

# AGENDA

## Cabinet

Date: **Thursday 12 July 2012**

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Time: **2.00 pm**

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Place: **The Council Chamber, Brockington, 35 Hafod Road,  
Hereford**

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

For any further information please contact:

**Sally Cole, Governance Services**

Tel: (01432) 260249

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

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# Agenda for the Meeting of the Cabinet

## Membership

Chairman                      Councillor JG Jarvis

Councillor H Bramer  
Councillor PM Morgan  
Councillor RJ Phillips  
Councillor PD Price  
Councillor RB Hamilton  
Councillor GJ Powell

## GUIDANCE ON DECLARING PERSONAL AND PREJUDICIAL INTERESTS AT MEETINGS

### What is a personal interest?

You have a personal interest in a matter if that matter affects the well-being or financial position of you, your relatives or people with whom you have a close personal association more than it would affect the majority of other people in the ward(s) to which the matter relates.

A personal interest can affect you, your relatives or people with whom you have a close personal association positively or negatively. If you or they would stand to lose by the decision, you should also declare it.

You also have a personal interest in a matter if it relates to any interests, which you must register.

### What do I need to do if I have a personal interest?

You must declare it when you get to the item on the agenda headed "Declarations of Interest" or as soon as it becomes apparent to you. You may still speak and vote unless it is a prejudicial interest.

If a matter affects a body to which you have been appointed by the authority, or a body exercising functions of a public nature, you only need declare the interest if you are going to speak on the matter.

### What is a prejudicial interest?

You have a prejudicial interest in a matter if;

- a) a member of the public, who knows the relevant facts, would reasonably think your personal interest is so significant that it is likely to prejudice your judgment of the public interest; and
- b) the matter affects your financial interests or relates to a licensing or regulatory matter; and
- c) the interest does not fall within one of the exempt categories at paragraph 10(2)(c) of the Code of Conduct.

### What do I need to do if I have a prejudicial interest?

If you have a prejudicial interest you must withdraw from the meeting. However, under paragraph 12(2) of the Code of Conduct, if members of the public are allowed to make representations, give evidence or answer questions about that matter, you may also make representations as if you were a member of the public. However, you must withdraw from the meeting once you have made your representations and before any debate starts.

**AGENDA**

Pages

**HEREFORDSHIRE COUNCIL - NOTICE UNDER REGULATION 15 OF THE LOCAL AUTHORITIES (EXECUTIVE ARRANGEMENTS ((ACCESS TO INFORMATION) REGULATIONS 2000 (AS AMENDED)**

Notice is hereby given that the following report contains a key decision. When the decision has been made, Members of the relevant Scrutiny Committee will be sent a copy of the decision notice and given the opportunity to call-in the decision.

<b>Item No</b>	<b>Title</b>	<b>Portfolio Responsibility</b>	<b>Scrutiny Committee</b>	<b>Included in the Forward Plan Yes/No</b>
12	Future of the Amey Strategic Partnership	Major Contracts	Overview and Scrutiny	Yes

**1. APOLOGIES FOR ABSENCE**

To receive any apologies for absence.

**2. DECLARATIONS OF INTEREST**

To receive any declarations of interest by Members in respect of items on the Agenda.

**3. MINUTES**

To approve and sign the minutes of the meeting held on 14 June 2012.

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**4. BUDGET PLANNING/PARTICIPATORY PROCESS 2013/14**

To seek agreement for the forthcoming budget planning process and timetable.

9 - 14

**5. CORPORATE PERFORMANCE REPORT**

To agree the format for future performance reporting.

15 - 46

**6. LOCAL DEVELOPMENT FRAMEWORK AND LOCAL TRANSPORT PLAN UPDATE**

To update Members on progress and proposed changes to the timetable for finalising the Local Development Framework Core Strategy and the implications and options for the Local Transport Plan.

