **15.0 THE WEARING OF SEATBELTS**



- 15.1 The requirements contained in the Road Traffic Act 1988, s 15, the Motor Vehicle (wearing of seat belts) Regulations 1993, Part III and the Motor Vehicles (wearing of seatbelts by Children in Front Seats) Regulations 1993 and the Motor Vehicles (Wearing of Seat Belts) (Amendments) Regulations 2006 must be complied with. Please see table below

	Front Seat	Rear Seat	Who is responsible
Driver	Taxi drivers - hackney carriage drivers are exempt from wearing a seat belt while on duty (whether they have a passenger or not). Private hire taxi drivers are only exempt when carrying a fare-paying passenger. They must wear a seat belt at all other times.		Driver
Child up to 3 years old	Correct child restraint MUST be used.	If no appropriate restraint available the child may travel unrestrained in the rear.	Driver
Child from 3 <sup>rd</sup> birthday up to either 135cms in height or 12 years old	Correct child restraint MUST be used	MUST use adult belt if the correct child restraint is not available.	Driver
Child over 135 cm or 12 to 13 years	Seat belt MUST be worn if available	Seat belt MUST be worn if available	Driver
Passengers 14 years and over	Seat belt must be worn if available	Seat belt must be worn if available	Passenger

## Appendix 4



### Herefordshire Council Hackney and Private Hire Vehicles: Policy for the Licensing Consideration of Criminal Convictions of Drivers, Vehicle Proprietors and Operators

#### 1. Introduction

- 1.1 The purpose of this policy is to provide guidance on the criteria taken into account by Herefordshire Council (the Licensing Authority) when determining whether or not an applicant or an existing licence holder is a fit and proper person for any of the following
- to hold a Dual Drivers Licence to drive a hackney carriage and/or private hire vehicles,
  - to be a proprietor of a hackney carriage or private hire vehicle
  - to hold an operator's licence.
- 1.2 The overriding aim of the licensing authority is to protect the safety of the public. The licensing authority is concerned to ensure:
- That a person is a fit and proper person
  - That the person does not pose a threat to the public
  - That the public are safeguarded from dishonest persons
  - The safeguarding of children and vulnerable persons
- 1.3 This policy provides guidance to any person with an interest in taxi and private hire licensing. In particular, but not exclusively:
- Applicants for dual drivers licences, vehicle proprietors and operators
  - Existing licensed drivers, vehicle proprietors and operators whose licences are being renewed
  - Staff of the Licensing Authority
  - Members of the officer panel (or other relevant decision making body)
  - Magistrates hearing appeals against the Licensing Authority's decisions
- 1.4 Where staff of the licensing authority have delegated powers to grant licences, they will utilise these guidelines when making a decision to grant a licence. In all other cases applications for licences will be referred to the Officer Panel. Whilst officers and other panel members will have regard to the guidelines contained in the policy, **each case will be considered on its individual merits and, where the circumstances demand, the Chair of the panel may depart from the guidelines.**

## **2. General policy**

- 2.1 There may be occasions where it is appropriate to depart from the guidelines, for example where the offence is a one-off occasion or there are mitigating circumstances or alternatively where there are many or continuous offences or allegations which may show a pattern of offending and unfitness.
- 2.2 A person with a tendency to offend or with a conviction for a serious offence need not be automatically barred from obtaining a licence, but would normally be expected to:
- a. Remain free of conviction for an appropriate period; and
  - b. Show adequate evidence that they are a fit and proper person to hold a licence (the onus is on the applicant to produce such evidence). Simply remaining free of conviction may not generally be regarded as adequate evidence that a person is a fit and proper person to hold a licence.
- 2.3 Where an applicant has been convicted of a criminal offence, the licensing authority cannot review the merits of the conviction [Nottingham City Council v. Mohammed Farooq (1998)].

## **3. Appeals**

- 3.1 Any applicant refused a driver's licence on the grounds that the licensing authority is not satisfied they are a fit and proper person to hold such a licence has a right to appeal to the Magistrates' Court within 21 days of the notice of refusal (Local Government Miscellaneous) Provisions Act 1976, s 77 (1).

## **4. Powers**

- 4.1 Section 61 and Section 62 of the Local Government Miscellaneous Provisions Act 1976 allows the licensing authority to suspend, revoke or refuse to renew a licence if the applicant/licence holder has been convicted of an offence involving dishonesty, indecency, violence; failure to comply with the provisions of the Town Police Clauses Act 1847; failure to comply with the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976; or any other reasonable cause.
- 4.2 The Rehabilitation of Offenders Act 1974 (Exceptions)(Amendment) Order 2002, allows the licensing authority to take into account all convictions recorded against an applicant or the holder of a private hire vehicle or hackney carriage licence and a dual driver's licence, whether spent or not. Therefore the licensing authority will have regard to all relevant convictions, particularly where there is a long history of offending or a recent pattern of repeat offending.
- 4.3 In this policy the term "disqualification" refers to the period served, in order to take account of the fact that a court may reduce the period of disqualification from driving. An applicant must provide evidence in advance to prove that the court agreed a reduction in the period of disqualification.

## 5. Consideration of disclosed criminal history

- 5.1 Under the provisions of Sections 51, 55, and 59, of the Local Government (Miscellaneous Provisions) Act 1976, the licensing authority is required to ensure that an applicant for the grant or renewal of a vehicle licence for a hackney carriage and/or a private hire vehicle and/or a dual drivers' licence and/or private hire vehicle operator's licence is a 'fit and proper' person to hold such a licence. However, if an applicant has any convictions, warnings, cautions or charges awaiting trial, the licensing authority will look into:
- How relevant the offence(s) are to the licence being applied for
  - How serious the offence(s) were
  - When the offence(s) were committed
  - The date of conviction
  - Circumstances of the individual concerned
  - Sentence imposed by the court
  - The applicant's age at the time of conviction
  - Whether they form part of a pattern of offending
  - Any other character check considered reasonable (e.g. Personal references)
  - Any other factors that might be relevant
- 5.2 Existing holders of drivers' licences are required to notify the licensing authority of receiving an endorsement to their DVLA driving licence, a fixed penalty notice or criminal conviction (including cautions). Holders of dual driver licences are also required to notify the licensing authority if they are being investigated for involvement in any incident which may lead to a conviction or caution or entry onto an offending register.
- 5.3 Applicants can discuss further what effect a caution/conviction may have on any application by contacting the staff of the licensing authority in confidence for advice, contact details are at the end of this policy.
- 5.4 The licensing authority conducts enhanced DBS disclosures for any applicant for a dual driver licence. The licensing authority follows the DBS's Code of Practice on the fair use of disclosure information. A copy is available on request from the DBS team.
- 5.5 Applicants applying for the grant or a renewal of a drivers' licence will be required to obtain an enhanced DBS disclosure at their expense. The licensing authority abides by the DBS's Policy on the secure storage, handling, use, retention and disposal of disclosure information.
- 5.6 More information about the DBS can be found on their website at [www.disclosure.gov.uk](http://www.disclosure.gov.uk) or from the Hoople DBS team, based at the Plough Lane Office, Hereford.
- 5.7 The licensing authority is also entitled to use other records and information that may be available to it in determining applications or an entitlement to continue holding a licence. This may include information held by the licensing authority or other licensing authorities, other departments within Herefordshire Council and information disclosed by the police under the Home Office scheme for reporting offences committed by notifiable occupations.
- 5.8 It is an offence for any person knowingly or recklessly to make a false declaration or to omit any material particulars in giving information required by

the application for a licence. Where an applicant has made a false statement or a false declaration on their application for the grant or renewal of a licence, the licence will normally be refused or at least referred to the Officer Panel for consideration.

## **6. Serious offences involving violence**

- 6.1 Licensed drivers have close regular contact with the public. A firm line is taken with those who have convictions for offences involving violence, sex or exploitation.
- 6.2 In other cases anyone of a violent disposition will normally be refused to be licensed until at least 10 years free of such conviction has elapsed. However, given the range of the offences that involve violence, consideration must be given to the nature of the conviction.
- 6.3 Unless there are exceptional circumstances a licence will not normally be granted where the applicant has a conviction for an offence such as:
- Murder
  - Manslaughter
  - Manslaughter or culpable homicide while driving
  - Terrorism offences
  - Exploitation
  - Sex and/or indecency
  - Or any similar offences (including attempted or conspiracy to commit) which replace the above
- 6.4 A licence will not normally be granted where the applicant has a conviction for an offence or similar offence(s) which replace the offences below and the conviction is less than 10 years prior to the date of application:
- Arson
  - Malicious wounding or grievous bodily harm
  - Actual bodily harm
  - Grievous bodily harm with intent
  - Robbery
  - Possession of firearm
  - Riot
  - Assault of a Police Officer
  - Common assault
  - Violent disorder
  - Resisting arrest
  - Or any similar offences (including attempted or conspiracy to commit) which replace the above
- 6.5 A licence will not normally be granted where the applicant has a conviction for an offence or similar offence(s) which replace the offences below and the conviction is less than 7 years prior to the date of application:
- Racially-aggravated criminal damage
  - Racially-aggravated offence
  - Or any similar offences (including attempted or conspiracy to commit) offences which replace the above
- 6.6 A licence will not normally be granted where the applicant has a conviction for

an offence or similar offence(s) which replace the offences below and the conviction is less than 7 years prior to the date of application:

- Common assault
- Assault occasioning actual bodily harm
- Affray
- S5 Public Order Act 1986 offence (harassment, alarm or distress)
- S.4 Public Order Act 1986 offence (fear of provocation of violence)
- S4A Public Order Act 1986 offence (intentional harassment, alarm or distress)
- Obstruction
- Criminal damage
- Or any similar offences (including attempted or conspiracy to commit) offences which replace the above

6.7 A licence will not normally be granted if an applicant has more than one conviction in the last 10 years for an offence of a violent nature.

6.8 In the event of a licence being granted, a strict warning both verbally and in writing will be administered.

## **7. Possession of a weapon**

7.1 If an applicant has been convicted of possession of a weapon or any other weapon related offence, this will give serious concern as to whether the person is fit to carry the travelling public.

7.2 Depending on the circumstances of the offence, an applicant should be free of a conviction for 10 years (or at least 10 years must have passed since the completion of the sentence, whichever is longer), before a licence is granted.

## **8. Sex and indecency offences**

8.1 As licensed drivers often carry unaccompanied and vulnerable passengers, applicants with convictions for sexual offences must be closely scrutinised. Those with convictions for the more serious sexual offences will generally be refused. For other offences, applicants will be expected to show a substantial period (normally at least 10 years) free of conviction for such offences before a licence will be granted.

- (a) Unless there are exceptional circumstances, an application will normally be refused where the applicant has a conviction for an offence such as:
- Rape
  - Assault by penetration
  - Offences involving children or vulnerable adult's exploitation
  - Or any similar offences (including attempted or conspiracy to commit) offences which replace the above
- (b) Before an application is considered, an applicant should be free of conviction for at least 10 years (or at least 10 years must have passed since the completion of the sentence, whichever is longer), if they have a conviction for an offence such as:
- Sexual assault

- Indecent assault
- Possession of indecent photographs, child pornography etc.
- Exploitation of prostitution
- Trafficking for sexual exploitation
- Or any similar offences (including attempted or conspiracy to commit) offences which replace the above

(c) Before a licence is considered, an applicant should be free of conviction for at least 10 years (or at least 10 years must have passed since the completion of the sentence, whichever is longer), if they have a conviction for an offence such as:

- Indecent exposure
- Soliciting (kerb crawling)
- Or any similar offences (including attempted or conspiracy to commit) offences which replace the above

8.2 In addition to the above the licensing authority will not normally grant a licence to any applicant who is currently on the Sex Offenders Register or any other barring list.

8.3 A licence will not normally be granted if an applicant has more than one conviction for a sex or indecency offence.

## **9. Dishonesty**

9.1 A licensed hackney or private hire driver is expected to be a trustworthy person. They deal with cash transactions and valuable property may be left in their vehicles. Taxi drivers are required to deposit such property with police within 24 hours. Private Hire must pass lost property to the operator. The widespread practice of delivering unaccompanied property is indicative of the trust that business people place in licensed drivers. Moreover, it is comparatively easy for a dishonest driver to defraud the public by demanding more than the legal or agreed fare, etc.

9.2 Overseas visitors can be confused by our currency and may be vulnerable to an unscrupulous driver. For all these reasons, a serious view is taken of any conviction involving dishonesty.

9.3 In general, a minimum period of 7 years free of conviction or at least 7 years from completion of sentence (whichever is longer) should be required before granting a licence. Offences involving dishonesty include:

- Theft
- Burglary
- Fraud
- Benefit fraud
- Handling or receiving stolen goods
- Forgery
- Conspiracy to defraud
- Obtaining money or property by deception
- Other deception including making false statement or perjury
- Taking a vehicle without consent
- Or any similar offences (including attempted or conspiracy to commit) which replace the above

## **10. Drugs**

- 10.1 A serious view is taken of any drug related offence. The nature and quantity of the drugs, whether for personal use or supply are issues which should be considered.
- 10.2 A licence will not normally be granted where the applicant has a conviction for an offence related to the supply of drugs and has not been free of conviction for 10 years.
- 10.3 A licence will not normally be granted where the applicant has more than one conviction for offences related to the possession of drugs and has not been free of conviction for 10 years.
- 10.4 An application from an applicant who has an isolated conviction for an offence related to the possession of drugs within the last 10 years may be granted a licence, but consideration should be given to the nature and quantity of the drugs.
- 10.5 If there is evidence of persistent drugs use, misuse or dependency, a specialist medical examination (in accordance with DVLA Group 2 medical standards) may be required before the licence is granted. If the applicant was an addict then they would normally be required to show evidence of 10 years free from drug taking after detoxification treatment. Evidence of continued abstinence may also be required if a dual driver licence is granted.

## **11. Driving offences involving the loss of life**

- 11.1 A very serious view is to be taken of any applicant who has been convicted of a driving offence that resulted in the loss of life.
- 11.2 A licence will not normally be granted unless the applicant is free of conviction for 10 years or (or at least 10 years must have passed since the completion of the sentence, whichever is longer) if they have a conviction for:
- Causing death by dangerous driving
  - Causing death by careless driving whilst under the influence of drink or drugs
  - Or any similar offences (including attempted or conspiracy to commit) offences which replace the above
- 11.3 Before a licence is granted, an applicant should be free of conviction for 10 years (or at least 10 years must have passed since the completion of the sentence, whichever is longer), if they have a conviction for:
- Causing death by careless driving
  - Causing death by driving: unlicensed, disqualified or uninsured drivers

## **12. Drink driving/driving under the influence of drugs**

- 12.1 As licensees are professional vocational drivers, a serious view is taken of convictions for driving, or being in charge of a vehicle while under the influence of drink or drugs. An isolated incident would not necessarily debar an applicant from proceeding on the restoration of their DVLA driving licence but



they should be warned as to the significant risk to their licence status in the event of re-offending. More than one conviction for these offences raises significant doubts as to the applicant's fitness to drive the public. At least 7 years, after the restoration of the driving licence following a drink drive conviction should elapse before an application will be considered. If there is any suggestion that the applicant is alcohol or drug dependent, a satisfactory special medical report must be provided before the application can be allowed to proceed. If the applicant was alcohol dependant then they would normally be required to show evidence of 10 years free from alcohol dependency after detoxification treatment. Evidence of continued abstinence may also be required if a dual driver licence is granted.

### **13. Outstanding charges or summonses**

- 13.1 If the individual is the subject of an outstanding charge or summons their application can continue to be processed, but the application will need to be reviewed at the conclusion of proceedings. Where information is received through the Notifiable Occupations Scheme for existing licence holders, consideration of the incident/offence will be made by the Principal Licensing Officer or above.
- 13.2 If the outstanding charge or summons involves a serious offence and the individual's conviction history indicates a possible pattern of unlawful behaviour or character trait, then in the interests of public safety the application may be put on hold until proceedings are concluded or the licence may be refused. For an existing dual driver, the licence may be suspended by the HC9 in urgent cases and HC11 or above in other cases and reviewed by the Officer Panel.
- 13.3 There are two legislative provisions which allow a driver suspension or revocation. The first takes effect at the end of the period of 21 days beginning with the day on which notice is given to the driver. The second is used if it appears that the interests of public safety require the suspension or revocation of the licence to have immediate effect. The notice given to the driver includes a statement with an explanation why, the suspension or revocation takes effect when the notice is given to the driver.

### **14. Non-conviction information**

- 14.1 If an applicant has, on one or more occasion, been arrested or charged, but not convicted, for a serious offence which suggests they could be a danger to the public, consideration should be given to refusing/revoking the licence. Such offences would include serious violent offences and serious sex offences.
- 14.2 In assessing what action to take, the safety of the travelling public must be the paramount concern.

### **15. Cautions**

- 15.1 Admission of guilt is required before a caution can be issued. Every case will be considered on its own merits including the details and nature of the offence. However, the caution cannot be reconsidered by the Licensing Authority, as the individual accepted a caution as an admission of guilt. Applicants

claiming not to have understood the caution will not be considered as mitigation during any hearing.

## **16. Licensing offences**

- 16.1 Certain offences under taxi legislation such as illegally plying for hire, overcharging and refusing journeys or to carry disabled persons and driving without a dual driver licence would normally prevent a licence being granted or renewed until a period of 7 years has passed since the offence.

## **17. Insurance offences**

- 17.1 A serious view will be taken of convictions of driving or being in charge of a vehicle without insurance. An isolated incident in the past will not necessarily stop a licence being granted provided they has been free of conviction for 7 years, however strict warning should be given as to future behaviour. More than one conviction for these offences would normally prevent a licence being granted or renewed and may lead to revocation or suspension of the licence.
- 17.2 At least 7 years should elapse (after the restoration of the DVLA driving licence), before a licence would normally be granted for a dual drivers licence. An operator found guilty of aiding and abetting the driving of passengers for hire and reward whilst without insurance will have their operators' licence revoked immediately and prevented from holding a licence for three years.

## **18. Overseas residents**

- 18.1 If an applicant for dual driver or private hire operator has spent 6 continuous months or more overseas the licensing authority will expect to see evidence of a Code of Good Conduct from the country/countries covering the period.

## **19. Licences issued by other licensing authorities**

- 19.1 Applicants who hold a licence with one licensing authority should not automatically assume that their application will be granted by another. Each case will be decided on its own merits.

## **20. Summary**

- 20.1 To summarise, a criminal history in itself may not automatically result in refusal and a current conviction for a serious crime need not bar an applicant permanently from becoming licensed. As the preceding paragraphs indicate, in most cases, an applicant would be expected to remain free from conviction for 7 to 10 years, according to circumstance before an application can be considered.
- 20.2 While it is possible that an applicant may have a number of convictions that, individually, meet the above guidelines, the overall cumulative history must be considered when assessing an applicant's suitability to be licensed. A series

of offences over a period of time is more likely to give cause for concern than an isolated minor conviction. Obviously some discretion can be afforded if an offence disclosed is isolated and there are mitigating circumstances, but the overriding consideration is the protection of the public.

## Annex A – Motoring offences and court issued penalty points

The following is a guide to the number of penalty points a court may impose, it does not reflect the fact that some offences may incur a disqualification. These codes are recorded from information supplied by the courts (accurate at the time of this document).

Code	Offence	Penalty
<b>Accident Offences</b>		
AC10	Failing to stop after an accident	5-10
AC20	Failing to give particulars or to report an accident within 24 hours	5-10
AC30	Undefined accident offences	4-9
<b>Disqualified Driver</b>		
BA10	Driving whilst disqualified by order of court	6
BA30	Attempting to drive while disqualified by order of court	6
<b>Careless Driving</b>		
CD10	Driving without due care and attention	3-9
CD20	Driving without reasonable consideration for other road users	3-9
CD30	Driving without due care and attention or without reasonable consideration for other road users	3-9
CD40	Causing death through careless driving when unfit through drink	3-11
CD50	Causing death by careless driving when unfit through drugs	3-11
CD60	Causing death by careless driving with alcohol level above the limit	3-11
CD70	Causing death by careless driving then failing to supply a specimen for analysis	3-11
CD71	Causing death by careless driving then failing to supply A specimen for drug analysis	3-11
CD80	Causing death by careless, or inconsiderate, driving	3-11
CD90	Causing death by driving: unlicensed, disqualified or Uninsured drivers	3-11
<b>Construction &amp; Use Of Offences</b>		
CU10	Using a vehicle with defective brakes	3
CU20	Causing or likely to cause danger by reason of use of unsuitable vehicles or using a vehicle with parts or accessories (excluding brakes, steering or tyres) in a dangerous condition	3
CU30	Using a vehicle with defective tyre(s)	3
CU40	Using a vehicle with defective steering	3
CU50	Causing or likely to cause danger by reason of load or passengers	3

C80	Using a mobile phone while driving a vehicle	3
<b>Dangerous Driving</b>		
DD40	Dangerous Driving	3-11
DD60	Manslaughter or culpable homicide while driving a vehicle	3-11
DD90	Furious Driving	3-9
<b>Drink or Drugs</b>		
DR10	Driving or attempting to drive with alcohol level above limit	3-11
DR20	Driving or attempting to drive while unfit through drink	3-11
DR30	Driving or attempting to drive then failing to supply a specimen for analysis	3-11
DR40	In charge of a vehicle while alcohol level above limit	10
DR50	In charge of vehicle while unfit through drink	10
DR60	Failure to provide a specimen for analysis in circumstances other than driving or attempting to drive	10
DR61	Failure to supply a specimen for drug analysis in circumstances other than driving or attempting to drive	10
DR70	Failing to provide specimen for breath test	4
DR80	Driving or attempting to drive when unfit through drugs	3-11
DR90	In charge of a vehicle when unfit through drugs	3-11
<b>Insurance Offences</b>		
IN10	Using a vehicle uninsured against third party risks	6-8
<b>Licence Offences</b>		
LC20	Driving otherwise than in accordance with the licence	3-6
LC30	Driving after making a false declaration about fitness applying for a licence	3-6
LC40	Driving a vehicle having failed to notify a disability	3-6
LC50	Driving after a licence has been revoked or refused on medical ground	3-6
<b>Miscellaneous Offences</b>		
MS10	Leaving a vehicle in a dangerous position	3
MS20	Unlawful pillion riding	3
MS30	Play street offences	2
MS50	Motor racing on the highway	3-11
MS60	Offences not covered by other codes	As
MS70	Driving with uncorrected defective eyesight	3
MS80	Refusing to submit to an eyesight test	3
MS90	Failure to give information as to identity of driver etc.	3
<b>Motorway Offences</b>		
MW10	Contravention of Special Roads Regulations (excluding speed limits)	3
<b>Pedestrian Crossings</b>		
PC10	Undefined Contravention of Pedestrian Crossing Regulation	3

PC20	Contravention of Pedestrian Crossing Regulations with moving vehicle	3
PC30	Contravention of Pedestrian Crossing Regulations with stationary vehicle	3

<b>Speed Limits</b>		
SP10	Exceeding goods vehicle speed limits	3-6
SP20	Exceeding speed limit for type of vehicle (excluding goods or passenger vehicles)	3-6
SP30	Exceeding statutory speed limit on a public road	3-6
SP40	Exceeding passenger vehicle speed limit	3-6
SP50	Exceeding speed limit on a motorway	3-6
<b>Traffic Directions And Signs</b>		
TS10	Failing to comply with traffic light signals	3
TS20	Failing to comply with double white lines	3
TS30	Failing to comply with 'Stop' sign	3
TS40	Failing to comply with direction of a constable/warden	3
TS50	Failing to comply with a traffic sign (excluding stop signs, traffic signs or double white lines)	3
TS60	Failing to comply with a school crossing patrol sign	3
TS70	Undefined failure to comply with a traffic direction sign	3
<b>Special Code</b>		
TT99	To signify a disqualification under totting-up procedure. If the total of penalty points reaches 12 or more within 3 Years, the driver is liable to be disqualified	
<b>Theft or Unauthorised Taking</b>		
UT50	Aggravated taking of a vehicle	3-11

### **Aiding, abetting, counselling or procuring**

Offences as coded, but with 0 changed to 2 e.g. LC10 becomes LC12.

### **Causing or permitting**

Offences as coded, but with 0 changed to 4 e.g. LC10 becomes LC14.

### **Inciting**

Offences as coded, but with the end 0 changed to 6 e.g. DD40 becomes DD46.

### **Non-endorsable offences**

Some offences are non-endorsable. A non-endorsable offence is an offence which courts do not endorse onto paper counterpart. No penalty points are attributed to these offences but they carry a period of disqualification.

At the end of the disqualification (over 56 days) the driver will have to apply for a renewal licence together with the appropriate fee. Any queries about offences and endorsements should be directed to the convicting court.

### **Period of time**

Periods of time are signified as follows: D=Days, M=Months, Y=Years Endorsements remain on a counterpart licence for the following periods of time: Endorsements must remain on a licence for 11 years from date of conviction if the offence is:

- Drinking/drugs and driving (shown on the licence as DR10, DR20, DR20 and DR80).
- Causing death by careless driving whilst under the influence of drink/drugs (shown on the licence as CD40, CD50 and CD 60).
- Causing death buy careless driving, then failing to provide a specimen for analysis (shown on the licence as CD70).

Or 4 years from the date of conviction if the offence is as listed below:

- Reckless/dangerous driving (shown on the licence as DD40, DD60 and DD80).
- Offences resulting in disqualification.
- Disqualified from holding a full licence until a driving test has been passed.

Or 4 years from the date of offence in all other cases.

# Appendix 5

## CODE OF GOOD CONDUCT FOR LICENSED DUAL DRIVERS

This Code of Good Conduct should be read in conjunction with the other statutory and policy requirements set out in this document. Ordinarily, but without prejudice to any other procedures detailed in this Policy, breaches of the Code of Good Conduct will be dealt with by use of the Penalty Points System contained within [Appendix 1](#) of the Taxi Licensing Policy.

### 1. Responsibility to the Trade

Licence holders shall endeavour to promote the image of the hackney carriage and private hire trade by:

- (i) complying with this Code of Good Conduct;
- (ii) complying with the Council's Hackney Carriage and Private Hire Licensing Policy;
- (iii) behaving in a civil, orderly and responsible manner at all times.

### 2. Responsibility to the Public

Licence holders shall:

- (a) maintain their vehicles in a safe and satisfactory condition at all times;
- (b) keep their vehicles clean and suitable for hire to the public at all times;
- (c) attend punctually when undertaking pre-booked hiring;
- (d) assist, where necessary, passengers' ingress to and egress from vehicles;
- (e) offer passengers reasonable assistance with luggage;
- (f) behave in a professional and respectful manner at all times.

### 3. Responsibility to Residents

To avoid nuisance to residents when picking up or waiting for a fare, a driver shall:

- (a) not sound the vehicle's horn illegally;
- (b) keep the volume of all audio equipment and two-way radios to a minimum;
- (c) switch off the engine if required to wait;
- (d) take whatever additional action is necessary to avoid disturbance to residents in the neighbourhood.
- (e) at hackney carriage ranks, in addition to the requirements above:
  - (i) rank in an orderly manner and proceed along the rank in order and promptly;
  - (ii) remain in the vehicle.
  - (iii) not illegally rank in areas where there is no designated rank
  - (iv) not queue jump at a rank
  - (v) switch their engine off
- (f) at private hire offices:
  - (i) not undertake servicing or repairs of vehicles, unless



- (ii) the property has the appropriate planning permission;
- (ii) not allow volume of all audio equipment and two-way radios to unduly disturb residents of the neighbourhood;
- (iii) take whatever additional action is necessary to avoid disturbance to residents of the neighbourhood, which might arise from the conduct of their business.

#### 4. General

Drivers shall:

- (a) pay attention to personal hygiene and dress, so as to present a professional image to the public;
- (b) be polite, helpful and fair to passengers;
- (c) drive with care and due consideration for other road users and pedestrians and, in particular, shall not use a hand held mobile phone or radio whilst driving;
- (d) obey all Traffic Regulation Orders and directions at all time;
- (e) not smoke or vape or similar at any time when inside the vehicle;
- (f) not consume alcohol immediately before, or at any time whilst driving or being in charge of a hackney carriage or private hire vehicle;
- (g) not drive whilst under the influence of illegal drugs or legal drugs which effects the ability of the driver to drive
- (h) fulfil their responsibility to ensure compliance with legislation regarding the length of working hours.
- (i) not eat in the vehicle in the presence of customers.
- (k) use ranks in accordance with the byelaws.
- (l) not ply for hire in a place which is not a rank
- (m) not park on a rank other than for the purpose of plying for hire
- (n) turn the engine off when stationary on the rank

#### 5. Disciplinary Hearings

Drivers should be aware of the powers the Licensing Authority has to take action, by way of suspension, revocation or refusal to renew a driver's licence where:

- (i) the driver has been convicted, since the grant of the licence, of an offence involving dishonesty, indecency or violence
- (ii) the driver has been convicted of an offence under any legislation relating to hackney carriage or private hire vehicle regulation
- (iii) the driver has breached any requirements of the Licensing Authority' ' Hackney Carriage and Private Hire Licensing Policy. Penalty points may be issued for non-compliance with this code, as per the point system laid down in Appendix 1 of this policy.
- (iv) there is a breach of condition of this code
- (v) An on-going investigation suggests a public safety reason to suspend the dual driver licence.

Details of the workings of the disciplinary hearings are set out in Appendix 2 of this Policy.

# Appendix 6

## Drivers' dress code

The purpose of the drivers' dress code is to seek a standard of dress that portrays a professional image of drivers licensed by the licensing authority and to ensure that public and driver safety is not compromised.

The dress code is a condition of the dual driver's licence and defines what is meant by 'respectable' in dress. Employees working for companies operating their own dress codes will be required to comply with the licensing authority's standard.

### 1. Acceptable standards of dress

- Collared shirts, blouses, polo shirts, or sweat shirts should cover the shoulders and be capable of being worn inside trousers or shorts.
- Shirts or blouses may be worn with a tie or open necked.

### 2. Trousers, shorts and skirts

- Trousers may be either full length or shorts.
- Shorts shall be tailored.
- Trousers and shorts shall be of material of one colour.
- Footwear for all drivers shall fit around the heel of the foot. All the above must be of smart appearance and in good condition.

### 3. Unacceptable standards of dress

- Clothing not being kept in a clean condition and those which have holes and rips.
- Words or graphics on any clothing that is of an offensive or suggestive in nature.
- Sportswear e.g. football or rugby kits, track suits, beach wear, etc.
- Sandals with no heel straps, flip flops or any other form of footwear not secured around the heel.
- Not having either the top or bottom half of their bodies suitably clothed.
- No baseball caps or hoodies worn up whilst in the vehicle.

Failure to comply with this dress code will render a licensed driver liable to the issue of Penalty Points under the council's approved penalty point scheme shown in Appendix 1 of this policy.

**Appendix 7**



**OPERATORS' LICENCE CONDITIONS**

# Index

<b>1.0</b>	<b>LICENCE</b>
<b>2.0</b>	<b>INSURANCE</b>
<b>3.0</b>	<b>CONDUCT OF THE OPERATOR</b>
<b>4.0</b>	<b>PREMISES</b>
<b>5.0</b>	<b>CONSENTS</b>
<b>6.0</b>	<b>CHANGE OF DETAILS</b>
<b>7.0</b>	<b>CONVICTIONS</b>
<b>8.0</b>	<b>RECORD KEEPING</b>
<b>9.0</b>	<b>TELEPHONE/RADIO EQUIPMENT</b>
<b>10.0</b>	<b>DRIVERS USED BY THE OPERATOR</b>
<b>11.0</b>	<b>COMPLAINTS</b>
<b>12.0</b>	<b>DOCUMENTATION</b>

## **OPERATORS' LICENCE CONDITIONS**

Herefordshire Council as the Licensing Authority licences Private Hire Operators under the provisions of Part 11 of the Local Government Miscellaneous Provisions Act 1976 and the Town and Police Clauses Act 1847.

These conditions have been reviewed by the Licensing Authority and will replace all previous conditions and will remain in place until 2024. Minor amendments are delegated to Officers, more complex amendments will be referred to the Cabinet Member for decision or by whichever other process is constitutional at that time. The Service Manager with responsibility for licensing will determine the appropriate method of decision.

**All applications received which fall outside the Licensing Authority's Conditions or Policy will be referred to Officer Panel for determination and will incur additional costs to be paid by the applicant.**

*(Herefordshire Council will use Government Guidance, IOL Guidance, Legislation and Herefordshire Councils Hackney Carriage and Private Hire Licensing Policy to base its decisions)*

### **1.0 LICENCE**

- 1.1 Grant/renewal of an Operator's Licence for private hire shall be for a period of 3 years.
- 1.2 The licence is not transferable.
- 1.3 Only the maximum number of vehicles stated on the licence shall operate from the licensed Booking Office or address.

### **2.0 INSURANCE**

- 2.1 Before the licensed vehicle is used such insurance or securities as are required under Part V1 of the Road Traffic Act 1972 shall be obtained in respect of the vehicle and the certificate in respect of the policy of insurance shall be produced to the Licensing Authority for inspection. Electronic copies of insurance certificates shall be accepted directly from the insurers or brokers.
- 2.2 On the expiry of the insurance the original cover note or original Certificate of Insurance renewing cover must be produced to the Licensing Authority prior to or on the day of expiry of the previous certificate. E-mailed copies will only be accepted if received from the Insurance Company/Broker direct.
- 2.3 The licence holder shall notify the Licensing Authority of any change of insurer or any change to the insurance particulars and shall provide full details thereof within two working days of such change.
- 2.4 For premises open to the public evidence of appropriate public liability insurance must be provided.

### **3.0 CONDUCT OF THE OPERATOR**

- 3.1 The Operator shall operate the business in all respects in a manner which does not cause nuisance or inconvenience to the public at large or to persons in occupation of premises adjoining or adjacent to the premises at which they keep private hire vehicles when not in use.

- 3.2 When booking, the operator shall provide a prompt, efficient and reliable service.
- 3.3 Ensure that when a licensed vehicle has been hired to be in attendance at any appointed time and place, if the vehicle is delayed or prevented by sufficient cause of attending at the appointed time and place, the hirer be notified where possible of any change to the original booking.
- 3.4 The Operator shall not knowingly permit to be conveyed in a licensed vehicle, any greater number of persons than that prescribed on the licence plate issued by the Council and affixed to the outside of the vehicle.
- 3.5 All documents and equipment listed in the conditions must be available for the Licensing Authority to inspect.

#### **4.0 PREMISES**

- 4.1 The premises from which the private hire vehicle operates must be within the County of Herefordshire District Council area.
- 4.2 Kept clean, adequately heated, ventilated and lit, any premises which the Operator provides and to which the public have access, whether for the purpose of booking or waiting.
- 4.3 Ensure that any waiting area provided by the Operator has adequate seating facilities.

#### **5.0 CONSENTS**

- 5.1 The Operator shall be responsible for ensuring that Planning Permission is in force in respect of the premises from which the licensee operates. Evidence of appropriate Planning Permission must be shown at the time of application and on renewal if requested, including exemptions where they apply.
- 5.2 The Operator shall ensure the number of vehicles used at the premises comply with any Planning Permission and Licence Conditions in force.

#### **6.0 CHANGE OF DETAILS**

- 6.1 The Operator shall disclose to the Council in writing within seven days, any changes in the particulars shown on the application form relating to this licence.
- 6.2 The Operator shall notify the Council in writing of any changes of address (including any address from which they operate or otherwise conducts their business as an Operator) within seven days of the change taking place.

#### **7.0 CONVICTIONS**

- 7.1 Within seven days the Operator shall notify the Council in writing of any convictions imposed on them (or if the Operator is a company, any conviction imposed on the company) during the period of the licence, giving full details of the charge, conviction, and any penalty imposed together with any other information that the Council may request.

## **8.0 RECORD KEEPING**

- 8.1 The licensed Operator shall keep and maintain at all times for a period of not less than six months, a record of hiring showing the particulars of every booking of a private hire vehicle, including any booking accepted at the request of another operator.
- 8.2 The record shall be kept in the form of a log sheet or computer database detailing in particular.
- (a) Time and date of booking.
  - (b) Name and where possible address of hirer.
  - (c) How the booking was made (i.e. by telephone, personal call, etc.).
  - (d) Time of pickup.
  - (e) Point of pickup.
  - (f) The destination.
  - (g) Time at which a driver was allocated to the booking.
  - (h) Registration/unique identity number of the vehicle allocated for the booking.
  - (i) Remarks (including details of any subcontract).
- 8.3 For record of bookings the entries shall be numbered consecutively and the information shall be entered before the commencement of each journey.
- 8.4 Where a computer system is being used the Operator must provide details of the security arrangements in relation to the entry of booking and provide a list of persons authorised to make those entries.
- 8.5 The Operator shall also keep records of all particulars of all private hire vehicles operated by them, to include:
- (a) Type and make of vehicle.
  - (b) Vehicle registration number.
  - (c) Owner of vehicle.
  - (d) Driver/s of vehicle.
  - (e) Private Hire vehicle plate number.
  - (f) A copy of a suitable policy of insurance.
- 8.6 The Operator shall not as part of his trading name use the words "taxi" or "cab", unless 70% of the fleet consists of licensed hackney carriage vehicles. On private hire vehicles the word Taxi or Cab must not be used unless it forms part of the web addresses and then can only be on the rear bumper with the lettering not being larger than 2cm high
- 8.7 The Operator shall keep a record of dual drivers employed by them and shall produce to the Council on demand details of the drivers employed.
- 8.8 The Operator shall notify the Council in writing, within seven days, the name and address of any driver who ceases to be employed by the Operator for whatever reason.

## **9.0 TELEPHONE/RADIO EQUIPMENT**

- 9.1 Ensure that any telephone facilities and radio equipment provided are maintained in an appropriate working condition and that any defects are repaired promptly.
- 9.2 The licensed Operator shall ensure that the licence issued by the Department of Trade and Industry for all radio equipment used is current and valid. All equipment must only be used on the frequencies stipulated in the D.T.I licence.

## **10.0 DRIVERS USED BY THE OPERATOR**

- 10.1 Only drivers currently licensed by the Licensing Authority as dual drivers may be employed to drive by the Operator.

## **11.0 COMPLAINTS**

- 11.1 The Operator shall keep a record of all written complaints, which must be available for inspection by an Authorised Officer at all times. Serious or persistent complaints must be notified to the Licensing Authority.

## **12.0 DOCUMENTATION**

- 12.1 Where the insurance or the interim MOT is provided after expiry 6 penalty points will be issued on the first occasion and 12 penalty points on a second occasion.



## APPENDIX 8



### **CONDITIONS ATTACHED TO PRIVATE HIRE/HACKNEY CARRIAGE VEHICLE LICENCE**

## Index

1.0	Licensing of vehicles general
2.0	New hackney vehicle licence
3.0	New private hire vehicle licence
4.0	Vehicle specification
5.0	Mini buses and MPVs
6.0	Wheelchair access vehicles
7.0	LPG
8.0	Seat belts
9.0	Alterations
10.0	Signs
11.0	Licence plates and badges
12.0	Advertising
13.0	Taximeter / fares
14.0	Vehicle damage
15.0	Accidents and temporary vehicle transfer conditions
16.0	Insurance
17.0	Notifications
18.0	Safety equipment
19.0	Trailers
20.0	Vehicle Inspections
21.0	Radios
22.0	General conditions
23.0	CCTV
24.0	Limousines

Appendix 1: TESTING STANDARD – MECHANICAL AND STRUCTURAL

Appendix 2: TESTING STANDARD – APPEARANCE / SAFETY / COMFORT / COMPLIANCE WITH LICENCE CONDITIONS

## CONDITIONS ATTACHED TO PRIVATE HIRE/HACKNEY CARRIAGE VEHICLE LICENCE

Herefordshire Council as the Licensing Authority licences both Hackney Carriage and Private Hire Vehicles under the provisions of Part 11 of the Local Government Miscellaneous Provisions Act 1976 and the Town and Police Clauses Act 1847.