47 - 64

**7. HEALTHWATCH HEREFORDSHIRE**

To update Cabinet on the progress made to date regarding Healthwatch Herefordshire and to seek approval for the establishment of the new organisation.

65 - 76

**8. STRATEGIC DELIVERY PLAN FOR TRANSFORMING ADULT SERVICES 2012/15**

To provide the Cabinet with the final draft of the Strategic Delivery Plan for Transforming Adult Services 2012/15.

77 - 118

**9. UPDATE ON THE IMPLEMENTATION OF THE PUBLIC HEALTH**

119 - 126

## **TRANSITION PLAN**

The purpose of this report is to provide Cabinet with assurance that the Public Health Transition Project is on course to achieve the safe transfer of legal responsibility for Public Health from Herefordshire Primary Care Trust to Herefordshire Council in April 2013, and to inform Cabinet about the scope of those new legal responsibilities and the opportunity they give the Council to improve the health and wellbeing of the people in Herefordshire.

### **10. REVIEW OF HACKNEY CARRIAGE AND PRIVATE HIRE (TAXI) POLICY**

127 - 216

For Cabinet to approve the revised policy for private hire and hackney carriage licensing.

### **11. EXCLUSION OF THE PRESS AND PUBLIC**

In the opinion of the Proper Officer, the following item will not be, or is likely not to be, open to the public and press at the time it is considered.

**RECOMMENDATION:** that under section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Schedule 12(A) of the Act, as indicated below and it is considered that the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

**3 Information relating to the financial or business affairs of any particular person**

### **12. FUTURE OF AMEY STRATEGIC PARTNERSHIP**

The purpose of this report is to update Cabinet regarding the negotiations with Amey on the future of the Herefordshire Service Delivery Partnership and seek approval of next steps.

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- 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.
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## **HEREFORDSHIRE COUNCIL**

**BROCKINGTON, 35 HAFOD ROAD, HEREFORD.**

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HEREFORDSHIRE COUNCIL

**MINUTES of the meeting of Cabinet held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Thursday 14 June 2012 at 2.00 pm**

**Present:** Councillor JG Jarvis (Chairman)

**Councillors:** H Bramer, RB Hamilton, PM Morgan, GJ Powell and PD Price

**In attendance:** Councillors JA Hyde, AW Johnson, NP Nenadich, P Rone, P Sinclair-Knipe, MAF Hubbard, TM James and RI Matthews

**Officers:**

**1. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor RJ Phillips, Cabinet Member Enterprise and Culture.

**2. DECLARATIONS OF INTEREST**

11. YOUTH REVIEW - CONSULTATION RESPONSES.

Councillor MAF Hubbard, Personal, Agenda item 11 member of Friends of Castle Green, links with the outdoor centre referred to in the Youth Review.

**3. MINUTES**

**RESOLVED:** That the Minutes of the meeting held on 10 May be approved as a correct record and signed by the Chairman.

**4. FINAL OUT-TURN REPORT 2011/12**

The Cabinet Member Corporate Services presented the report of the Head of Corporate Finance. The following points were made in discussion:

- The overall revenue budget position for 2011/12 showed an overspend of £236k, which is approximately 0.16% of the Council's £146m revenue budget excluding dedicated schools grant funding. The £236k overspend will be met by a transfer from the general fund working balance.
- The general reserve balance at 31 March 2012 was £6.1m after funding the overspend. The Council holds £13.4m of earmarked reserves, which includes school balances.
- The capital programme outturn in 2011/12 indicates a final outturn of £49.4m, which is £9.3m less than forecast in February. The decrease is due to forecast spend slipping into future years.
- The Treasury Management outturn had an under spend of £1.18m on borrowing costs and £226k on interest received.
- The small overspend on the general account is mitigated by savings within other services.

- In referring to the annual treasury management report Cabinet was advised that a cautious approach had been used as to where monies were to be held and that monies would not be held by brokers for any lengthy periods.
- In response to a question on producing a budget on a gross budget, the Chief Officer Finance and Commercial advised there was a requirement by law to budget on the net budget, however, a budget could be produced on a gross budget as well.
- In response to a question on the adult services budget the Cabinet Member advised the directorate was committed to good quality care at all times. The challenge was around on what and how care was provided and on early intervention.
- In response to a question on Section 75 agreements Cabinet was reminded that the agreements had been around for some time and they involved the Council, Wye Valley Trust, 2gether and the PCT. It was anticipated that they would continue, updated as necessary.
- Members discussed in general issues around savings across wide areas of the Council, outstanding debts of partner organisations and the relationship between the budget set and an overspend.
- In response to questions on the Council's borrowing rates Cabinet was assured that any borrowing was done at a low fixed interest rate.

## **RESOLVED**

### **THAT:**

- a) **the final outturn for 2011/12 be approved;**
- b) **the movements to new reserves outlined in paragraph 11 of Appendix A to the report be approved; and**
- c) **Cabinet recommends to Council approval of the Treasury Management outturn report.**

## **5. INTEGRATED CORPORATE PERFORMANCE REPORT 2011-12**

The Cabinet Member Corporate Services presented the report of the Assistant Director People, Policy and Partnerships on the Integrated Corporate Performance Report. The following points were made in discussion:

- Cabinet was informed that the proportion of performance measures that were achieving or better than target was 64%, which was a significant increase on last year which was 47.2%. In addition the targets improving against the same period last year was 56.8% compared to 50.75 last year.
- Cabinet noted that even with the levels of available resources through central Government reducing and the reorganisation that has been carried out over the last 18 months, progress was still being made in the delivery of the Joint Corporate Plan.
- People's Services directorate – the Cabinet Member stated that the Ofsted inspections of children's centres had resulted in a number of centres being rated as good. Additionally seasonable flu vaccination in the county was the highest in the West Midlands for over 65s and the second highest for all other vulnerable groups.
- In referring to schools Cabinet noted that the guiding principles for the Herefordshire Learning Community had been approved by Cabinet and the emphasis now was on ensuring that all schools signed up to the principles.
- Places and Communities - 90 affordable homes had been achieved in Herefordshire and 88 empty properties had been brought back into use. It was



noted that there was still a high number of families under financial pressure. The full impact of the benefit changes were yet to be seen, but the use of bed and breakfast accommodation was at a minimal level. However, opposition Members did raise concerns on the use of demographic figures and predictions. Cabinet was informed the demographic predictions were produced through the use of the Integrated Needs Assessment (INA) and officers were working hard at improving the use of the information gathered through the INA.

- In referring to the number of young people not in education or training, Cabinet was informed that the figures for 2011 had risen slightly.

**RESOLVED: That Cabinet considered and noted performance for the operating year 2011/12.**

## **6. EDGAR STREET LINK ROAD IMPLEMENTATION**

The Cabinet Member Education and Infrastructure presented the report of the Economic Development Manager. The following points were made in discussion:

- The Cabinet Member emphasised that the report was about the development of some community facilities and a health facility and not the link road, which had initially been agreed by the Planning Committee in March 2010.
- The intention is to reach agreement with landowners, however, there was an expectation that Compulsory Purchase Orders (CPO) would be required.
- The intention was to deliver the link road in a timely manner and the side road would be necessary to allow access. Any raising of CPOs would require detailed reasons, which would be brought before Cabinet in a separate report.
- Reference was made to a transport hub, which it was believed had been integral to the original scheme. It was stated that public meetings had been held and a prime consideration was the impact and increase of vehicle flow around the Aylestone Hill area. In response to the comments Cabinet was informed that a transport hub at the railway station still remained an aspiration of the development.
- It was noted that there was a substantial increase in cost, however, it was felt the redevelopment was important for the City and the County as a whole.
- Reference was made to the housing estates which have been built around the county and that these developments had paid for any road links and did not require the Council to fund them.
- Concern was raised over the estimated figure over the number of businesses and employees affected by the building of a link road as it was felt these figures should be more accurate.
- In response to a question on funding for the link road, Cabinet was reminded that the Council needed to evidence that funding was available, however, the use of grant and other external funding was still being pursued.