These conditions have been reviewed by the Licensing Authority and will replace all previous conditions and will remain in place until 2024. Minor amendments are delegated to Officers, more complex amendments will be referred to the Cabinet Member for decision or by whichever other process is constitutional at that time. The Service Manager with responsibility for licensing will determine the appropriate method of decision.

**All applications received which fall outside the Licensing Authority's Conditions or Policy (including late renewal applications) will be referred to Officer Panel for determination and this will incur additional costs to be paid by the applicant.**

Note: although the fee must be paid before the Panel hearing, the Chair of the Panel has the ability to waive the fee if appropriate, requests for refunds must be made at the time of the hearing.

*(Herefordshire Council will use government guidance, IOL Guidance, Legislation and Herefordshire Council's Hackney Carriage and Private Hire Licensing Policy to base its decisions upon)*

### Section 1: LICENSING OF VEHICLES - GENERAL

- 1.1 The conditions shown below apply to all applications for new hackney/private hire licences and for all renewal applications.
- 1.2 Any vehicle to be licensed must have Category M1 shown on the registration document unless meeting Condition 1.3 or 1.4.
- 1.3 A vehicle of Category M2 (as shown on the registration document) may be licensed providing that the vehicle has passed the appropriate IVA test and the applicant has provided a written self-declaration that no changes have taken place to that vehicle since the IVA inspection test was passed. Any further modification to the vehicle would require a further IVA.
- 1.4 A vehicle of Category N1 will not be considered for new or renewal applications.
- 1.5 All vehicles must meet the criteria as laid out in Section 4.
- 1.6 Replacement vehicles shall not be permitted if they are more than 10 years old at the time of replacement. The age of the vehicle will be identified by the date on the V5 document.
- 1.7 All vehicles over six and twelve years of age shall be subjected to additional tests in accordance with the provisions set out in section 20.
- 1.8 A wheelchair access vehicle cannot at any time be replaced for a non-wheelchair access vehicle, unless the first licence for that plate was issued for a non-wheelchair access vehicle before 2002. The only exception is on a temporary transfer and then only in accordance with section 15.
- 1.9 A non-wheelchair access vehicle may be replaced with any vehicle which complies with the requirements contained in Section 4.

1.10 No vehicle will be licensed to carry more than 8 passengers in total.

## **Section 2 - NEW HACKNEY VEHICLE LICENCE**

2.1 The vehicle to be licensed shall be a wheelchair accessible vehicle and shall be so constructed or adapted to carry disabled persons whilst remaining in their wheelchair.

2.2 The vehicle, when initially submitted for licensing, shall not be more than 5 years old. The age of the vehicle shall be determined by the date of its first registration, as shown on the registration document. The condition at section 2.1 shall remain attached to the licence for each subsequent renewal or transfer.

## **Section 3 - NEW PRIVATE HIRE VEHICLE LICENCE**

3.1 For a new Private Hire Licence application, the vehicle to be licensed shall not be more than:  
i. 5 years old for a wheelchair accessible vehicle that conforms to section 6 or  
ii. Two years old for any other type of vehicle.

The age of the vehicle shall be determined by the date of first registration on the registration document. The vehicle must comply with the vehicle specifications contained in section 4.

3.2 If the vehicle is wheelchair accessible it shall be so constructed or adapted so that it can carry disabled persons whilst remaining in their wheelchair and comply with section 6.

## **Section 4 - VEHICLE SPECIFICATION**

4.1 The vehicle to be licensed shall, according to the manufacture's specification, have or be: -

- a) Right hand drive.
- b) All body panels to be of the same colour.
- c) A capacity for a minimum of one seated passenger and a maximum of eight.
- d) A minimum of four doors or two doors for single passenger vehicles.
- e) If a separate luggage compartment is provided it must have a fixed screen (of sufficiently sturdy construction to protect passengers from injury from items in the luggage compartment) between the rear seat and the luggage compartment, which shall be kept in position at all times. People carriers and multi-purpose vehicles (MPVs) shall have a means of securing luggage whilst transported in the vehicle. (a screen or straps to stop luggage decapitating passengers.
- f) A serviceable spare tyre, or run flat type tyre, jacking equipment and wheel brace or suitable spray repair kit. (to be able to repair flats etc. on journeys)
- g) Road wheels with tyre load ratings set at the manufacturer's recommendations. The use of remoulds will not be permitted.
- h) A permanent roof which is watertight. Sunroofs are only allowed if fitted as new by the vehicle manufacturer.
- i) Equipped with fully functional nearside and offside exterior rear view mirrors.
- j) All windows/doors opening in accordance with the original vehicle specification or for legal conversions in accordance with a suitable compliance test.
- k) A rear seat must have at least 41 cm seating space per passenger.
- l) No bull bars or similar attached.
- m) Tinted windows must comply with VOSA/DVLA standards at the time.

## **Section 5 - MINI BUSES & MPVs**

- 5.1 These are in addition to all other conditions and apply to mini buses and MPVs that are licensed as private hire vehicles and hackney carriages.
- 5.2 All doors must be capable of being opened from the inside.
  - a) The vehicle must have at least two doors to the rear of the driver for the exclusive unobstructed use of passengers which shall be capable of being opened from the inside.
  - b) All doors must show the method of operation of door lock operating levers, i.e. they shall depict "Pull" or "Push" with directional arrows in 5cm letters.
  - c) All emergency doors must be clearly identifiable to passengers and shall be clearly marked "Emergency Exit" in 5cm letters.
  - d) Unobstructed access to all emergency doors or exits. (Seats must be located to facilitate this).
- 5.3 All steps at entrances and exits shall be illuminated or have clearly visible markings at floor level.
- 5.4 Where the internal floor height of the vehicle exceeds 12ins (305mm) above the ground level, intermediate steps shall be fitted every 9ins (228mm) from ground level up to the internal floor height.
- 5.5 The tread area of all steps shall have a minimum depth of 6ins (152mm) and shall have a slip resistant surface.
- 5.6 All steps shall be capable of supporting the weight of 150 kg.

## **Section 6 - WHEELCHAIR ACCESSIBLE VEHICLES**

- 6.1 These are in addition to all other conditions and apply to wheelchair accessible vehicles.
- 6.2 All wheelchair accessible vehicles will be required to produce either certification to show that the vehicle was originally manufactured as a wheelchair accessible vehicle or a certificate of conversion from a company accredited by the Licensing Authority to show that the conversion meets the requirements of VOSA or an IVA for Wheelchair Accessible Vehicle category. Such documentation shall be produced at the original grant of the licence and on renewal.
- 6.3 Restraints for the wheelchair and occupant must be independent of each other. Anchorages must also be provided for the safe stowage of a wheelchair (whether folded or otherwise) when not in use if carried within the passenger compartment. All anchorages and restraints shall be so designed that they do not cause any danger to other passengers.
- 6.4 The door used for disabled access shall be so constructed as to permit an unrestricted opening across the width of the doorway of at least 75cm. If the door is not of the sliding type the minimum angle of the door for wheelchair access when opened must be over 90 degrees (i.e. to the upright frame of the door of the vehicle) or in the case of an up and over door must be over 90 degrees to the roof.
- 6.5 Grab handles shall be placed at door entrances to assist the elderly and disabled.
- 6.6 The top of the tread for any disabled person entrance shall be at floor level of the passenger compartment and shall not exceed 38cm above ground level. This is to avoid the passenger being tipped out of the wheelchair. The outer edge of the floor at each entrance shall be fitted with non-slip treads.

- 6.7 The vertical distance between the highest part of the floor and roof in the passenger compartment shall not be less than 1.3m.
- 6.8 A ramp or ramps for the loading of a wheelchair and occupant shall be available at all times (other than where there is a mechanical tail lift fitted). An adequate locking device shall be fitted to ensure that the ramp/ramps do not slip or tilt when in use. Provision shall be made for the ramps to be stowed safely and securely when not in use.
- 6.9 All vehicles fitted with a mechanical tail lift shall have in place a current safety certificate for the tail lift. A copy of the certificate will be supplied to the Licensing Authority on issue and re-issue.
- 6.10 Wheelchair accessible hackney carriages shall be capable of being used as such immediately and without modification. (Folding seats are not considered a modification provided they can be folded away immediately).
- 6.11 The wheelchair seat will count as a permanent seat in the total number. The total number of passengers will be set by the number of seats available to carry passengers without modification to the vehicle and will include the wheelchair seat.
- 6.12 In the case of a Private Hire Vehicle fitted with wheelchair facilities, the vehicle can be adapted and the wheelchair provision not counted as a permanent seat. However, the wheelchair facilities shall be maintained for use when required through a pre-booking.

#### **Section 7 - LPG SAFETY CHECK**

- 7.1 Vehicles with LPG installations shall comply with the most up to date LPG Gas Association's code of practice. A valid certificate confirming its compliance shall be given to the Licensing Authority for photocopying when the installation is new and upon issue of any renewal certificate.
- 7.2 No licence shall be renewed until a valid certificate, signed by a competent person, is produced to the Licensing Authority confirming that a safety check has taken place and that the installation is safe.

#### **Section 8 - SEAT BELTS**

- 8.1 Seat belts shall be fitted to all seats in all licensed vehicles. They shall be readily accessible for use by all passengers and shall be maintained in a good condition and kept in a useable and safe state of repair at all times.

#### **Section 9 - ALTERATIONS**

- 9.1 No alterations to any equipment, dimensions or other specifications shall be undertaken in a licensed vehicle without the prior written consent of an Authorised Officer of the Licensing Authority.
- 9.2 For the avoidance of doubt, alterations include both additions to, removal of or replacement of any existing equipment in, or on, the Licensed Vehicle, including seats.
- 9.3 The vehicle must at all times comply in all respects as when the vehicle was first licensed, with the exception of age.

## Section 10 - SIGNS

- 10.1 The Licensed Vehicle shall be of such a design or appearance or bare such distinguishing marks as the Licensing Authority may require, clearly identifying it as a Licensed Vehicle. The under-mentioned signs shall be applicable in respect of this condition.
- a) All licensed vehicles (except purpose built Hackney Carriages with a built in roof sign and Private Hire Vehicles) are to have roof signs the minimum width of which is to be 45cm, with "Herefordshire Council" above and "Licensed Hackney Carriage" below the word "Taxi" on both the front and rear. The front of the sign shall be green in colour as specified by the Council. The rear of the sign shall be red in colour and may show a fleet number, not more than 7.5cm in diameter, in the top right hand of the sign. No other markings shall be permitted on the roof signs. The licence holder and driver of the taxi shall maintain the sign in efficient working order. The sign shall be capable of being so operated that at night it indicates clearly and conveniently to persons outside the carriage whether or not the vehicle is available for hire. However, where the vehicle is proceeding to a pre-booked hire there is no need for the sign to be illuminated.
  - b) The roof sign shall be displayed facing forward on the front part of the roof.
  - c) Both front doors of all Licensed Hackney Carriages shall display a sign incorporating Herefordshire Council's corporate logo together with the vehicle licence number, in the following dimensions: the sign shall be a minimum of 60cm x 19cm wide with lettering measuring at least 6cm in height. The sign shall be the adhesive type and shall not be magnetic. However, magnetic signs may be permitted on a short term temporary basis for insurance replacement vehicles, and then only with the written authority of the Licensing Authority. The sign shall be located on the top half of the door where it is clearly visible to the public.
  - d) No other sign shall be permitted on either front door, on a hackney carriage, unless it is part of a whole vehicle body wrap advert, which leaves space for the door signs.
  - e) Private hire vehicles that wish to advertise their operator details on the vehicle shall also display two adhesive signs one on each front door of the vehicle which states "Private Hire and Advanced Booking Only". The lettering must measure at least 6cm in height. Magnetic signs may be used for temporary use vehicles.
  - f) In addition to the Council's official plate, private hire vehicles may fix on any rear door of the vehicle a non-illuminated sign of a size not exceeding 60cm x 19cm, the lettering to be not more than 6 cm in height, and can be reflective. The sign may contain the following information advertising the company:-
    - i. Name of operator
    - ii. Telephone number of operator
  - g) The Web-site address of the company may be advertised on the rear bumper of the vehicle only. The maximum size of the lettering shall be 2cm.
- 10.2 Three or more notices shall be displayed within the vehicle (one on each rear door and one in the front of the vehicle indicating "NO SMOKING". Such notices shall be clearly visible to passengers.
- 10.3 Private hire vehicles may not use the words 'taxi' or 'cab' anywhere on the vehicle unless it forms part of the web addresses and then can only be on the rear bumper with the lettering not being larger than 2cm high.

## **Section 11 - LICENCE PLATES AND BADGES**

- 11.1 For all licensed vehicles, the Licensing Authority's licence plate and/or bracket shall be securely fixed to the rear of the vehicle by directly fixing it to the bodywork or bumper. It shall be clearly visible when looking at the rear of the vehicle. The council licence plate must not obscure the number plate or any obligatory lights on the vehicle. The Licensing Authority's plate must not be mounted directly alongside the registration plate which must be rectangle in shape. No Licensing Authority licence plate shall be fitted on any other area, including the rear window.
- 11.2 The licence plate shall remain the property of the Licensing Authority and shall be returned to Licensing Authority upon expiry, suspension or revocation.
- 11.3 The loss of, damage to or illegibility of a plate or badge shall be reported to the Licensing Authority as soon as the loss, damage, or illegibility becomes known and a duplicate shall be issued at the expense of the Licence Holder. The vehicle shall not be used for hire until the Plate or Badge has been replaced.
- 11.4 The holder of the licence is strictly prohibited from transferring any interest in the licence. If at any time during the period of the vehicle licence the proprietor for any reason does not wish to retain the vehicle licence, the person must immediately surrender and return the vehicle licence and the licence plates to the Licensing Authority. This condition shall not preclude the transfer of any interest in the licensed vehicle as part of the transfer/sale of the business to a new owner.
- 11.5 All applications must be received at least 5 working days before expiry. Where any application is received within the 5 working day period then the licence may not be issued prior to expiry, as staff at the Licensing Authority may not have sufficient time to issue it. In this circumstances an applicant may pay a late fee which will ensure that the renewed licence is issued by the expiry date.
- 11.6 Where a licence is not renewed prior to expiry than the licence will lapse and any application made after expiry will require a new application and compliance with all of the conditions relating to new applications unless it complies with condition 11.7.
- 11.7 All applications received within five working days after the expiry date will be considered as being outside of conditions and will be referred to Officer Panel for determination. A fee will be charged for referral to the officer panel and must be submitted before at least 5 working days before the date of the panel. Applications received within 5 working days of expiry will be issued with a licence until the next available Officer Panel, unless the fee is not paid.
- 11.8 The licence shall lapse on the 5th working day before the next panel sits unless the referral fee has been paid prior to this time.
- 11.9 All applications forms must be completed in full and submitted with the full fee. Any application not completed in full will be deemed as incomplete and rejected.
- 11.10 The application form and fee must can be submitted on line or by post or in person to the Licensing Authority. No application will be accepted until the full fee has been paid.
- 11.11 No plate or badge will be issued until all the relevant information and documentation is received by the staff of the Licensing Authority. No refunds will be considered if the application is refused or not pursued by the applicant unless some of the application fee is unused, this will be calculated for each application by the staff of the licensing authority.



- 11.12 Any renewal applications received within 5 working days of expiry will incur an additional fee (late fee).
- 11.13 Any vehicle application which is still awaiting documentation after 10 working days of expiry of the licence will have the vehicle licence issued with no vehicle shown on the licence, a further fee will be required to change the licence to include a vehicle.

## **Section 12 - ADVERTISING**

- 12.1 No advertisement shall be placed on any vehicle unless the content of the advertisement and the proposed location on the vehicle has been agreed by the Licensing Authority and written authorisation given by them.
- 12.2 The advertisements will be assessed against the following criteria:
- Non sexual
  - Non discriminatory
  - Not to cause public offence
  - Not misleading
  - Location does not distract from council vehicle signs
  - Not to obscure vision of the driver
  - Not to display, flags or any other national emblems.

The above list is not exhaustive and the assessments will be carried out by staff of the Licensing Authority, if this is contended the matter will be referred to the Officer Panel for a decision.

## **Section 13 - TAXIMETER/FARES**

- 13.1 Licensed vehicles equipped with a taximeter of approved design (compulsory for a hackney carriage but optional for private hire vehicle) must be submitted for testing before operating within the Licensing Authority's area and shall be subject to further tests at least annually and when required by the Licensing Authority
- 13.2 All taximeters shall be fitted with a tamper-proof seal
- 13.3 A proprietor of a licensed vehicle shall not tamper with or permit any person, other than a properly authorised person or approved technician, to alter or adjust any taximeter with which the vehicle is provided, its fittings or with the seals affixed to the equipment. This includes disconnecting the taximeter from the vehicle
- 13.4 The proprietor of a Hackney Carriage shall cause a statement of fares (as set by the Council) to be exhibited inside the carriage, in clearly distinguishable letters and figures.
- 13.5 The proprietor of a Hackney Carriage shall not wilfully or negligently cause or suffer the letters or figures in the statement to be concealed or rendered illegible at any time while the carriage is plying or being used for hire.
- 13.6 The proprietor of a licensed vehicle shall deposit with the Licensing Authority a copy of the statement of fares referred to above if the prices differ in any way from those that are in force at the time for Hackney Carriage vehicles licensed by the Licensing Authority.

## **Section 14 - VEHICLE DAMAGE**

- 14.1 Any damage affecting the safety, performance or appearance of the vehicle or the comfort or convenience of persons carried therein shall be reported to the Licensing Authority within 24 hours or, when the office is closed, within 24 hours of it re-opening.
- 14.2 An officer of the Licensing Authority can require that vehicle to be presented for inspection at any reasonable time. If following inspection and considered necessary by a HC9 Officer or above of the Licensing Authority, may suspended the vehicle, written consent must be received from the licensing Authority before the vehicle can be used again. The vehicle must not be used other than for the purpose of taking it for repair or inspection if the vehicle is deemed unfit for use.

## **Section 15 - ACCIDENTS AND TEMPORARY VEHICLE TRANSFER CONDITIONS**

- 15.1 Accidents involving personal injury to passengers shall be notified to the Police. The Licensing Authority shall also be notified as soon as possible, but in any case within 24 hours or, when the office is closed, within 24 hours of it re-opening.
- 15.2 Accidents involving damage to the vehicle only, shall be notified to the Licensing Authority within 48 hours of the accident.
- 15.3 Vehicles that have sustained major accident damage will be required to provide a satisfactory steering geometry and alignment report. This shall be in the form of a written or printed document from an approved VBRA vehicle repairer. In addition the vehicle shall be required to undergo a further compliance test.
- 15.4 Vehicles which replace a licensed vehicle on a temporary basis shall meet the requirements contained within the standard vehicle licence conditions
- 15.5 All licensed vehicles including wheelchair accessible and vehicles of a larger seating capacity are allowed to be temporarily substituted by a standard vehicle for use as a replacement, but only for a limited period to be agreed with the Licensing section. This replacement shall comply with section 1 and 4 plus all other relevant conditions.
- 15.6 A temporary transfer will be valid for a 2 week maximum period unless authorised by the Licensing Authority due to extenuating circumstances.
- 15.7 If the transfer takes place during normal office working hours, the licensing Section shall be notified before the transfer takes place. Transfers outside of normal office working hours shall be notified to the Licensing Section immediately after the office re-opens. In either case, no temporary transfer vehicle can be used without it having a licence plate attached to it.
- 15.8 Vehicles used as a temporary transfer vehicle must have a "Certificate of Readiness" which incorporates a certificate of compliance, inspection sheet. Valid insurance must be valid prior to the vehicle being used. Such vehicles shall comply with Section 4 of the standard licence conditions.