**RESOLVED**

**THAT CABINET:**

- a) authorises the Chief Officer Finance and Commercial, in consultation with the Director for Places and Communities, to proceed with acquisitions through negotiations with the possible affected landowners, as regards the acquisition of all necessary land interests, and all other necessary steps in this matter; and**
- b) agrees that in order to secure any land and new rights required for the Link road, the use of the Council's statutory powers of compulsory acquisition in making a Compulsory Purchase order, and the use of**

**the Council's statutory powers to make a Side Roads Order be approved, in principle, subject to a further report to Cabinet to more specifically identify the land interests to be acquired and further explain the necessity for a CPO in a statement of reasons.**

## **7. CHILDREN CENTRE SERVICES REVIEW**

The Cabinet Member Health and Wellbeing presented the report of the Head of Provider Services (Localities). The following points were made in discussion:

- Cabinet was informed of the consultation carried out over a 12 week period with parents, carers, stakeholders and children centre staff.
- Cabinet noted that the recommendations followed the original proposal of prevention and early intervention, supporting disadvantaged or vulnerable children and their families to provide the best start in life.
- Cabinet noted that the re-designating of the South City Children Centre as a nursery, which would help provide more places for two year old children.

### **RESOLVED**

#### **THAT:**

- a) taking account of the views expressed through the consultation a 'mixed market' model of children centre services delivery be adopted;**
- b) the core purpose specification for services for families with young children be developed through the forthcoming root and branch review using the results of this consultation; and**
- c) a south city children's centre is re-designated to a nursery to meet increased demand, and the Director of People's Services be delegated authority to determine which centre is re-designated taking account of the outcome of ongoing feasibility work.**

## **8. RECOMMENDATION FOR THE ESTABLISHMENT OF A SINGLE YOUTH OFFENDING SERVICE FOR WEST MERCIA**

The Cabinet Member Health and Wellbeing presented the report of the Head of Locality Services. The following points were made in discussion:

- The Cabinet Member emphasised the report was about agreeing a principle to move forward with and to provide the best service with the least cost.
- Currently there is a joint Youth Offending Service between Herefordshire and Worcestershire. Telford and Wrekin also had a joint service and the proposal was to bring the separate youth services together as one service.
- The proposed establishment of a single youth service would ensure the service was prepared for when the new Police Commissioner came into place in the autumn and the recommendation would ensure the authority was in a much stronger position prior to the appointment.

### **RESOLVED**

#### **THAT:**

- (a) work should progress to establish a West Mercia Youth Offending Service, and to consider the optimum delivery mechanisms for non core services using a commissioning approach;
- (b) Interim arrangements be put in place with West Mercia Probation Trust for delivery of a core Youth Offending Service, subject to the Director for People's Services being satisfied that effective linkages are being maintained with local youth and family services in Herefordshire; and
- (c) this arrangement be reviewed after 18 months to allow exploration by the Local Authorities, through the Youth Offending Service Management Board, of commissioning the Single Core Youth Offending Service through a competitive process.

**9. STRATEGIC PLAN FOR CHILDREN AND YOUNG PEOPLE IN HEREFORDSHIRE; THE "YES WE CAN" PLAN**

The Cabinet Member Health and Wellbeing presented the report of the Head of Commissioning (Children Services). The following points were made in discussion:

- It was stated that the resources invested in young people to improve life chances for children and young people studying and working in the county would provide dividends in the future.
- The strategic partnership plan is the plan that organisations and individuals who commission and provide services for children and young people all agree to work to.
- The Children and Young People's Partnership Forum replaces the previous Children's Trust. All partners work together and lead their individual agency to improve the opportunities and outcomes for young people. The Forum has considerable input from young people.
- In discussing risk management it was stressed that there had to be a reliance on social care staff to provide professional judgements.
- It was stated that there was a reduction in the total number of children in the county, decreasing by 10%. It was emphasised that the success of the target setting needed to be monitored and to ensure that all targeting work was done at the earliest point a need was identified.
- Cabinet reiterated the need to work in partnership with employers to ensure that schools were clear on the requirements of employers.

**RESOLVED**

**THAT:**

- a) Cabinet recommend to Council to approve the Yes We Can plan; and
- b) it be noted that the priorities within the Yes We Can plan be considered as part of the Council's Root and Branch reviews.

**10. UNDERSTANDING HEREFORDSHIRE - SUMMARY OF THE 2012 INTEGRATED NEEDS ASSESSMENT**

The Cabinet Member Health and Wellbeing presented the report Understanding Herefordshire – Summary of the 2012 Integrated Needs Assessment. The following points were made in discussion:

- The report provides an evidence base on the needs of the people of Herefordshire incorporating the Joint Strategic Needs Assessment and the State of Herefordshire Reports. Cabinet noted the need for a 'gold standard' across the county to enable more informed decisions on the prioritisation of resources and the ability to track the use of resources over time.
- In referring to the demographic chart Cabinet noted the diminishing number of young people in the County and the rapid reduction in this number forecast by 2031 based on current trends.
- The report reflects what things in the county will look like in the future and how the authority is tackling the issues to provide a sustainable and affordable society.

## **RESOLVED**

### **THAT:**

- a) the document "Understanding Herefordshire" as the summary of the 2012 Integrated Needs Assessment be approved;**
- b) "Understanding Herefordshire" and the 2012 Integrated Needs Assessment as the evidence base against which strategic priorities and commissioning decisions will be made be approved;**
- c) in light of the evidence within the Integrated Needs Assessment, the Joint Corporate Plan is reviewed, be considered; and**
- d) the programme of work towards a "Gold Standard" Integrated Needs Assessment be approved.**

## **11. YOUTH REVIEW - CONSULTATION RESPONSES**

The Cabinet Member Health and Wellbeing presented the report of the Head of Locality Services. The following points were made in discussion:

- Resulting from the public consultation on the youth review there was support in principle to target funding of the service to the most vulnerable.
- Cabinet was advised that following the results of the consultation the proposals for the outdoor education centre did not get support. It was noted there was a need to test how the service could be provided in another way.
- In referring to the recommendations of the Overview and Scrutiny Committee, Cabinet was content with the comments on the youth market testing and the use of the website to provide a source of integrated local knowledge about youth service provision.
- Cabinet agreed that recommendations e and f of the Overview and Scrutiny Committee were to be considered at a later date.

## **RESOLVED**

### **THAT:**

- (a) In light of the consultation and further equality impact assessment, and taking into consideration the outcome of that further consultation and assessment, Cabinet affirmed the decisions taken on 15 December 2011, namely:**
  - ***Targeted Youth Support Services for the most vulnerable young***

***people in the county are prioritised for funding and are likely to be delivered in the future both directly by the Council and third sector partners:***

- ***Positive activities for young people, which can be accessed by all, will be delivered through a community engagement route, with local areas having access to Council funding on a formula basis according to numbers of young people and the level of deprivation in the locality. This funding to be used in connection with other partnership resources which may be available in the locality;***
  - ***Outdoor Education Services as set out in paragraphs 39-37 of the report [i.e. sailing centre and canoe centre] to be subject to market testing to determine whether they are commercially viable with no public subsidy***
- (b) **options for future delivery of targeted youth services be explored through the phase 2 root and branch review;**
- (c) **should no suitable provider be found, the Director for People's Services, be authorised to make arrangements to close the provision taking into consideration Overview and Scrutiny Committee's recommendation that a report be submitted prior to any decision being taken;**
- (d) **In undertaking market testing the views of local Members, local community groups and other local authorities with experience of market testing be sought; and**
- (e) **As a service to the community the Council facilitate the use of its website to provide a source of integrated local knowledge about youth service provision and a forum for providers and community groups to share ideas and innovation.**