## **Section 16 – Transfer of licence and change of vehicle on plate**

- 16.1 The vehicle licence shall not be transferred to another vehicle until the period of 5 years has passed since the plate was issued unless transferred to a newer vehicle of similar or higher specification.

- 16.2 The vehicle licence can be transferred to another vehicle if the vehicle is written off but the replacement vehicle shall not be older than the vehicle it is replacing and should be of a similar or higher specification.

## **Section 17 - INSURANCE**

- 17.1 Before the licensed vehicle is used, such insurance or securities as are required under Part V1 of the Road Traffic Act 1972 shall be obtained in respect of the vehicle. The certificate for the policy of insurance shall also be produced to the Licensing Authority for inspection. The policy must show that the vehicles are suitably insured for 'hire and reward' purposes.
- 17.2 On the expiry of the insurance, a cover note or 'Certificate of Insurance' renewing cover must be produced to the Licensing Authority prior to or on the day of expiry of the previous certificate. Emailed certificates shall only be accepted if received from the Insurance Company/Broker direct.
- 17.3 The proprietor shall ensure that a copy of the Certificate of Insurance shall be available at all times when the vehicle is being used as a private hire or hackney carriage, and this shall include details of drivers authorised under the policy to drive the vehicle.
- 17.4 The licence holder shall notify the Council of any change of insurer or any change to the insurance particulars and shall provide full details to the Licensing Authority of these alterations within two working days of such a change.
- 17.5 Fleet insurance must show the specific vehicle and drivers it covers if they are listed within the Policy schedule.

## **Section 18 - NOTIFICATIONS**

- 18.1 The proprietor of a vehicle or proprietor licence shall produce details of drivers licensed by Licensing Authority who are permitted to drive by then the Licensing Authority upon application, renewal or following any change to drivers during the licence period
- 18.2 The proprietor shall notify the Licensing Authority of any change in the list of drivers within seven days of the change.
- 18.3 The licence holder shall, within seven days, notify the Licensing Authority in writing of any change of address or contact details.

## **Section 19 - SAFETY EQUIPMENT**

- 19.1 The vehicle shall be equipped with and carry at all times a British Standard for FIRE Extinguishers approved and suitably sized fire extinguisher, which is serviceable. It shall be suitable for use on vehicle fires and shall be located in a position for easy access by the driver. This must be permanently marked with the vehicle's Hackney Carriage or Private Hire licence number. If the equipment requires maintenance it must be suitably serviced and maintained and the certificate, signed by a competent person. The certificate of servicing and maintenance will be provided to the Licensing Authority,
- 19.2 The vehicle shall be fitted with a first aid box which is suitable for a PSV vehicle. The first aid kit must be carried in the vehicle in such a position as to be readily available for

use and bear the plate number of the vehicle indelibly marked. Once it is expired it must be replaced.

## Section 20 - TRAILERS

- 20.1 Written permission shall be obtained from the Licensing Authority to use trailers.
- 20.2 Trailers shall only be used in connection with private hire bookings and shall not be used for plying for hire on any rank. Trailers shall comply with the following standards:
- i. Unbraked trailers shall be less than 750 KGs gross weight.
  - ii. Trailers over 750kgs gross weight shall be braked, acting on at least two road wheels.
  - iii. The towing vehicle must have a kerb weight of at least twice the gross weight of the trailer.
  - iv. A suitable lid or other approved means of enclosure shall be fitted to secure the contents within the trailer whenever in use.
  - v. The maximum permissible length of the trailer shall be 7 metres, including the drawbar and coupling.
  - vi. The width of the trailer shall not be greater than the towing vehicle, subject to no trailer being wider than 2.3m.
  - vii. The maximum length for braked twin axle trailers is 5.54m.
  - viii. The trailer shall at all times comply with all Road Traffic legislation requirements, and in particular those laid down in the Road Vehicles (Construction and Use) Regulations 1986.
  - ix. The vehicle insurance shall reflect cover for towing a trailer.
  - x. Trailers shall not be left unattended anywhere on the highway.
  - xi. The speed restrictions applicable to trailers shall be observed at all times.
  - xii. The registration number plate and the vehicle plate of the Private Hire Vehicle shall be attached to the rear of the trailer.
  - xiii. The trailer shall be inspected annually and shall be considered to be satisfactory by the Council.

## Section 21 - VEHICLE INSPECTION (see Appendices 1 & 2)

- 21.1 Prior to the issue or renewal of a licence, all vehicles and trailers shall be mechanically inspected at the Council's Testing Depot, as per appendices 1 and 2 attached. Frequency of testing will generally be dependent on the age of the vehicle (see table in condition 21.2 below). However, when the VOSA tester identifies that additional testing may be required due to the condition of the vehicle, then following consultation with the staff of the Licensing Authority, the frequency of these tests can be increased to three per year.
- 21.2 All vehicles shall pass the Council's compliance test before each renewal.

AGE OF VEHICLE	TYPE OF VEHICLE	FREQUENCY OF TEST PER YEAR
1-6	Car, minibus, people carriers (MPV), disabled access, stretched limousines	x 1
6-12	Car, minibus, people carriers (MPV), disabled access, stretched limousines	x 2
Over 12	Car, minibus, people carriers (MPV), disabled access, stretched limousines	x 3

- 21.3 The second test may be an MOT test and these tests shall be carried out 6 months apart. In the case where 3 tests are required per year, these must be carried out 4 months apart and the 2<sup>nd</sup> and 3<sup>rd</sup> tests may be an MOT.
- 21.4 Should a vehicle fail to pass an inspection on a major failure, the vehicle inspector or authorised officer of the Licensing Authority will notify the licensee that the licence has been suspended, if this is deemed necessary. When the vehicle tester identifies to the driver that the vehicle has failed the required test for public or road safety reasons, then it shall not be used for hire or reward until the suspension is lifted or the work has been carried out and re-tested by the BBLP test station. Payment of a further is required.
- 21.5 An authorised officer, an officer nominated by the Licensing Authority or any police constable shall have the power at all reasonable times to inspect and test any vehicle licensed by the Council for the purpose of ascertaining its fitness. All persons named above will have identification which can be produced at the time of inspection.

## **Section 22 - RADIOS**

- 22.1 All radio, GPS equipment provided shall be maintained in a safe condition and any defects shall be repaired promptly. The licensed operator shall ensure that the licence issued by the Department of Trade and Industry for all radio equipment used is current and valid. All equipment shall only be used on the frequencies stipulated in the D.T.I licence and the licensed operator shall allow the Licensing Authority access to inspect all equipment and D.T.I licenses.
- 22.2 All radio and GPS equipment provided shall not interfere with any other radio or telecommunication equipment.
- 22.3 Where apparatus for the operation of a two-way radio, data heads or GPS systems are fitted, no part of the apparatus shall be situated in a way which could cause accident or injury to a passenger, nor shall it be placed in the rear boot compartment if LPG tanks are situated in them.
- 22.4 Drivers and operators should be aware that no handheld device can be held/used whilst the vehicle is being driven and this includes waiting in traffic.

## **Section 23 - GENERAL CONDITIONS**

- 23.1 The proprietor of a licensed vehicle shall not convey or permit to be conveyed in such a vehicle any greater number of persons than the number specified in the licence issued to that particular vehicle.
- 23.2 All vehicle proprietors shall maintain a reasonable standard of behaviour in their dealings with the general public, other licensed operators, proprietors, and drivers of licensed vehicles, as well as authorised officers of the Licensing Authority.
- 23.3 The proprietor or driver of a licensed vehicle licensed by the Licensing Authority shall furnish the authorised officers with such information relating to either the drivers or vehicles as is necessary to enable them to undertake their duties.
- 23.4 The proprietor or driver of a licensed vehicle licensed by the Licensing Authority shall provide any reasonable assistance necessary for carrying out the functions of the appropriate legislation to an authorised officer and any person accompanying the authorised officer.

- 23.5 The authorised officer shall show their authorisation if required.
- 23.6 Where the insurance or interim MOT are provided after expiry, 6 penalty points will be issued for each late document. Should this happen on a second occasion 12 penalty points will be issued.

## **Section 24 - CCTV**

- 24.1 All hackney carriage vehicles will have council approved CCTV and monitor installed before they are able to be licenced, which shall be working at all times when used as a licensed vehicle.
- 24.2 All private hire vehicles will have council approved CCTV and monitor installed by 1st August 2020, which shall be working at all times when used as a licensed vehicle.
- 24.3 At least 3 approved signs shall be displayed in the vehicle (2 within the rear of the vehicle and 1 in the front) warning customers that camera surveillance equipment is in operation. Any image captured by the camera shall only be viewed by an authorised officer of the Licensing Authority, by the Police, or by the dedicated System Operator. The dedicated system operator must have a valid DBS enhanced certificate, the details of the operator and compliance with the Data Protection Act must be notified in writing to the Licensing Authority
- 24.4 The system must be checked at least weekly by the system operator and a record kept of the system being operative. Any failure in the system must be notified to the Licensing Authority immediately and a schedule of repair agreed by them. Failure to notify could result in the vehicle licence being suspended.
- 24.5 The CCTV will be sealed to ensure that drivers cannot tamper with the unit. Any seals used must be approved by the Licensing Authority.
- 24.6 The camera must not be disconnected at any time when the vehicle is being used for plying for hire or private hire journeys
- 24.7 The picture on the CCTV system must be clear and not obstructed by items which cover part of the lens, this includes items hanging from the rear-view mirror.

## **Section 25 - STRETCHED LIMOUSINES**

- 25.1 For stretched Limousines, conditions 24.2 to 24.8 below are inclusive and override conditions 2.1, 3.1, 4.1(a) and 4.1(c).
- 25.2 On being presented for licensing for the first time the vehicle shall have at least one of the following:
- (i) A UK Single Vehicle Approval Certificate
  - (ii) A European Whole Vehicle Approval Certificate
  - (iii) A UK Low Volume Type Approval Certificate
  - (iv) Limousine Declaration of Condition of Use
- 25.3 All operators shall be required to sign a declaration that the vehicle shall not carry more than 8 passengers (even if there are more than 8 passenger seats within) and that at the time of booking the vehicle, the restriction of carrying no more than 8 passengers shall be explained to the hirer.
- 25.4 Alcoholic drinks provided in the vehicle shall be under the terms of an appropriate licence relating to the sale or supply of alcohol.

- 25.5 Stretched limousine vehicles shall comply with the existing Conditions of Licence applicable to all licensed private hire vehicles, with the exception of those listed at paragraph 24.1 above.
- 25.6 The fee shall be the same as for a private hire licence.
- 25.7 No licence issued to a stretched limousine shall be transferred to any other type of vehicle.

## APPENDIX A

(FOR CONDITIONS ATTACHED TO PRIVATE HIRE/HACKNEY CARRIAGE VEHICLE LICENCE)

### LICENSED VEHICLE TESTING STANDARD – MECHANICAL AND STRUCTURAL

Items for test in addition to MOT test.

The item numbers refer to the item codes on the test sheet.

29	Spare Tyre	Correct size for vehicle and conforms to legal requirements.
32	Seat Belts	All seat belts must conform to legal requirements and be operational
33	Wiring	Ensure that correct load fuses are being used. Ensure that visible wiring is not so corroded or chafed that in the opinion of the tester a short circuit is likely to occur. That all junctions and installations are electrically sound.
34	Battery	Ensure that the battery mounting is not so corroded that the battery may break loose. Ensure that the battery is anchored securely. Ensure that the casing of the battery is sound and is not likely to allow acid to escape.
35	Starter Motor	Ensure starter motor is mounted securely
36	Engine Mountings	Mountings must be secure and not so corroded that they may be likely to fail.
37	Oil Leaks	Oil leaks must not create any type of hazard for the vehicle, pedestrians or other road users.
39	Drive Shaft	Universal joints must be serviceable and mountings secure. There must not be any undue 'play'.
40	Gearbox	Mountings must be secure and not so corroded as to be likely to fail. Gear selection must not be noisy.
41	Rear Axle	No oil leaks
43	Clutch Operation	Must operate satisfactorily and not 'judder', 'grab' or 'slip' outside normal limits.
44	Clutch Linkage	No signs of undue wear and are not likely to fail.
45	Clutch Hydraulics	System, if fitted, must not be leaking or the pipes and fittings so corroded that they may fail.
46	Fuel System	Inspected for security, corrosion and leaks.
50	Windscreen	Screen must be clear and there are no scratches, damage or obstructions, which will impede the view of the driver.
51	Windows	All windows must be clear of any obstructions or damage, which will in any way impede the view of the driver. No curtains must be placed over the windows and any blinds if installed must not be of a type, which will restrict all round vision. All windows must be capable of being operated in a satisfactory manner. All windows must be fitted with glass, which complies with the British Standard.
54	Vehicle Structure	The structure must be in a sound condition with no signs of corrosion or damage.
55	Speedometer	The speedometer shall work in a normal manner.
56	Odometer	The odometer shall work in a normal manner
57	Mirrors	All mirrors must be securely mounted and not cracked, broken or corroded so as to distort any view to the rear. Where a mirror is intended to be adjustable it must be capable of being adjusted.
58 59	Doors / Handles / Locks	All doors, including boot, must open and close easily from both inside and outside. Any door locking mechanism shall be easily operated by passengers. All doors and boots shall be secure when shut. All lock fittings shall be secure and complete. Grab handles where fitted must be secure and fit for the purpose.
60	Fascia / Interior Lights	The speedometer shall be correctly illuminated. All interior and passengers lights where fitted shall be secure and operate. All switches and fittings shall be secure and operate correctly. There shall be no exposed wires or large holes in the fascia.



61	Bumper	Front and rear bumpers must be fitted and securely mounted. They must not be damaged or corroded.
62	Road Test	The vehicle must be capable of manoeuvring safely and must handle correctly without any undue drift or pull etc.
63	Registration Plates	Checked for condition, correct location and that they conform to legal requirements.
65	Other	Any item, defect or fault which in the opinion of the Licensing Officer or the mechanical tester which renders the vehicle in their opinion, to be unfit for use as a hackney carriage or private hire vehicle will be noted as a fail.
66	First Aid Kit	The kit must comply with conditions 19.2 & 19.3
67	Fire extinguisher	Must comply with condition 19.1

## **APPENDIX B**

### **(FOR CONDITIONS ATTACHED TO PRIVATE HIRE/HACKNEY CARRIAGE VEHICLE LICENCE)**

#### **HACKNEY CARRIAGES**

#### **TESTING STANDARD – APPEARANCE / SAFETY / COMFORT / COMPLIANCE WITH LICENCE CONDITIONS**

Items considered in test: -

#### **1.0 External Bodywork**

The body work shall have no damage which materially affects the safety or appearance of the vehicle, shall not have signs of corrosion or have any sharp edges which may cause injury to passengers. The paintwork shall be clean, consistent and uniform over the whole vehicle. The paintwork shall be of a professional standard. All fitments shall be intact and free from any damage, stains or corrosion of any kind.

#### **2.0 Seats and Upholstery**

All seats, upholstery, trim and carpets must be clean and free from stains, holes, tears and damage of any form. There must be no sharp edges which would be likely to cause injury or damage. Seat coverings must be sound, intact, fitted snugly to seats and be clean. The interior seat springs shall be sound and not penetrating the fabric of the seat. There shall be no loose rugs, blankets, cushions or other articles on the passenger seats.

#### **3.0 Floor**

The floor must be sound and covered by fitted vehicle carpets. If furnished with rubber mats they must be in a clean and undamaged condition. Carpet off cuts are not acceptable as mats in the vehicle. Only one mat per seat is acceptable. The floor coverings must not be so worn as to cause danger to passengers.

#### **4.0 Doors**

All fittings shall be secure, undamaged and capable of being operated at all times by the passenger. The door linings shall be intact, clean and free from holes, tears, stains or any other damage.

#### **5.0 Head Lining**

The head lining shall be intact, clean and free from holes, tears, stains or any other damage.

#### **6.0 Boot**

The boot shall be kept clean and free of any stains, spills etc. Matting if fitted must be in one piece and be capable of being cleaned. The boot must be kept clear for the use of passenger's luggage apart from the spare wheel and jack (and excepting specialised fitments for first aid or other equipment etc.).

## **7.0 Fire Extinguishers**

A fire extinguisher (of the specified type) must be located in an accessible position and a notice displayed in the vehicle to identify its location. The fire extinguisher must be so secured and unobstructed that it will not create any danger or hazard for the driver or passengers. The extinguisher shall be clearly marked with the number of the licence when granted, in a manner acceptable to Officers of the Licensing Authority.

## **8.0 First Aid Kits**

First Aid kits shall be available to PSV standard. The kit shall be marked with the vehicle plate number, in a manner acceptable to Staff of the Licensing Authority.

## **9.0 Taximeter**

The taximeter shall be checked and tested to ensure that the current tariffs set by Herefordshire Council are not exceeded. The taximeter must be sealed by the Inspecting Officer.

## **10.0 Fare Card**

The fare card must be clearly displayed in such a position as to be easily seen by passengers.

## **11.0 Internal Plate Sticker**

The internal vehicle plate sticker shall be displayed in such a position as to be easily seen by the passengers.

## **12.0 Exterior Plate**

The external identification plate issued by the Licensing Authority shall be securely fixed to the vehicle in such a position as to be clearly visible from the rear of the vehicle, or, centrally on the rear of the vehicle, where a bracket behind the registration number plate is used.

## **13.0 Registration The registration plate (number plate)**

The registration plate must be rectangular in shape. Square plates are for use on trailers and motor cycles

## **14.0 Roof Light**

The roof light where fitted must be capable of being illuminated at night. The light must be securely mounted and installed so as not to cause any danger or hazard to the driver, passengers, the public or other road users.

## **15.0 Vehicle failure**

Where in the opinion of the Inspecting Officer the vehicle fails to reach the standard required by the Licensing Authority for the issue of a hackney carriage licence, the applicant(s) or nominee will be informed of the defects or grounds on which the vehicle

has failed to reach that standard. The applicant will be required to present the vehicle for further inspection once the defects have been remedied.

**16.0 CCTV**

Is CCTV installed (HC only & PH after 1.4.2020) and signs displayed?

**16.0 Scale of charges**

Are scales of charges readily visible to passengers?

**17.0 No smoking signs**

Are NO SMOKING signs displayed?

Re-tests may incur full application fees, payable to BBLP directly.

**Please note: - This list is not exhaustive and additional items may be included as deemed appropriate by staff of the Licensing Authority.**

# Appendix 9

## Vehicle damage – Licensing Authority

If in the opinion of the Licensing Authority's nominated tester or authorised officer, there is a defect or fault present on the vehicle which is not specifically mentioned within this manual or 'The MOT inspection manual' which is considered detrimental to the fitness of the vehicle, then that defect will constitute a failure.

These standards maybe applied between tests for breach of conditions or suspension/revocation notices.

### General

The licensing authority has a duty to ensure that all hackney carriages and private hire vehicles which are licensed by it for the use of fare paying passengers are well maintained and are in a presentable condition with no significant external damage or corrosion. Officers may request to inspect the vehicle at any reasonable time. Following inspection Officers may do one or more of the following:-

- Suspend the vehicle pending repair
- Set a timescale for repair and request a date and time for further inspection
- Issue penalty point for failure to comply with conditions
- Refer the matter to Officer Panel

### Paintwork and uniform colour

The authority recognises that vehicle paintwork can deteriorate with time and the paintwork is easily damaged yet costly and difficult to repair. The conditions relating to the standard of the paint finish reflect this. Paintwork should be uniform in colour over the whole of the vehicle and where repairs have been carried out best practice body shop techniques should be followed to ensure that the best colour match possible is obtained using recognised automotive re-finishing products.