The meeting ended at 4.45 pm

**CHAIRMAN**



<b>MEETING:</b>	<b>CABINET</b>
<b>DATE:</b>	<b>12 JULY 2012</b>
<b>TITLE OF REPORT:</b>	<b>BUDGET PLANNING/PARTICIPATORY PROCESS 2013/14</b>
<b>PORTFOLIO AREA:</b>	<b>CORPORATE SERVICES</b>

**CLASSIFICATION:** Open

### **Wards Affected**

County-wide

### **Purpose**

To seek agreement for the forthcoming budget planning process and timetable.

### **Key Decision**

This is not a Key Decision.

### **Recommendations**

**THAT Cabinet:**

- (a) **Note the overall timetable for budget setting;**
- (b) **Endorse the proposed approach for budget planning;**
- (c) **Authorise the Leader to determine the detailed programme of budget participation, following appropriate consultation with health partners; and**
- (d) **Instructs the Deputy Chief Executive, following completion of recommendation c) above, to arrange publication of the consultation arrangements.**

### **Key Points Summary**

- Last year a series of locality based events supported the budget process; these were interactive and posed a series of questions.
- The intention is to build on the process used last year as part of the “Your Community, Your Say” exercise and to continue to develop the emphasis on policy choices within the principles and priorities that Cabinet agree.

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Further information on the subject of this report is available from  
David Powell, Chief Officer – Finance and Commercial Services on (01432) 383519

- The engagement with parishes will need to cover responsibility for services leading up to their precept setting and the implications of the Localism Act.
- The Policy and Budget Review process covers five broad areas:
  1. Policy Issues
  2. Budget Forecast and Risks
  3. Strategy
  4. Communications including consultation
  5. Timetable

## **Alternative Options**

- 1 There are no Alternative Options as consultation is a statutory requirement.

## **Reasons for Recommendations**

2. There is a need to engage with residents and partners to explain the continuing challenge facing the council.
3. It is important that the council meets its obligations as set out in sections 4.3.2.1 to 4.3.2.5 of the constitution to publicise the budget timetable and arrangements for consultation, including the engagement of the Overview and Scrutiny Committee.

## **Key Considerations**

4. The constitution requires a programme to consult on the budget and its key priorities. Consultation methods need to be adopted to ensure consultees are informed, engaged and given ample opportunity to give their views.
5. As the deficit reduction programme is now government policy, there is a continuing requirement to help residents understand why difficult decisions are required. A range of methods will be used to communicate, consult and engage, as part of the "Your Community, Your Say" exercise and the links to the Root and Branch Reviews.
6. The appropriate use of Herefordshire Matters will be a key part of the process given its wide distribution across the county. Information about the budget and engagement process can also be published in the local press.
7. Public meetings remain a suitable means of engagement. Meetings should be held in locations that allow the maximum number of people to attend and cover each of the nine localities.
8. Other groups and bodies will need to be engaged and consulted including the business community, voluntary and community sector, schools, parish and town councils, and health and other partners.
9. Overview and Scrutiny Committee will be asked to build in consideration of the budget proposals as part of their work programme
10. Briefings for political groupings and councillors will be held.



## **Policy Issues**

11. The approach will see alignment between the budget process and the Joint Corporate Plan. The JCP will be reviewed by Cabinet in October (informed by the Integrated Needs Assessment). The JCP will be agreed by Council in November. The root and branch reviews that in total cover all areas of the council will have an influence on future priorities.