### Poor workmanship

Repairs should be carried out to high standards. Defects which result from poor preparation or poor application of the paint finish are likely to result in the vehicle not reaching the required standard. Such defects, including runs, 'orange peel', 'fish eyes', dust in the paint, sander marks, poor paint coverage and over spray are not acceptable.

### Cosmetic damage

The authority recognises that vehicles suffer minor 'cosmetic' damage during day-to- day use and that this type of damage can be the most difficult and the most costly to repair. The conditions reflect that this type of defect is inevitable on hackney carriages and private hire vehicles. Permitted areas of 'cosmetic' damage as detailed below are subject to there being no more than one such defect on any panel and no more than five such defects on the

vehicle. Compliance with the requirements can be achieved by repairing only some of the defects where this is to the advantage of the proprietor.

A panel is the roof, front wing, rear wing, front door (including 'A' pillar), rear door (including 'B' pillar), bonnet (including the area below the windscreen), boot or tailgate, sill, front panel (including bumper), rear panel (including bumper).

### **Scratches**

Single scratches or groups of scratches which fit completely inside the test template will not cause the vehicle to fail the test unless the paint film has been broken and rusting is evident. A scratch is where the paint film is damaged, but there is no deformation of the bodywork.

### **Small dents**

Small dents, which fit completely inside the test template, will not cause the vehicle to fail the test unless the paint film has been broken and rusting is evident. A dent is where the bodywork has been deformed as a result of an impact or other contact and may or may not include damage to the paint film.

### **Rust Spots**

A single rust spot or a group of rust spots which fit completely inside the template will not cause the vehicle to fail the test unless the metal is corroded and unable to withstand 'thumb' pressure without crumbling or permanent distortion. Perforation of the panel due to corrosion from the underside of the panel will result in failure of the test. A rust spot is a defect caused by oxidation of the metal due to a failure of the paint film to protect it but without obvious damage.

### **Flaking**

Areas of flaking paint or lacquer which fit inside the test template will not cause the vehicle to fail the test. Flaking is where an area of the paint or lacquer film loses its adhesion to the substrate due to poor preparation, contamination, water ingress, etc.

### **Stone chips**

Stone chips will not cause the vehicle to fail the test unless the paint film has been broken and rusting is evident. A stone chip is a defect to the paint film caused by the impact of small stones 'thrown up' by other traffic.

### **Replacement panels**

Vehicles which have been damaged and had replacement panels fitted are acceptable as hackney carriages and private hire vehicles provided that the repairs have been carried out to an acceptable standard.

- Fitting - replacement panels should be fitted as per the vehicle manufacturer's specification using approved fittings.

- Alignment - replacement panels should be correctly aligned. They should be level with all adjacent panels and the gap between panels should be uniform and similar to those between original panels.

## **Trim**

Vehicle trim serves a number of purposes and can make a significant contribution to the overall appearance of the vehicle. Bearing this in mind, the council accepts that some items of trim are delicate and damage easily, whilst others are designed to prevent panel damage and may become damaged whilst performing that function.

- Fixing - all trim should be present, correctly aligned and fixed in accordance with the manufacturer's specification.
- Damage – scuffing of protective trim will not cause the vehicle to fail the test. Minor damage of 'cosmetic' trim will not cause the vehicle to fail the test.

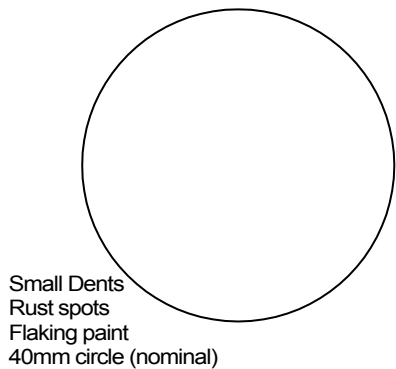
## **Major accident damage**

Vehicles, which have been involved in serious accidents, may be used as hackney carriages or private hire vehicles provided that they have been professionally repaired. Any vehicle that is involved in a major accident must be reported to the licensing section within the prescribed time as laid down in the conditions of use.

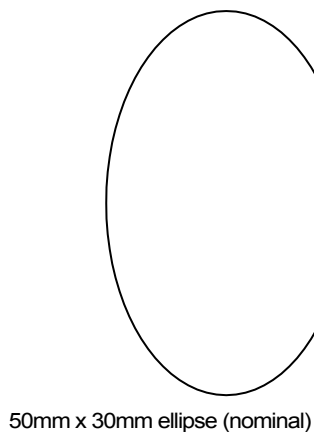
Vehicles that have sustained major accident damage will be required to provide a satisfactory steering geometry and alignment report. This shall be in the form of a written or printed document from an approved VBRA vehicle repairer. In addition the vehicle may be required to undergo a further compliance test or inspection at the test centre.

## **Assessment**

Where a vehicle tester detects evidence that a vehicle has been involved in an accident which may have caused damage to the structural integrity of the vehicle or may have caused safety critical components to become miss-aligned, the proprietor must prove to the satisfaction of the authorised examiner that the repairs were effected to an acceptable standard or the vehicle must be submitted, at the proprietors expense, for specialist examination at an approved centre before a licence will be granted or renewed.

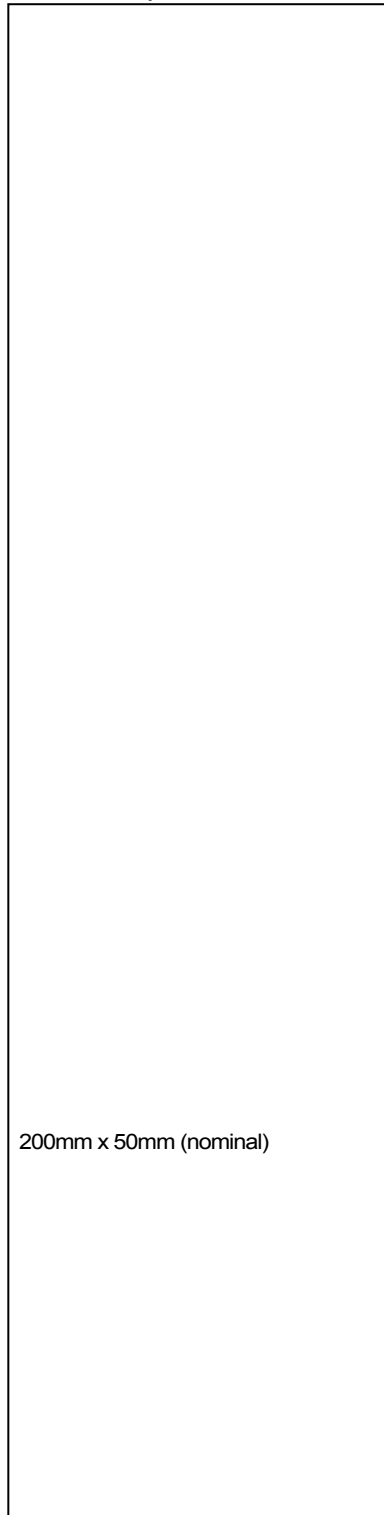


Or



Damage must fit completely within the lines of the appropriate template in order to be acceptable. The template can be aligned to be most advantageous to the proprietor.

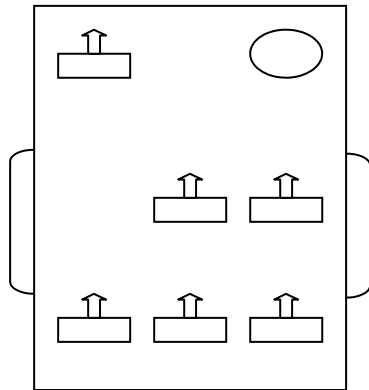
Scratches only



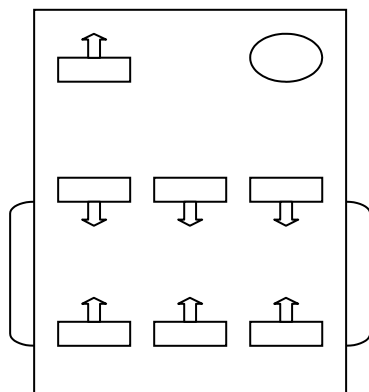


# APPENDIX 10

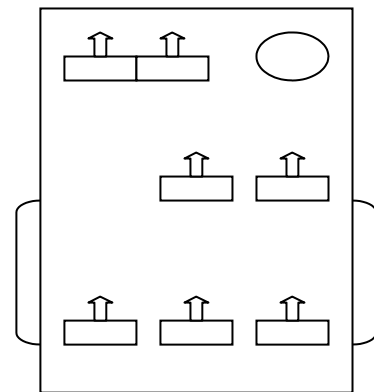
## SEATING CONFIGURATIONS IN MULTI-PASSENGER VEHICLES



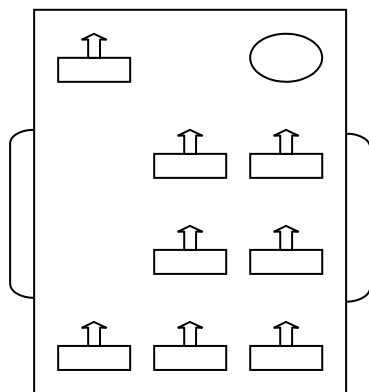
Six-seater vehicle



Seven-seater vehicle



Eight-seater vehicle



# Appendix 11

## Passenger complaints procedure – Licensing Authority

It is a common misconception that the Licensing Authority employs licensed drivers. This is not the case. Hackney Carriage and Private Hire licences allow holders to run what is their own businesses. As individual business owners, licensees are in a position to run their businesses as they see fit, with the proviso that they meet the requirements of the licences held and the law governing the licence. Therefore, any complaints about service should be directed to the relevant operator or individual proprietor if it is a Hackney Carriage which is not attached to an operator.

All complaints which are pursued by the Licensing Authority are based upon the driver's fitness to hold a licence and/or the condition of the licensed vehicle. Accordingly, any complaints about driving standards should also be directed to the Police.

Each step of any complaint investigation must be documented due to the fact that there is potential for the complaint to progress to being heard in Court. The complainant should therefore provide the following information as a minimum:

- Date and time of the incident
- Vehicle identification (plate number, description of vehicle etc.)
- Identification of Licensed Operator (if applicable)
- Identification of the driver (licence number, personal description)
- Description of the incident

Whilst we are happy to take complaints over the telephone, we may ask the Complainant to confirm this information in writing or to provide a witness statement.

Many investigations are concluded within 5 working days; however the length of time taken to conclude the investigation is largely dependent upon the licensed operator's, vehicle proprietor or driver's response time to our correspondence.

*Licensing Authority  
8 St Owen Street  
Hereford  
HR1 2PJ*

*Tel 01432 261761  
E-mail – [taxilicensing@herefordshire.gov.uk](mailto:taxilicensing@herefordshire.gov.uk)*

## **Trade member complaints procedure** **Making Experiences Count: Compliments, Comments and Complaints**

We are committed to providing high quality services across Herefordshire Council. To do this we need to know what you think about your experience. Your comments and compliments as well as your complaints will help us in making decisions about the services we provide and how we can improve them.

We have set up a dedicated Customer Insight Team who can help you with all compliments, comments and complaints relating to Health, Adult Social Care, Children and Young People and all Council Services.

Whatever your views, we would like to hear from you!

## Compliments

If you have received a particularly good service from Herefordshire Council, please let us know. We will use all compliments to promote good practice throughout our services.

## Complaints

All staff work hard to get things right, but sometimes things do go wrong. If you are not happy with the level of service received from Herefordshire Council, please let us know. By doing this you will help us to improve our services.

## How can we help?

The Customer Insight Unit is here to help solve problems and pass on compliments and comments to improve the services we provide. We will listen to your complaints fully and discuss with you how we can resolve issues to your satisfaction through an agreed complaints handling plan.

## How to contact us

To make your compliment, comment or complaint you can:

- Complete our [feedback online form](#)
- Telephone the Customer Insight Unit on 01432 260 535
- Send an e-mail to [feedback@herefordshire.gov.uk](mailto:feedback@herefordshire.gov.uk)
- Call into any of our [Customer Service Centres](#), where a member of the Customer Service team will be able to help you.

## What to Expect

We will:

- Acknowledge your complaint within three working days.
- Agree a date with you to provide you with a detailed response.
- Investigate your complaint.
- Ensure agreed outcomes are achieved.

If you are still unhappy you can take your complaint further by contacting the Ombudsman Service:

For Health complaints contact:

The Parliamentary and Health Ombudsman, Millbank Tower, Millbank, London, SW1P 4QP Tel: 03450 154 033

For Council Complaints including Social Care contact:

The Local Government Ombudsman, The Oaks, 2 Westwood Way, Westwood Business park, Coventry, CV4 8JB Tel: 024 7682 0000

You can contact the Ombudsman at any point, however, it is their usual practice not to deal with a complaint themselves until the local complaints procedure has been completed.

# APPENDIX 12

## A PROTOCOL FOR DEALING WITH APPLICATIONS, RENEWALS AND REFERRALS RELATING TO LICENSING AND COUNTY TRANSPORT

### LICENSING, TAXI AND COUNTY TRANSPORT BADGE OFFICER PANEL

#### 1 Introduction

Herefordshire Council receives and administers applications, renewals and referrals for licences (including, drivers of hackney carriage and private hire vehicles, as well as 35 other licensing functions) in accordance with the legislation relating to the relevant licence type. This system is administered by the Licensing Team who is part of the Environmental Health & Trading Standards Division which sits within the Economy and Place Directorate.

Herefordshire Council also receives and administers applications, renewals and referrals for 'County Transport Badges' (CTBs) for those persons who wish to undertake contract work as a taxi or bus driver for school contracts, or for those who wish to be an escort for children and/or vulnerable people in relation to transportation in taxis and buses. Although there is no statutory basis for the CTB system, it is considered best practice and ensures a high standard of control over the selection of non-taxi drivers and escorts allocated school contracts to transport or escort children/vulnerable people. This CTB system is administered by the Admissions and Transport Team who are also part of the Economy and Place Directorate.

#### 1.1 Issues

As Directors for Herefordshire Council have the statutory responsibility for ensuring that the Council discharges its functions to safeguard vulnerable children, young people and adults, there is a need to ensure that both safeguarding and regulatory functions are discharged consistently and transparently. There are similarities and differences in both systems. The most significant area of difference is that of determining whether or not a driver/escort is 'fit and proper'.

Historically, it had been highlighted that the Licensing Team and the Admissions and Transport Team had applied different 'legal' tests in deciding whether a driver is fit and proper and should or should not be licensed (as a taxi driver) or 'badged' as a school contract escort or bus driver. Both a taxi driver and a 'badged' driver/escort arguably perform a similar role when transporting/escorting a child/vulnerable person.

**This protocol therefore sets the way forward in which Herefordshire Council will deal with these two processes in a joined up, cohesive and consistent manner, utilising the most appropriate expert officers available to it when doing so.**

## **2 Licensing, Taxi and County Transport Officer Panel - Terms of Reference**

### **2.1 Formation**

The powers conferred by the Town Police Clauses Act 1847, the Local Government (Miscellaneous Provisions) Act 1976 and the Transport Act 1985, in relation to taxi and private hire are delegated to officers in the constitution scheme of delegation.

### **2.2 Membership**

The Panel's views may be sought from the following:

- The service/key manager with responsibility for licensing or in their absence a HC9 from Licensing
- Representative of the Head of Service – Looked After Children – People's Services Directorate
- A representative from the Licensing Team
- A representative from the Council's Access and Capital Commissioning Team - Admissions and Transport (County Transport badges)
- A representative from Human Resources Service (Recruitment and DBS Team)
- A representative from Adult Social Care
- A representative from the West Mercia Police
- A representative from the Council's legal team

If a representative is not available, a deputy should be sent where at all possible. As a minimum, views must be sought from at least one representative from the Licensing Team (when a licensing matter is in question), one representative from Safeguarding (either Children's or Adult's) and one representative from the Admissions & Transport Team (when a CTB is in question).

The chair can be the Service Manager for Licensing or if not available a HC9 from Licensing. The chair is the decision maker

Where appropriate, other representatives may be invited to present views if considered necessary when dealing with a particular application or issue.

The Hearing Meetings will normally be held monthly, although they can also be scheduled on an ad-hoc basis according to need. A Decision will be taken by the chair of the meeting and a decision notice will be written. These decision notices will be confidential and released only to appropriate and authorised officers of the Council.

### **2.3 Process**

The applicant shall normally be invited to attend the officer panel meeting and they will be entitled to have legal representation. At the discretion of the panel, the applicant may also invite the attendance of others, such as a character witness, family member or potential employer.

The applicant and their representative(s) will be requested to leave the room when the case is discussed by the panel and the chair makes a decision. The chair shall make a decision based on the evidence available to them at that time. If further evidence is sought, it has the ability to defer a decision to a later date.

## 2.4 Appeals

The applicant has a right of appeal to the Magistrate Court and must be made within 21 days of the decision being notified to them.

Revocations of, or refusals for, a County Transport Badge will be referred to the Assistant Director (Children & Young People Provider Services) or equivalent. This is because the CTB is not a statutory licensing process and therefore an applicant has no right of appeal to a Magistrates Court.

The applicant will normally be informed of the outcome of the Panel by post, although the Panel reserves the right to also notify the applicant immediately after the decision has been made, should this be more appropriate. Any decision letter will state the reason for the refusal or revocation and this will normally be posted within 2 working days of the Panel hearing. The letter will also include what further steps may be taken by the applicant if the panel's decision is unfavourable.

## 3 General

The Council's Licensing Team and the Council's Access and Capital Commissioning (Admissions and Transport) Team will work closely together to ensure a joined-up approach when processing both the dual-driver and County Transport Badge applications, renewals and referrals.

---

## 4 Approval of the Protocol:

Approved by:

Assistant Director (Economy & Place Directorate), acting on behalf of the Chief Executive and Licensing Service:

Signed ..... Marc Willimont,  
Assistant Director for Regulation, Environment  
& Waste – Economy and Place Directorate

Date .....

---

Solicitor to the Council, on behalf of Legal Services:

Signed ..... Claire Ward  
Solicitor for the Council

Date .....

---

Director (Children & Families), on behalf of the Council's children's safeguarding function:

Signed .....

Chris Baird,  
Director (Children and Families),

Date .....

---

Director for Adults & Communities, on behalf of the Council adult's safeguarding function:

Signed .....

Steve Vickers,  
Director (Adults and Communities)

Date .....

---

Superintendent, on behalf of West Mercia Constabulary

Signed .....

Sue Thomas  
Superintendent

Date .....

---

## APPENDIX 13



## Grandfather Rights

1. During the last review of the Hackney Carriage and Private Hire Policy, Members of the then 'Regulatory Committee' agreed a number of concessions for compliance with the newly formed Conditions and Policy. These concessions known as 'grandfather rights' allowed the vehicles which did not comply to continue until they were replaced or specified a time scale in order to reach compliance. The table which was presented and agreed at that time can be seen below:-

Condition	Number of vehicles	Recommended time scale or other action necessary to comply, or agree 'grandfather rights' for vehicles.
4.1b – All body panels to be of the same colour	2	Issue grandfather rights.
4.1o – Unobstructed access to all emergency doors and exits. (Seats must be located to facilitate this).	25 x MPV's 6 seaters  10 x 7 & 8 seaters	Exclusion of small rear seats from total seating capacity. To be picked up when tested by vehicle tester.  Issue grandfather rights when tested annually by vehicle tester. Remove seat if deemed necessary by tester for public safety reasons.
5.2i – the vehicle must have at least two doors to the rear of the driver for the exclusive unobstructed use of the passengers	3 x 7/8 seaters	Issue grandfather rights when tested annually by vehicle tester. Remove seat if deemed necessary by tester for public safety reasons.
5.2ii – All doors must show the method of operation	25 x 7/8 seaters	3 months
5.2iii – All emergency doors clearly identifiable	25 x 7/8 seaters	3 months
5.4, 5.5, 5.6, 5.7 – steps to passenger area	6 x 7/8 seaters	3 months
5.8 all doors to be hinged vertically	6 x 7/8 seaters	Issue grandfather rights when tested annually by vehicle tester. Remove seat if deemed necessary for public safety reasons.
10.1e – Advertising on private hire vehicles		3 months

This list is not exhaustive and some non-compliances may become apparent at a later date. These are the conditions which have been identified which have been altered since the amendments to the standard vehicle licence conditions.

2. For those rights which did not cease within a specified time scale, the 'grandfather rights' will be removed on 12th July 2019.
3. If your vehicle is identified as one which currently had these rights, you will receive a letter advising you that those rights will cease on the specified date and what you need to do to comply. In most cases you will be required to remove a seat to meet the conditions relating to seating configuration, where all passengers must have unobstructed access to a door.

## Taxi and Private Hire Policy amendments summary – 2019

The purpose of this table is to clarify what significant changes have been made to the taxi licensing policy and why.

Item amended	Amendment	Page	Reason for amendment
<b>Policy</b>			
Council logo			New logo
Date of Policy			12.7.19
	Licensing Authority	All	Correct term not Herefordshire Council
1.1	Review period	3	Changed from 3 to 5 years
1.1c	Change date of policy and constitution	3	Change in delegation – added change to who would review it
1.2	Addition of new guidance	3	Updated Guidance available – added new guidance details in text
1.3	Addition of consultees	3	Constitutional change – added in some internal consultees
1.4	Updated information	3	Constitutional/legislation change – added in new process details
1.5	Deleted statement	4	No longer relevant – this was only relevant to the original policy and made reference to the date of the previous Committee approval
2.1	Deleted statement	4	No longer relevant – taken out detail of demand surveys as no longer relevant. Paragraph re-worded
3.0	Added enforcement activity	4	Updated process – added in some additional departments due to new home office activity
3.2	Statement amended	4	To clarify a point – added in some further detail on the same subject
3.4	Change of policy name	5	Updated process – Council now has an enforcement policy
4	Added text	5	Further clarification – added in categories due to changes to home office reporting
5.1	Amended	5	Constitutional change – changed from Committee to Officer Panel

5.2	Table amended	5,6,7,8	Constitutional change – table updated to show Officer Panel and not Committee
6.1	Amended	8	Constitutional change – made to omit Committee and replace with Panel
6.2	“	8	“
6.3	“	8	“
6.4	“	8	“
6.5	“	8	“
6.6	“	8	“
6.7	“	8	“
6.8	“	8	“
6.9	Removed	9	“
7.1	Amended	9	Constitutional change as above
7.2	Incomplete application added	9	Numerous incomplete applications
7.3	Online applications	9	Added due to the number of late applications and the increase in administration time due to late apps
7.7	Applications to be received within 5 days of expiry	9	To allow officers time to process
7.8	Late submission fee	9	Effects service delivery
7.9	Applications after 5 days referred to panel. Outside that time is a new application	9	“
7.10	Licence issued without vehicle	9	“
7.11	Penalty points for late submission	9	“
8.1	Amended to New applications	10	Easier to follow process – explains in full
8.2	Amended to Renewal applications	11	“
9.1a	“	11	Legislation change
9.1b	Deleted	11	Not ever actioned – inspection of operator offices removed
10 b	Amended	12	Legislation change
10 d	“	12	Further clarification required regarding wheelchair access being available at all times
11.1	Included	12	Amended by rewordings
12.1	Amended	12	Further clarification – this was added in following Council decision to adopt full cost recovery
12.2	Deleted	12	Not required – removed as condition added regarding late

			payment of fee
12.4	Amended	12	Further clarification – further warning added about collection fees
12.5	“	12	“needed as wording used to read 2 x reminders
13.1	“	13	“added to reflect updated fit and proper policy for applicants or licence holders with offences
14	Updated	13	Renumbered and moved
15,2	Included mandatory training	14	Requested by a Member – This training is added due to changes in safeguarding requirements and best practice
16	Updated	14	“added due to changes in safeguarding requirements
18	Data Protection included	14	Legislation
19	Updated	14	Contact details
20	Appendix	15	Moved and re-numbered
<b>Appendix 1</b>			
1.1	Amended	18	changes in penalty points due to constitutional change, no longer gets considered at Committee
1.4 g	“	18	“
1.4 h	“	19	“
2.1	“	19	“
2.1 c	“	19	“
2.2	“	19	“
2.3	“	19	“
3 17.2	Deleted	21	Not required as this offence is dealt with by way of prosecution
3	New Offence added 9.1	18	Change in conditions
3	Smoking signs changed for 2 to 3	18	“
3	13.2 Tamperproof Seal	19	“
3	23.6/7 Fail to provide insurance/mot	20	“
3	2.6 Fail to supply self-declaration	21	“
3	6.5 Using meter without seal	21	“
3	10.5 Fail to notify DVLA condition	22	“
3	12.1 Fail to provide insurance or MOT	24	“
<b>Appendix 2</b>			
1	Amended	28	Constitutional change – no longer goes to Committee but

			panel, wording changed to reflect this
6	“	28	“
8	“	28	“
11	“	28	“
12	“	28	“
13	“	28	“
14	“	28	“
<b>Appendix 3</b>			
1.4	Amended	31	Further clarification vape added to smoking condition
1.6	“	31	“ wording changed to simplify condition
2.4	“	31	“added to require badge to be returned
2.6	“	31	Fail to supply self-declaration
3.1	“	32	“electronic copies of insurance added as acceptable
5.2	“	32	“lost property updated to police only
6.5	“	32	Tamperproof seal
7.1	“	33	“added in to include proprietor as being responsible to notify as well as driver for complaints made against the driver
10.1	Amended	34	Further clarification
10.2	“	34	added to condition notifying of change of details
10.4	“	34	“ change of wording to add clarity to condition
10.5	“	34	Requirement to notify DVLA condition
11.3	“	35	Further clarification – added detail regarding legal requirements to carry working dogs
13.3	“	35	“further clarification condition on what do in case of accident
<b>Appendix 4</b>			
1.3	Amended	38	Constitutional change from Committee to Panel
1.4	“	38	“
5.4	“	39	Legislative change – added due to DBS amended guidance
5.5	“	40	“
5.6	“	40	“
5.7	“	40	“
5.8	“	40	“

6.1	“	41	Amended guidance to comply with the new guidance on convictions
6.3	“	41	“
10.5	“	43	New guidance re alcohol & drugs
12.1	“	44	Amended guidance to comply with the new guidance on convictions
13.1	“	45	“
13.2	“	45	“
15.1	“	45	“
18.1	“	46	“
20.1	“	46	“
<b>Appendix 5</b>			
Dis Hearing	Amended	51	Further clarification change from Committee to panel
<b>Appendix 7</b>			
2.1	“	56	New process added in ability to accept electronic copies of insurance direct from company
8.4	Deleted	58	Not actioned – condition no longer relevant
8.7	Amended	59	Change in advertising to move with modern advertising
11.1	“	59	Further clarification added to condition proper handling of complaints
12	Added	59	Added to conditions
<b>Appendix 8</b>			
1.3	Amended	62	Updated guidance – added in to confirm further testing required for M2 categories of vehicle
1.4	“	62	Change in categories and no new applications showing N1
1.5	Deleted	62	As above – deleted as no longer accept N1 and this old condition referred to additional testing requirements
1.6	“	62	“added in as this is a change to condition, now not accept vehicles over 10 years of age as replacements
1.9	Deleted	63	No longer needed as N1 category removed
4.1 c, d, e, f, k	Amended	64	To allow for electric cars
i	“	64	“
m	“	64	“
n	Deleted	64	No longer required in order to allow electric vehicles
o	Deleted and moved to 5.2	64	Moved to mini bus and MPV category

6.1	Amended	64	Further clarification – added the need to remain wheel chair accessible at all times
6.2	Amended	64	Clarity concerning wheelchair access
6.10	“	65	Clarity concerning number of licensed seats
6.11	Deleted	65	“two conditions made into one
7.1	Amended	65	“added wording at request of Cabinet Member to include wording of most up to take test standards
10.1a	“	66	“change added to include change to roof sign size to correct a mistake
10.1 g	“	67	Change in advertising media to include web address
11.2	“	67	to condition return of old plates
11.6	“	67	Further clarification required to allow renewal without all paper work, to avoid future confusion
11.7	“	67	“
11.10	“	68	Late fee
12.2	“	68	No flags added no national flags on vehicles, to avoid indirect racism by advertising nationality of driver
13.2	“	68	Tamperproof seal
16.2	“	69	Further clarification – added to allow electronic copies
16.5	“	69	“ added to ensure all drivers added to insurance
18.2	Deleted/amended	69	“ change of wording recommended by Cabinet member
21.4		71	“clarification regarding test centre ability to remove plate etc
22.1		71	“added GPS equipment in condition
24.1		73	Changed since CCTV not owned by Licensing
24.2		73	Further clarification added in wording to include DBS required for system operators
24.3		73	High number off CCTV failures added in to assist with CCTV failure
Appendix 12	Amended		Change in constitution now to panel and not Committee
Appendix 13	Added		To take account of the length of time some vehicles had grandfather rights which are now considered to be outdated.



In addition to the above, minor changes have been made to correct text, numbering and to reformat as appropriate, as well as to update the policy and appendices to take into account changes in the structure and organisation of the Council.





<b>Meeting:</b>	<b>Council</b>
<b>Meeting date:</b>	<b>Friday 12 July 2019</b>
<b>Title of report:</b>	<b>Treasury Management - 2018/19 outturn</b>
<b>Report by:</b>	<b>Cabinet member finance and corporate services</b>

### **Classification**

Open

### **Decision type**

This is not an executive decision

### **Wards affected**

(All Wards);

### **Purpose and summary**

To approve the treasury management outturn for 2018/19.

The 2018/19 net treasury budget outturn was a surplus (underspend) of £1.9m, the main reason being the lower minimum revenue provision cost of £1.1m.

Cabinet reviewed the outturn at its meeting on 25 June and recommended it for approval.

An annual report is presented to Council in line with the Treasury Management Strategy and CIPFA treasury management best practice.

### **Recommendation(s)**

**That:**

- (a) treasury management outturn for 2018/19 at appendix 1 be approved.**

### **Alternative options**

---

Further information on the subject of this report is available from  
 Josie Rushgrove, Tel: 01432 261867, email: jrushgrove@herefordshire.gov.uk

1. There are no alternative options, financial reporting requirements state that the treasury management outturn be reported to full Council for approval.

## **Key considerations**

2. Treasury management is where the council manages the cashflow position through investments and borrowings with the security of funds being the paramount objective.
3. The net treasury budget outturn was a surplus (underspend) of £1.9m, this is detailed in Appendix 1. The main reason being the lower than forecast minimum revenue provision cost of £1.1m. Minimum revenue provision is the cost set aside to finance capital expenditure financed by prudential borrowing. Due to capital spend in prior years being lower than forecast this resulted in a minimum revenue provision underspend.
4. In addition, there was a delayed need to borrow due to capital receipt cash funds from the sale of smallholdings; this reduced the forecast annual interest cost payable. At the same time, the forecast interest earned was higher reflecting the increase in the bank base rate in the year.
5. The council's borrowing strategy is determined each year within the treasury management strategy, which is approved as part of the budget setting process. External borrowing is taken out to support the council's capital programme and borrowing limits are set in accordance with the Prudential Code for Capital Finance in Local Authorities.
6. In 2018/19 no new long term borrowing was undertaken. This is due, in part, to the cash balances held, including those in the capital receipts reserve, deferring the need to borrow. Total interest of £5.5m was paid on all council borrowing during the year.
7. Total borrowing as at 31 March 2019 was £137.5m (compared to £148.1m as at 31 March 2018).
8. Net borrowing (after offsetting investments) was £109.4m as at 31 March 2019, compared to £133.9m as at 31 March 2018.
9. Appendix 1 provides the detailed outturn report and includes an analysis in line with the CIPFA code of practice on treasury management. Herefordshire Council has adopted the recommendations made in CIPFA's Treasury Management in the Public Services: Code of Practice, which was revised in 2017. One of the clauses (identified in Section 5 of the code) is that full Council will receive reports on treasury management policies, practices and activities, including, as a minimum, an annual strategy and plan in advance of the year; a mid-year review; and an annual report after its close.
10. An investment was made on 17 October 2018 to a building society that was not on the council's approved counter party list. The counter party list is a list of financial institutions and is included in the Treasury Management Strategy approved by Council. The investment was for £5m to the Market Harborough Building Society for 100 days earning an interest rate of 0.90%. An internal audit has been completed to review the controls in place at the time and how these did not prevent this investment from being actioned. The review has ascertained where controls need to be enhanced to prevent a repeat of this type of investment from being actioned in future. All internal audit recommendations have been adopted. The 2019/20 budget setting report approved a revised treasury management strategy which included the top five UK Building Society's as approved counterparties. The external audit work, to be completed by Grant Thornton during July

2019, will also include reviewing treasury management balances and transactions in line with the external audit work programme.

11. Apart from the investment detailed in 10 above, the council complied with its prudential indicators, Treasury Management Policy Statement and Treasury Management Practices for 2018/19 as detailed in Annex 1 of Appendix 1. A prudent approach has been taken in relation to investment activity with priority being given to security and liquidity over yield.

## **Community impact**

12. The effective management of resources enables the council to direct those resources to support corporate plan priorities.
13. In accordance with the code of corporate governance, Herefordshire Council must ensure that it has an effective performance management system that facilitates effective and efficient delivery of planned services. Effective financial management, risk management and internal control are important components of this performance management system. To support effective accountability the council is committed to reporting on actions completed and outcomes achieved, and ensuring stakeholders are able to understand and respond as the council plans and carries out its activities in a transparent manner. Providing a report on the performance of our treasury management activity ensures openness and transparency is maintained.

## **Equality duty**

14. Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:

A public authority must, in the exercise of its functions, have due regard to the need to -

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
  - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
  - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
15. The public sector equality duty (specific duty) requires us to consider how we can positively contribute to the advancement of equality and good relations, and demonstrate that we are paying 'due regard' in our decision making in the design of policies and in the delivery of services. As this is a factual summary of the performance in 2018/19, we do not believe that it will have an impact on our equality duty.

## **Resource implications**

16. None arising from the recommendations as the outturn report is a factual summary of performance in 2018/19.

## **Legal implications**

17. Regulation 24 of the Local Authorities (Capital Finance and Accountancy) (England) Regulations 2003 states that a local authority shall have regard to the Code of Practice

on Treasury Management in the Public Services: published by CIPFA, as amended or reissued from time to time.

18. There are no direct legal implications arising from the recommendations in this report which are not covered in the body of the report. The council has complied with its statutory obligations arising from the Local Government Act 2003, and all relevant CIPFA guidance.

## **Risk management**

19. Council approves the treasury management strategy for the year ahead as part of the annual budget setting process which details the risk mitigation processes. Council is then required to approve the treasury management outturn position under financial reporting requirements with monitoring reported to cabinet throughout the year.
20. The setting of a Treasury Management Strategy documents the counterparties and value limits to mitigate risks in relation to the loss of funds. Paragraph 10 above details an investment made in 2018/19 that was not in line with the approved counterparty list. This was immediately reported to Cabinet and an internal audit was completed to identify any remedial action to minimise the risk of this re-occurring. All internal audit recommendations have been implemented.

## **Consultees**

21. None

## **Appendices**

Appendix 1 Treasury Management Outturn 2018/19

## **Background papers**

None identified

## Annual Treasury Management Report 2018/19

### 1. Introduction

- 1.1. The council's treasury management activity is underpinned by CIPFA's Code of Practice on Treasury Management. Before the start of every year the Code requires local authorities to produce Prudential Indicators and a Treasury Management Strategy Statement detailing the policies and objectives of the council's treasury management activities for the forthcoming year. This outturn report compares actual activity to those policies and objectives.
- 1.2. The council borrows and invests substantial sums of money and is therefore exposed to financial risks including the loss of invested funds and the revenue effect of changing interest rates. The successful identification, monitoring and control of these risks are central to the treasury management strategy.

### 2. Economic Background

- 2.1. **Growth:** Economic growth in the UK and globally has slowed since October 2018 due, in particular, to considerable uncertainty over the Brexit process.
- 2.2. **UK Monetary Policy:** On 2 August the Monetary Policy Committee (MPC) raised the bank rate from 0.50% to 0.75%, the highest level since March 2009.
- 2.3. **Inflation:** CPI inflation ended the year at 1.9% and was forecast to remain near 2% for the next few years.

### 3. Borrowing

- 3.1. The council continues to access lower cost short-term loans from other local authorities rather than more expensive longer term debt due to the differential between short and longer-term interest rates. This policy is expected to continue in 2019/20 but should this differential decrease and short term borrowing costs increase, the council will begin securing additional fixed long term debt to fund its borrowing requirements.
- 3.2. In 2018/19 the weighted average interest rate paid on council borrowing was 3.90% (3.48% in 2017/18) with the increase being due to no new borrowing during the year. The weighted average cost of long term borrowing was 3.93% compared to 0.48% for short-term borrowing (being the gross cost including brokers' commission of between 0.03% and 0.06%).
- 3.3. It is council strategy to maintain borrowing and investments below their underlying levels by using "internal borrowing", utilising usable reserves. This maintains borrowing and investment balances to a minimum.
- 3.4. During 2018/19 Public Works Loan Board (PWLB) lending rates fluctuated, peaking between October and December before returning to rates similar to the start of the year.
- 3.5. The premium charged by the PWLB for the early repayment of PWLB debt remained too expensive for existing loans in the council's portfolio to be repaid and rescheduled. No rescheduling activity was undertaken in 2018/19, this option will continue to be constantly considered.
- 3.6. Borrowing activity during the year is summarised below:

## Annual Treasury Management Report 2018/19

<b>Borrowing Activity in 2018/19</b>	<b>01/04/18 Balance £m</b>	<b>New Borrowing £m</b>	<b>Debt Maturing £m</b>	<b>31/03/19 Balance £m</b>
Short-term borrowing	5.00	0.00	(5.00)	0.00
Long-term borrowing	143.05	0.00	(5.49)	137.56
<b>TOTAL BORROWING</b>	<b>148.05</b>	<b>0.00</b>	<b>(10.49)</b>	<b>137.56</b>
Other long-term liabilities*	55.44	0.29	(2.45)	53.28
<b>TOTAL EXTERNAL DEBT</b>	<b>203.49</b>	<b>0.29</b>	<b>(12.94)</b>	<b>190.84</b>
<i>*Other long term liabilities represent existing commitments under PFI arrangements included in the medium term financial strategy</i>				

3.7. Total borrowing decreased by £12.8m due to repayments exceeding the need to borrow funds through the utilisation of internal borrowing to fund capital programme spend in 2018/19.

3.8. The council's underlying need to borrow as measured by the Capital Financing Requirement (CFR). As at 31/03/2019 this totalled £315.5m. The difference of £124.8m between the CFR and total external debt shown in the table above represents internal borrowing from usable reserves, which totalled £120.8m, working capital balances and the outstanding loan balance with Mercia waste of £36.0m.

3.9. The council's capital financing costs in 2018/19 were as follows.

<b>Capital financing costs for 2018/19:</b>	<b>Budget</b>	<b>Outturn</b>	<b>Over / (under) spend</b>
	<b>£m</b>	<b>£m</b>	<b>£m</b>
<b>Minimum Revenue Provision</b> (provision for repayment of loan principal)	<b>7.8</b>	<b>6.7</b>	<b>(1.1)</b>
<b>Interest payable on all loans</b>	<b>6.1</b>	<b>5.5</b>	<b>(0.6)</b>
<b>TOTAL</b>	<b>13.9</b>	<b>12.2</b>	<b>(1.7)</b>

3.10. The variances to budget have arisen from:

- The review of the Council's Minimum Revenue Provision Policy (MRP). This is calculated based on capital spend funded by borrowing in the previous financial year. The total 2017/18 capital outturn funded by borrowing underspent and this is reflected in the lower minimum revenue provision cost in 2018/19.
- The underspend on interest payable rose to £0.6m on outturn due to short term loans not being utilised as expected.



## Annual Treasury Management Report 2018/19

4. Investments

4.1. The council invests significant funds, representing income received in advance of expenditure plus balances and reserves. During 2018/19 the council's investment balances averaged at £41m and ranged from £14m in April 2018 to £60m in January 2019.

4.2. Security of capital remained the council's primary objective. Investment income remained low due to the continued low interest rate environment.

4.3. Investments held at the start and end of the year were as follows:

Investments	01/04/18 Balance £m	Investments Made £m	Maturities/ Withdrawals £m	31/03/19 Balance £m
Instant Access Accounts	9.12	273.54	(264.52)	18.14
Notice Accounts	-	5.00	-	5.00
Fixed Term Deposits	5.00	40.00	(40.00)	5.00
<b>Total</b>	<b>14.12</b>	<b>318.54</b>	<b>(304.52)</b>	<b>28.14</b>
<b>Increase in investments</b>				<b>14.02</b>

4.4. Interest received during the year was as follows:

Month	Average amount invested		Average rate of interest earned		Budget £000	Interest earned £000	(Surplus) /deficit £000
	Actual £m	Budget £m	Actual %	Budget %			
Apr-18	26.7	30	0.51	0.5	12	11	1
May-18	35.8	30	0.56	0.5	12	17	(5)
Jun-18	33.9	30	0.60	0.5	12	18	(6)
Jul-18	40.1	25	0.59	0.5	10	21	(11)
Aug-18	42.0	25	0.65	0.5	10	24	(14)
Sep-18	40.6	20	0.67	0.5	8	23	(15)
Oct-18	41.8	20	0.73	0.5	8	27	(19)
Nov-18	46.8	15	0.82	0.5	6	33	(27)
Dec-18	46.8	15	0.87	0.5	6	35	(29)
Jan-19	54.4	15	0.85	0.5	6	40	(34)
Feb-19	50.8	10	0.85	0.5	4	34	(30)
Mar-19	35.0	10	0.92	0.5	4	28	(24)
<b>Outturn</b>					<b>98</b>	<b>311</b>	<b>(213)</b>

**Annual Treasury Management Report 2018/19**

- 4.5. The interest received in the year was higher than budget due to higher balances being maintained.
- 4.6. The average interest rate achieved during 2018/19 was 0.72%, higher than budgeted due to the increase in bank base rate. This compares favourably with the generally accepted benchmark of the average 7-day London Inter-Bank Bid (LIBID) rate of 0.51%.
- 4.7. In addition to interest earned on balances interest has been accrued in relation to the energy from waste plant loan to Mercia waste. This totalled £2.6m, the net loan position is set aside to fund increased waste disposal costs in future years.

**5. Compliance with Prudential Indicators**

- 5.1 An investment was made on 17th October 2018 to a building society that was not on the Council's approved Counter Party List. The investment was for £5m to the Market Harborough Building Society for 100 days earning an interest rate of 0.90%. An internal audit has been completed to review the controls in place at the time and how these did not prevent this investment from being actioned. The review has ascertained where controls need to be enhanced to prevent a repeat of this type of investment from being actioned in future. All internal audit recommendations have been adopted. The 2019/20 budget setting report approved a revised treasury management strategy which included the top five UK Building Society's as approved counterparties.
- 5.2 Apart from the investment detailed in 5.1 above, the Council complied with its Prudential Indicators, Treasury Management Policy Statement and Treasury Management Practices for 2018/19 as detailed in Annex 1. A prudent approach has been taken in relation to investment activity with priority being given to security and liquidity over yield.

## Annual Treasury Management Report 2018/19

## Annex 1

Performance Indicators**1. Treasury Management Indicators**

The council measures and manages its exposures to treasury management risks using the following indicators.

**1.1 Interest Rate Exposures**

This indicator is set to control the council's exposure to interest rate risk. The indicator sets upper limits on fixed and variable rate interest rate exposures, expressed as the proportion of net principal borrowed.

	<b>2018/19 Approved Limit</b>	<b>2018/19 maximum exposure</b>
<b>Upper Limit for Fixed Rate Exposure</b>	100%	100%
<b>Upper Limit for Variable Rate Exposure</b>	50%	0%

The above indicator relates to net debt, if the council has variable rate investments at the same level as its variable rate debt it is deemed to have no variable rate exposure (all council investments are regarded as being at variable rate because no investments are for more than one year).

**1.2 Maturity Structure of Fixed Rate Borrowing**

This indicator is to limit large concentrations of fixed rate debt needing to be replaced at times of uncertainty over interest rates.

<b>Maturity Structure of Fixed Rate Borrowing</b>	<b>Lower Limit %</b>	<b>Upper Limit %</b>	<b>Actual Fixed Rate Borrowing 31/03/19 £m</b>	<b>% Fixed Rate Borrowing 31/03/19</b>
Under 12 months	0%	35%	<b>7.28</b>	<b>5%</b>
12 months and within 24 months	0%	30%	<b>3.48</b>	<b>3%</b>
24 months and within 5 years	0%	25%	<b>11.65</b>	<b>8%</b>
5 years and within 10 years	0%	25%	<b>24.36</b>	<b>18%</b>
10 years and within 20 years	0%	40%	<b>27.85</b>	<b>20%</b>
20 years and within 30 years	0%	40%	<b>20.86</b>	<b>15%</b>
30 years and within 40 years	0%	40%	<b>32.09</b>	<b>23%</b>
40 years and within 50 years	0%	40%	<b>10.00</b>	<b>7%</b>
<b>Total</b>			<b>137.57</b>	<b>100%</b>

Two LOBO ("Lenders Option then Borrowers Option") bank loans of £6m each are repayable in 2054 however if the lenders seek to increase the interest rate charged, currently 4.50%, the council has the opportunity to repay the loans.

**1.3 Upper Limit for Total Principal Sums Invested Over 364 Days**

The purpose of this limit is to contain exposure to the possibility of financial loss that may arise as a result of the council having to seek early repayment of the sums invested.

## Annual Treasury Management Report 2018/19

Upper Limit for Total Principal Sums Invested Over 364 Days	2018/19 Approved £m	2018/19 Actual £m	2019/20 Estimate £m	2020/21 Estimate £m
<b>Total</b>	<b>5</b>	<b>0</b>	<b>5</b>	<b>5</b>

During 2018/19 no long-term investments were made for a period exceeding 364 days.

## 2. Prudential Indicators

### 2.1 Estimates of Capital Expenditure

This indicator is set to ensure that the level of proposed capital expenditure remains within sustainable limits and, in particular, to consider the impact on council tax.

Capital Expenditure	2018/19		2019/20 Estimate £000	2020/21 Estimate £000
	Estimate £000	Actual £000		
<b>Total</b>	<b>68,404</b>	<b>46,999</b>	<b>130,125</b>	<b>54,779</b>

Capital expenditure has been and is expected to be financed or funded as follows:

Capital Financing	2018/19		2019/20 Estimate £000	2020/21 Estimate £000
	Estimate £000	Actual £000		
Capital grants	39,587	23,303	48,848	32,960
Capital receipts	14,091	8,477	11,944	-
Revenue funding	-	4,545	-	-
Prudential borrowing	13,142	10,674	69,333	21,819
<b>Total</b>	<b>66,820</b>	<b>46,999</b>	<b>130,125</b>	<b>54,779</b>

Generally prudential borrowing finance is provided where the return on the investment exceeds the debt financing cost.

## 3. Capital Financing Requirement (CFR)

Estimates of the council's cumulative maximum external borrowing requirement for 2017/18 to 2019/20 are shown in the table below:

Capital Financing Requirement	2018/19 Estimate Approved £000	2018/19 Actual £000	2019/20 Estimate £000	2020/21 Estimate £000
<b>Total CFR</b>	<b>307,307</b>	<b>315,403</b>	<b>317,396</b>	<b>380,744</b>

Total debt is expected to remain at or below the CFR during the forecast period.

## 4. Authorised Limit and Operational Boundary for External Debt

The Local Government Act 2003 requires the Council to set an Affordable Borrowing Limit or Authorised Limit. This is a statutory limit which should not be breached.

## Annual Treasury Management Report 2018/19

The Operational Boundary is based on the same estimates as the Authorised Limit but reflects the most likely, prudent but not worst-case scenario without the additional headroom included within the Authorised Limit.

	<b>2018/19 Approved Operational Boundary £m</b>	<b>2018/19 Approved Authorised Limit £m</b>	<b>Actual External Debt as at 31/03/19 £m</b>
Borrowing	270.0	290.0	137.6
Other Long-term Liabilities	60.0	70.0	53.4
<b>Total</b>	<b>330.0</b>	<b>360.0</b>	<b>191.0</b>

#### 5. Ratio of Financing Costs to Net Revenue Stream

This is an indicator of affordability and highlights the revenue implications of existing and proposed capital expenditure by identifying the proportion of the revenue budget required to meet financing costs, net of investment income.

<b>Ratio of Financing Costs to Net Revenue Stream</b>	<b>2018/19 Approved %</b>	<b>2018/19 Actual %</b>
Net Revenue Stream	144,124	143,529
Financing Costs	13,880	14,682
<b>Percentage</b>	<b>9.6%</b>	<b>10.2%</b>

#### 6. Adoption of the CIPFA Treasury Management Code

This indicator demonstrates that the council has adopted the principles of best practice.

The council has incorporated the Chartered Institute of Public Finance and Accountancy's *Treasury Management in the Public Services: Code of Practice 2011 Edition* into its treasury policies, procedures and practices. In December 2017 CIPFA revised the Treasury Management Code of Practice with full implementation expected in 2019/20.





<b>Meeting:</b>	<b>Council</b>
<b>Meeting date:</b>	<b>Friday 12 July 2019</b>
<b>Title of report:</b>	<b>Leader's report to Council</b>
<b>Report by:</b>	<b>Leader of the Council</b>

## Classification

Open

## Decision type

This is not an executive decision

## Wards affected

(All Wards);

## Purpose and summary

To provide an update on the work of the Cabinet since the meeting of Council held on 8 March 2019.

A brief summary of decisions taken by the executive is provided at appendix 1, including those taken by the previous executive; all decision reports and notices are available on the council's [website](#). Additionally the objectives established for the Chief Executive in the current year are reported at appendix 2. Appendix 3 provides information about newly established cabinet portfolios and appointments.

## Recommendation(s)

That:

- (a) the report be noted.

## Alternative options

1. There are no alternative options; the constitution requires the Leader to provide Council with reports on the activities of the executive, and to report to Council the objectives set for the Chief Executive.

## Key considerations

2. I am pleased to provide to Council my first report as Leader of this council.
3. A list of the decisions made by cabinet and cabinet members since the last report to Council (covering the period between 15 February and 21 June) is at appendix 1; the appendix identifies those decisions taken by the previous administration, and those taken by the current administration. Details of all these decisions, and of those made by officers under delegated authority, are published on the councillors and democracy pages of the council's website. No key decisions were made under the general exception provisions (giving more than five but less than 28 days' notice) or under the urgency provisions (less than five days' notice). One decision was subject to call in – being the then Cabinet Member Infrastructure's decision taken on 11 March regarding progression of detailed design and consultation to inform future decisions about the Hereford Transport Package. Having reviewed the spend profile provided, the then General Scrutiny Committee resolved not to refer the decision back to the cabinet member for further consideration.
4. In line with the framework for assessment agreed by the employment panel, the annual personal performance and development programme for the chief executive was undertaken by the previous Leader, with external facilitation as is required every third year. A summary of the objectives agreed is attached at appendix 2 for information.
5. Since taking office as Leader on 24 May, I have confirmed the appointment of seven cabinet members and three cabinet support members; appendix 3 details the scope of their respective portfolios or support remit. The elections held in May returned no overall political control of this council and the cabinet team is drawn from members of the Herefordshire Independents, The Green Party, and It's Our County (Herefordshire) political groups.

## Community impact

6. The community impact of any decisions of the executive have been set out within the relevant decision report and taken into consideration at the time the decision was taken. Reporting to Council the activities of the executive demonstrates the council's commitment to the code of corporate governance principle of implementing good practices in transparency, reporting and audit to deliver effective accountability

## Equality duty

7. Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:  
  
A public authority must, in the exercise of its functions, have due regard to the need to -
  - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
  - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
  - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.



8. The public sector equality duty (specific duty) requires us to consider how we can positively contribute to the advancement of equality and good relations, and demonstrate that we are paying 'due regard' in our decision making in the design of policies and in the delivery of services. As this report provides a summary of activity undertaken, we do not believe that it will have an impact on our equality duty. However these considerations are set out in each of the relevant reports informing the decisions listed at appendix 1, and will inform any future decision making

## **Resource implications**

9. There are no financial implications arising from the recommendations of this report. The financial implications of any decisions of the executive listed at appendix 1 have been set out within the relevant decision report and taken into consideration at the time the decision was taken and will inform any future decision making

## **Legal implications**

10. The council and committee, and cabinet rules within the constitution require the Leader to provide a report to Council on the work of the Cabinet since the last meeting of Council and, at the first meeting to follow the annual meeting of Council, on the priorities of the cabinet and (except in a year when there are ordinary elections) progress made in meeting those priorities. Appointment of cabinet members and allocation of portfolio responsibilities are responsibilities of the Leader of the Council, and the constitution requires that any changes are subsequently reported to Council. This report ensures these requirements are met.
11. There are no legal implications arising from the recommendations of this report. The legal implications of any decisions of the executive listed at appendix 1 have been set out within the relevant decision report and taken into consideration at the time the decision was taken

## **Risk management**

12. There are no risks arising from the recommendations of this report. The risks of any decisions of the executive listed at appendix 1 have been set out within the relevant decision report and taken into consideration at the time the decision was taken and will inform future decision making

## **Consultees**

13. None

## **Appendices**

Appendix 1: Summary of executive decisions made between 15 February and 21 June 2019.

Appendix 2: Chief Executive's Objectives 2019/20

Appendix 3: Cabinet member portfolios and cabinet support member remits.

## **Background papers**

---

Further information on the subject of this report is available from  
Annie Brookes, Tel: 01432 260605, email: [ab1@herefordshire.gov.uk](mailto:ab1@herefordshire.gov.uk)

None identified.

---

Further information on the subject of this report is available from  
Annie Brookes, Tel: 01432 260605, email: [ab1@herefordshire.gov.uk](mailto:ab1@herefordshire.gov.uk)

**Executive decisions made between 15 February 2019 and 21 June 2019 Appendix 1**

	<b>Title and purpose</b>	<b>Decision date</b>	<b>Taken by</b>
<b>Decisions made by the previous executive.</b>			
<b>1.</b>	<p><b>Development and Regeneration Programme : Holme Lacy former School site</b></p> <p>To approve the scope and cost of the first stage of appraisal services to be provided by the Council's developer partner, Keepmoat Homes, in respect of a potential project to redevelop the former school site to provide new housing.</p>	11.02.19	Cabinet member contracts and assets.
<b>2.</b>	<p><b>Strategic acquisition of development opportunity site</b></p> <p>To approve the acquisition of a strategic opportunity development site within College Ward.</p>	18.02.19	Cabinet member contracts and assets.
<b>3.</b>	<p><b>Herefordshire's co-ordinated admissions arrangements for 2020/21</b></p> <p>To approve Herefordshire Council's proposed admissions arrangements for 2020/21.</p>	21.02.19	Cabinet member children and families
<b>4.</b>	<p><b>May Fairs - Hereford and Leominster</b></p> <p>To approve the renewal of a concession contract for the provision of Hereford and Leominster May fairs within their existing locations.</p>	25.02.19	Cabinet member transport and regulatory services
<b>5.</b>	<p><b>Care Provider annual fee increase April 2019 - March 2020</b></p> <p>To approve the annual fee increase for both domiciliary care and supported living approved framework providers to take effect from the 1 April 2019 until the 31 March 2020.</p>	25.02.19	Cabinet member health and wellbeing.
<b>6.</b>	<p><b>Increasing council tax payments on empty properties</b></p> <p>To increase the council tax charge on empty properties.</p> <p>Currently Herefordshire Council imposes a 50% premium council tax charge on unfurnished property empty for more than two years. This premium was increased to 100% from 1 April 2019 to encourage returning empty properties back into occupation.</p> <p>Additionally it was agreed to increase the premium charge to 200% from 1 April 2020 if the property has been empty for more than five years and up to 300% from 1 April 2021 if the home has been empty for more than ten years.</p>	26.02.19	Cabinet member finance and corporate services

**Executive decisions made between 15 February 2019 and 21 June 2019 Appendix 1**

	<b>Title and purpose</b>	<b>Decision date</b>	<b>Taken by</b>
<b>7.</b>	<b>Approval for Herefordshire Adoption Service to join Adoption Central England (ACE) regional adoption agency</b>  To approve the plan for Herefordshire Adoption service to join Adoption Central England (ACE) regional adoption agency.	28.02.19	Cabinet
<b>8.</b>	<b>Revised Special Guardianship Order (SGO) financial support policy</b>  To approve a revised Special Guardianship Order (SGO) financial policy to increase the numbers of children that achieve permanency outside of the looked after system.	28.02.19	Cabinet
<b>9.</b>	<b>End of December 2018 corporate budget and performance report</b>  To provide assurance that progress is being made towards achievement of the agreed revenue and service delivery targets, and that the reasons for major variances or potential under-performance are understood and are being addressed to the cabinet's satisfaction. Cabinet reviewed the projected revenue outturn for 2018/19 and consider performance for the nine months of the year.	28.02.19	Cabinet
<b>10.</b>	<b>Hereford City Centre Improvements - Residents Parking - Geoffrey Avenue and Lingen Avenue (part of)</b>  To approve the introduction of permit parking restrictions in Geoffrey Avenue and the northern section of Lingen Avenue, with a revised 2 hour waiting limit (see Appendix 2) to take effect from the 1 April 2019.	28.02.19	Cabinet member transport and regulatory services
<b>11.</b>	<b>Development Regeneration Programme - Stage Approval : Bromyard housing project</b>  To approve the Stage 1 submission, and authorise progression into Stage 2	28.02.19	Cabinet member contracts and assets

**Executive decisions made between 15 February 2019 and 21 June 2019 Appendix 1**

	<b>Title and purpose</b>	<b>Decision date</b>	<b>Taken by</b>
12.	<p><b>To approve expenditure and build cost to enable build works to commence on Waverley House</b></p> <p>To agree the revised project costs and expenditure of capital money up to the value of £968k to extend Waverley House by an additional 11 complex nursing beds. To amend the implementation arrangements with the council now leading on the contract and project management. The additional expenditure remains an investment saving the council money on an annual basis, and will create additional beds for a cohort of individuals the council struggles to find placements for.</p>	28.02.19	Cabinet member health and wellbeing
13.	<p><b>Agreement of section 75 (s75) between the council and Herefordshire clinical commissioning group (CCG)</b></p> <p>To approve the section 75 (s75) agreement between the council and Herefordshire Clinical Commissioning Group (CCG), effective from 1 April 2019 to 31 March 2020. In summary the report identifies the following points:</p> <ul style="list-style-type: none"> <li>• the s75 agreement is a national requirement, set by NHS England under the NHS Act 2006, which enables partners to commission integrated health and social care services;</li> <li>• the existing agreement is due to end on 31 March 2019;</li> <li>• the new agreement covers a range of services and operational functions of both partners at a total value of £55.685m for 2019/20;</li> <li>• scheme level detail of the agreement will be finalised following the publication of the national BCF policy framework and planning guidance; and</li> <li>• a key change to existing schemes is the introduction of a discharge to assess pilot for 2019/20.</li> </ul>	28.02.19	Cabinet

**Executive decisions made between 15 February 2019 and 21 June 2019 Appendix 1**

	<b>Title and purpose</b>	<b>Decision date</b>	<b>Taken by</b>
<b>14.</b>	<p><b>Corporate delivery plan 2019/20</b></p> <p>To agree the activities within the corporate delivery plan 2019/20.</p> <p>The delivery plan has been reviewed and updated to include new initiatives and projects for 2019/20 which will support achievement of the council's corporate plan priorities.</p>	28.02.19	Cabinet
<b>15.</b>	<p><b>Self-Funder Policy</b></p> <p>To approve the Self-Funder Policy for people who use social care services, providers of social care services and social care professionals, aligned to the Adult and Communities directorate. The policy is compliant with the Care Act 2014 and its associated regulations and statutory guidance and seeks to provide clear information and available options in regard to the self-funder journey, to inform decision making.</p>	04.03.19	Cabinet Member Health and Wellbeing
<b>16.</b>	<p><b>Looked After Children &amp; Complex Needs Accommodation Commissioning &amp; Sufficiency Strategy 2019 – 2024</b></p> <p>To adopt the placement sufficiency strategy to meet the expected levels of demand for 2019-2024.</p>	06.03.19	Cabinet Children and Families
<b>17.</b>	<p><b>Fastershire Broadband Contract Change 2019</b></p> <p>To review and agree recommended changes to the broadband delivery contract with Gigaclear taking note of change of deployment, premises details, time line and costs</p>	7.03.19	Cabinet member economy and communication
<b>18.</b>	<p><b>Corporate Fleet Replacement</b></p> <p>This report seeks approval to replace the council's ageing corporate fleet with new vehicles.</p>	7.03.19	Cabinet member finance and corporate services

**Executive decisions made between 15 February 2019 and 21 June 2019 Appendix 1**

	<b>Title and purpose</b>	<b>Decision date</b>	<b>Taken by</b>
19.	<p><b>South Wye Transport Package - Active Travel Measures</b></p> <p>The preferred package of active travel measures for inclusion in the South Wye Transport Package were approved, and it was agreed that active travel measures not included in the appended Options Refinement Report preferred package be considered for future delivery as other funding sources become available.</p> <p>A number of active travel options have been considered and consulted on in 2014 and 2016. A robust appraisal process outlined in this report has been adopted to determine the schemes which should be included in the scheme business case. If these schemes are not progressed the objectives of the SWTP will not be met.</p> <p>In addition, subject to confirmation of the statutory orders for the Southern Link Road, authority was delegated to the director of economy and place following consultation with the Section 151 officer to submit the final full business case to the Department for Transport to draw down Growth Fund grant funding for the delivery of the South Wye Transport Package.</p>	8.03.19	Cabinet Member Infrastructure
20.	<p><b>Adoption of the Putley neighbourhood development plan and consequential updates to the countywide policies maps</b></p> <p>To make the Putley neighbourhood development plan as part of the statutory development plan for Herefordshire and approve the consequential updates to the countywide policies maps.</p>	11.03.19	Cabinet Member Infrastructure
21.	<p><b>Adoption of the Ocle Pychard Group neighbourhood plan and consequential updates to the countryside policies map</b></p> <p>To make the Ocle Pychard neighbourhood development plan as part of the statutory development plan for Herefordshire and approve the consequential updates to the countywide policies maps.</p>	11.03.19	Cabinet Member Infrastructure

**Executive decisions made between 15 February 2019 and 21 June 2019 Appendix 1**

	<b>Title and purpose</b>	<b>Decision date</b>	<b>Taken by</b>
<b>22.</b>	<p><b>Adoption of the Burghill neighbourhood development plan and consequential updates to the countywide policies map</b></p> <p>To make the Burghill neighbourhood development plan as part of the statutory development plan for Herefordshire and approve the consequential updates to the countywide policies maps.</p>	11.03.19	Cabinet Member Infrastructure
<b>23.</b>	<p><b>Hereford Transport Package</b></p> <p>To authorise the Director for Economy and Place to take all necessary steps to progress detailed design and consultation including commissioning external professional advisors to inform future decisions on the Hereford Transport Package to a maximum further cost of £3.65m to deliver completion of detailed design of the bypass to a standard for a planning application in accordance with an agreed costed programme.</p>	11.03.19	Cabinet Member Infrastructure
<b>24.</b>	<p><b>Domestic Abuse Strategy 2019-2022</b></p> <p>To approve a new joint Domestic Abuse Strategy for Herefordshire</p>	14.03.19	Cabinet
<b>25.</b>	<p><b>Public realm service annual plan 2019/20</b></p> <p>To confirm the annual plan 2019/20 for the public realm services contract with Balfour Beatty Living Places.</p>	14.03.19	Cabinet member transport and regulatory services
<b>26.</b>	<p><b>Adoption of the Pembridge neighbourhood development plan and consequential updates to the countywide policies map</b></p> <p>To make the Pembridge neighbourhood development plan as part of the statutory development plan for Herefordshire and approve the consequential updates to the countywide policies maps.</p>	22.03.19	Cabinet member infrastructure
<b>27.</b>	<p><b>Adoption of the Lea neighbourhood development plan and consequential updates to the countywide policies map</b></p> <p>To make the Lea neighbourhood development plan as part of the statutory development plan for Herefordshire and approve the consequential updates to the countywide policies maps.</p>	22.03.19	Cabinet member infrastructure



**Executive decisions made between 15 February 2019 and 21 June 2019 Appendix 1**

	<b>Title and purpose</b>	<b>Decision date</b>	<b>Taken by</b>
<b>28.</b>	<p><b>Adoption of the Ballingham, Bolstone and Hentland Group neighbourhood development plan and consequential updates to the countywide policies map</b></p> <p>To make the Ballingham, Bolstone and Hentland Group neighbourhood development plan as part of the statutory development plan for Herefordshire and approve the consequential updates to the countywide policies maps.</p>	22.03.19	Cabinet member infrastructure
<b>29.</b>	<p><b>Adoption of the Shobdon neighbourhood plan and consequential updates to the countywide policies map</b></p> <p>To make the Shobdon neighbourhood development plan as part of the statutory development plan for Herefordshire and approve the consequential updates to the countywide policies maps.</p>	22.03.19	Cabinet member infrastructure
<b>30.</b>	<p><b>Award of contract for accommodation based support for young people</b></p> <p>To approve a direct award of a contract for accommodation based support for care leavers and other vulnerable young people for the period to 1 November 2020.</p>	22.03.19	Cabinet member corporate strategy and budget
<b>31.</b>	<p><b>Adoption of the How Caple, Sollers Hope and Yatton Group neighbourhood plan and consequential updates to the countywide policies map</b></p> <p>To make the How Caple, Sollers Hope and Yatton Group neighbourhood development plan as part of the statutory development plan for Herefordshire and approve the consequential updates to the countywide policies maps.</p>	22.03.19	Cabinet member infrastructure
<b>32.</b>	<p><b>Adoption of the Leominster area neighbourhood development plan and consequential updates to the countywide policies map</b></p> <p>To make the Leominster area neighbourhood development plan as part of the statutory development plan for Herefordshire and approve the consequential updates to the countywide policies maps.</p>	22.03.19	Cabinet member infrastructure

**Executive decisions made between 15 February 2019 and 21 June 2019 Appendix 1**

	<b>Title and purpose</b>	<b>Decision date</b>	<b>Taken by</b>
<b>33.</b>	<p><b>Property Services Planned and Reactive Maintenance Programme 2019/20</b></p> <p>To agree the property services planned and reactive maintenance programme 2019/20 to ensure the continuing upkeep, improvements and maintenance of the council’s property assets and also to allow the council to fulfil its obligations to carry out statutory compliance inspections and related remedial works.</p> <p>The maintenance budget of £2.438m is to be spent on the continuing upkeep and maintenance of the council’s 270 key property assets and also to allow the council to fulfil its obligations to carry out 47 various types of statutory compliance checks and best practice inspections so as to maintain a safe environment for the users of the buildings and the upkeep of the property.</p>	25.03.19	Cabinet member contracts and assets
<b>34.</b>	<p><b>Herefordshire Council Adult and Community Learning Plan 2019 – 2022</b></p> <p>To approve the Herefordshire Council Adult and Community Learning Plan 2019 - 2022.</p>	25.04.19	Cabinet member children and families
<b>Decisions Made By the Current Executive</b>			
<b>35.</b>	<p><b>Development and regeneration programme project approval for student accommodation at Station Approach</b></p> <p>The purpose of the report is for the Cabinet member for contracts and assets to confirm final approval of the project to develop student accommodation on Station Approach and authorise the Director for economy and place to enter into all necessary legal agreements to implement the project.</p>	10.06.19	Cabinet member corporate strategy and budget

## Chief Executive's Objectives 2019/20

- 1 Maintain the council's focus on strong financial control and planning.
- 2 Lead the development of strategic planning to ensure the council has the most sustainable course for local key service delivery.
- 3 Ensure that election/s function well, and that the new administration is given the necessary support to be able to function effectively.
- 4 Lead the development of plans and approaches to continue to improve outcomes and the performance of Children and Families. Consider full opportunities for early intervention with families where it can be the better alternative to bringing a child into the care system.
- 5 Working closely with Adults and Communities, develop strategies for improved outcomes in local communities alongside improved relationship with our communities, considering how we can facilitate communities doing more to support vulnerable residents.
- 6 Progress development of the economic master-plan, as a key tool for our own spatial planning, and to communicate with residents and encourage inward investment.
- 7 Continue the development of plans for inward investment, including working with the Herefordshire Investment Partnership (HIP) to focus on how they can assist in stimulating inward private investment, whilst working within our procurement requirements.
- 8 Support development of higher education in the county, considering the economic benefits alongside the impact on council resources.
- 9 Ensure that the new Leader of the Council and Cabinet are fully advised of developments on all key priorities.
- 10 Develop awareness of residents and staff in the work that the council does, with the aim of improving perceptions. Link this to staff engagement to increase understanding of reputational issues.



## Section 1 - Cabinet member portfolios

**Leader (corporate strategy and budget): Councillor David Hitchiner**

**Support members: Councillor John Hardwick; Councillor Peter Jinman (European and national matters); and Councillor Alan Seldon (LGA/CCN)**

- Corporate policy and strategy
- Corporate budget
- External liaison and relationships
  - Local Government Association (LGA)/County Councils' Network (CCN)
  - European and national matters
  - Regional matters
  - Marches Local Enterprise Partnership
  - NMiTE
- Policy development, quality assurance, external liaison, performance improvement and risk assurance relevant to the portfolio at all times having regard to the cross cutting priorities of the council
- Any initiative not specifically allocated to any other portfolio

**Children and families: Councillor Felicity Norman (Deputy Leader)**

- Deputise for the leader of the council in his absence
- To provide leadership and ensure coordination across the range of council children's services, and through engagement with partners, with a particular focus on children and young people's health & wellbeing, safeguarding, education and attainment
- Services for vulnerable young people/children/families
- Lead member for children's services in accordance with the Children's Act 2004
- Children and young people's education and attainment
- Corporate parenting
- Policy development, quality assurance, external liaison, performance improvement and risk assurance relevant to the portfolio at all times having regard to the cross cutting priorities of the council
- Any other specific responsibilities as allocated by the leader

**Commissioning, procurement and assets: Councillor Gemma Davies**

- Commissioning and procurement strategy and policy
- Contract management policy
- Waste management strategy
- Waste collection and disposal
- Council asset and property strategies
- Council property services including facilities management
- Common land
- Community services:
  - Parks and countryside
  - Leisure Services
  - Cultural services
  - Libraries
  - Heritage Services
  - Archives
  - Public conveniences
- Policy development, quality assurance, external liaison, performance improvement and risk assurance relevant to the portfolio at all times having regard to the cross cutting priorities of the council
- Any other specific responsibilities as allocated by the leader

**Environment, economy and skills: Councillor Trish Marsh**

- Economic development and regeneration (including development and regeneration programme and partnership)
- Tourism
- Post 16 education, training and skills development
- Environmental promotion, protection and sustainability including response to climate emergency.
- Broadband
- Policy development, quality assurance, external liaison, performance improvement and risk assurance relevant to the portfolio at all times having regard to the cross cutting priorities of the council
- Any other specific responsibilities as allocated by the leader

**Finance and corporate services: Councillor Liz Harvey**

---

- Agreeing and leading the process for developing revenue and capital budgets, medium term financial strategy, council tax and NNDR
- Financial policy, fees and charging policy, financial control and reporting
- Council tax benefits
- Council ICT services
- Human Resources
- Information governance and modern records
- Equality and human rights
- Health and safety, emergency planning and business continuity
- Performance, improvement, risk management, research and intelligence
- Land charges
- Legal and democratic services including member development and training
- Policy development, quality assurance, external liaison, performance improvement and risk assurance relevant to the portfolio at all times having regard to the cross cutting priorities of the council
- Any other specific responsibilities as allocated by the leader

#### **Health and adult wellbeing: Councillor Pauline Crockett**

- Provide leadership and ensure coordination across the range of council adult social care services, and through engagement with partners
- Services for vulnerable adults
- Adult safeguarding
- Leadership of Health and Wellbeing Board and partnership working with health
- Public Health
- Policy development, quality assurance, external liaison, performance improvement and risk assurance relevant to the portfolio at all times having regard to the cross cutting priorities of the council
- Any other specific responsibilities as allocated by the leader

#### **Infrastructure and transport: Councillor John Harrington**

- Transport and highways policy strategy and operations
- Planning, conservation and land use strategies including Core Strategy
- Land drainage, flood alleviation, rivers and waterways
- Public Rights of Way
- Streetscene design, policy and delivery
- Traffic Management
- Car parking policy and services
- Policy development, quality assurance, external liaison, performance improvement and risk assurance relevant to the portfolio at all times having regard to the cross cutting priorities of the council
- Any other specific responsibilities as allocated by the leader

#### **Community and place based services: Councillor Ange Tyler**

- Community engagement and development
- Customer services
- Strategic housing, homelessness, housing allocation and condition
- Communications and web presence
- Bereavement services including Coroner services
- Registration services
- Gypsy and traveller services
- Animal health and welfare
- Environmental health and trading standards
- Markets and fairs
- Licensing
- Community Safety
- Policy development, quality assurance, external liaison, performance improvement and risk assurance relevant to the portfolio at all times having regard to the cross cutting priorities of the council
- Any other specific responsibilities as allocated by the leader





<b>Meeting:</b>	<b>Council</b>
<b>Meeting date:</b>	<b>12 July 2019</b>
<b>Title of report:</b>	<b>Motions on notice</b>
<b>Report by:</b>	<b>Solicitor to the Council</b>

## Classification

Open

## Key decision

This is not an executive decision.

## Wards affected

Countywide

## Purpose

To consider motions received on notice.

## Recommendation

**THAT: the motions listed at paragraph 7 are debated and determined by Council.**

## Alternative options

- 1 There are no alternative options to the recommendation; the constitution makes provision for motions on notice to be debated and decided by Council.

## Key considerations

- 2 The constitution provides that members of Council may submit written notice of motions for debate at Council. A motion must be signed by the proposer and seconder and submitted not later than midday on the seventh working day before the date of the meeting. A member cannot propose more than one motion on notice per meeting and a maximum of three motions will be debated at meetings of full Council.
- 3 Motions must be about matters for which the council has a responsibility or which affect the area.
- 4 Motions for which notice has been given will be listed on the agenda in the order in which notice was received unless the member giving notice states, in writing, that they propose to move it to a later meeting or withdraw it.
- 5 Up to one and a half hours will be allocated to debate motions on notice but that time may be varied at the discretion of the chairman.

6 Two motions will be debated at the meeting. The motions for discussion are set out below:

**Motion – Zero carbon citizens assembly**

(Proposed by Councillor Ellie Chowns, Seconded by Councillor ...)

**That this Council asks the executive to conduct a citizens assembly on how Herefordshire can transition to zero carbon, timetabled to coordinate with the national citizens assembly on the same topic.**

**Motion – Community Infrastructure Levy**

(Proposed by Councillor Paul Symonds, Seconded by Councillor ...)

**Legal powers for English Planning authorities to introduce in their areas a Community Infrastructure Levy have been in place since the Planning Act 2008 (1). The CIL provides among other things, for Parish and Town Councils to receive at least 15% of all proceeds, or 25% if a Neighbourhood Development Plan is in place.**

**Herefordshire Council has paused the process by which CIL can be levied in the County, thus depriving Town and Parish councils of this potential income. Most neighbouring authorities have introduced the levy including Shropshire, Cheltenham Borough, Gloucester City, Tewkesbury Borough, Malvern Hills, Worcester City and Wychavon Councils. The longer this goes on, the more income is lost to Town & Parish Councils.**

**This Council asks the executive to investigate and recommend to Council the adoption of the Community Infrastructure Levy as a matter of urgency, ensuring it is implemented for Herefordshire no later than 1<sup>st</sup> April 2020.**

7 The constitution provides that the report to Council containing those notices of motion to be debated at the meeting will also include detail of progress of all outstanding resolutions. There are outstanding resolutions with respect to three motions considered at earlier meetings of full Council. Updates of progress against these resolutions are provided below:

Date of meeting	Motion	Current Status
9 March 2018	Video Casting of Council Meetings	A decision to initiate a procurement process has been delegated to the level of officer decision. A procurement process will be undertaken and a further report will be produced, in the new Council term, to recommend the appointment of an approved supplier.
8 March 2019	Eastern City Bridge Protective Corridor	A formal executive response to the resolution is currently being prepared and will be published shortly.
8 March 2019	Climate Emergency	A formal executive response to the resolution is currently being prepared and will be published shortly.  A briefing session has been arranged for Tuesday 16 July 2.00 p.m. 4.00 p.m. Council Chamber: Members briefing on

		Herefordshire Council Climate Emergency Declaration. This will be followed by a full-day Members Climate Emergency Workshop on Monday 21.
--	--	---

## Community impact

- 8 Herefordshire Council's adopted code of corporate governance provides the framework for maintaining high standards of corporate governance in order to achieve the council's vision of "people, organisations and businesses working together to bring sustainable prosperity and well-being for all, in the outstanding natural environment of Herefordshire."
- 9 In accordance with the code, the long-term nature of many of Herefordshire Council's responsibilities mean that we should define and plan outcomes and that these should be sustainable. Decisions should further the council's purpose, contribute to intended benefits and outcomes, and remain within the limits of authority and resources. Input from all groups of stakeholders is vital to the success of this process and in balancing competing demands when determining priorities for the finite resources available.

## Equality duty

- 10 Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:

A public authority must, in the exercise of its functions, have due regard to the need to –

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
  - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
  - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 11 The public sector equality duty (specific duty) requires us to consider how we can positively contribute to the advancement of equality and good relations, and demonstrate that we are paying 'due regard' in our decision making in the design of policies and in the delivery of services. If any motion results in a request that the executive (cabinet) consider taking some action, the cabinet will have regard to the equality duty when determining its response to the request.

## Resource implications

- 12 None arising from the recommendation; if any motion results in a request that the executive (cabinet) consider taking some action the implications of such action will inform any decision by cabinet.

## Legal implications

- 13 None arising from the recommendation; if any motion results in a request that the executive (cabinet) consider taking some action the implications of such action will inform any decision by cabinet.

## **Risk management**

- 14 None arising from the recommendation; if any motion results in a request that the executive (cabinet) take some action the risks associated with such action will inform any decision by cabinet.

## **Consultees**

- 15 None.

**Appendices** – none

**Background papers** – none identified