## **Budget Forecast and Risks**

12. The well developed medium term financial planning process will be updated. It will be extended from three years to four years.
13. As in previous years it will include unavoidable budget pressures and risks and this will be informed by the current budget assurance process being led by the Chief Officer – Finance and Commercial Services. The process of gathering pressures and seeking assurance on budget savings is underway.
14. From April 2013 the income from Business Rates will be localised although central government will continue to set the annual rate. We still await final details from government but it is clear that Herefordshire will be a “top up” authority under the new system. This is because we receive more from the current national “pooling” arrangements than we collect locally.
15. The abolition of Council Tax Benefit and its replacement with a local system funded by government will have to manage with a reduction in funding of 10% when the new arrangement starts in April 2013.
16. It is also possible that the government’s policy of reducing the national deficit will see a larger reduction than the estimate we have built in.

## **Communications including Consultation**

17. The “Your Community, Your Say” engagement exercise is intended to be the dialogue with residents and stakeholders about key issues that have a wider impact than just the budget. However the dialogue will inform the financial process and is about:
  - Quality of life issues;
  - Future priorities;
  - Herefordshire 2020; and
  - Budget priorities.
18. An additional source of information will be the Quality of Life survey results available in July.
19. As in 2011 there will be a series of events in the nine localities building on the approach commenced under the “Hearts of Herefordshire” programme that saw local members play a key role.
20. These local events will take place in September/October alongside the use of the website and other means of engagements including Herefordshire Matters.
21. With the Quality of Life survey results and local member views forming the basis of the dialogue this will build on the locality based engagement that took place in 2011.

## **Timetable for Delivery**

22. The following confirms the key dates leading to Council Tax Setting on 8th March 2013.

14 June 2012	Cabinet receive Understanding Herefordshire report
12 July 2012	Cabinet consider a timetable for consultation/engagement
18 October 2012	Cabinet consider proposals re Corporate Plan amendments for recommendation to Council
23 November 2012	Council approve Corporate Plan
17 January 2013	Cabinet consider 2013/14 budget proposals
18 February 2013	Council approves 2013/14 budget
8 March 2013	Council Tax setting at Council
14 March	Cabinet approves 2013/14 Delivery Plan

23. The above does not include the Overview and Scrutiny contribution which will be determined in consultation with the Overview & Scrutiny Committee as part of the development of their work plan.

## **Community Impact**

24. Effective community engagement will increase the level of understanding about the challenges and choices facing the council.

## **Financial Implications**

25. Wider engagement will have a financial impact but this will be managed within existing budget envelope.

## **Legal Implications**

26. Local authorities must decide every year how much they are going to raise from council tax. They base their decision on a budget that sets out estimates of what they plan to spend on services. Because they decide on the council tax before the year begins and can't increase it during the year, they have to consider risks and uncertainties that might force them to spend more on their services than they planned. Allowance is made for these risks by:

- making prudent allowance in the estimates for services; and
- ensuring that there are adequate reserves to draw on if the service estimates turn out to be insufficient.

27. Local government legislation requires an authority's chief finance officer to make a report to the authority when it is considering its budget and council tax. The report must deal with the robustness of the estimates and the adequacy of the reserves allowed for in the budget proposals, so members will have authoritative advice available to them when they make their decisions.

## **Risk Management**

28. The Council's decision to engage in a wider process than in previous years will require effective planning to ensure delivery

## **Consultees**

29. The report outlines the broad groups to be consulted.

## **Appendices**

30. None

## **Background Papers**

- None identified.



<b>MEETING:</b>	<b>CABINET</b>
<b>DATE:</b>	<b>12 JULY 2012</b>
<b>TITLE OF REPORT:</b>	<b>CORPORATE PERFORMANCE REPORTING</b>
<b>PORTFOLIO AREA:</b>	<b>CORPORATE SERVICES</b>

**CLASSIFICATION:** Open

### **Wards Affected**

County-wide

### **Purpose**

To agree the format for future performance reporting.

### **Key Decision**

This is not a Key Decision.

### **Recommendations**

**THAT:**

- (a) **the proposed format for performance reporting be agreed; and**
- (b) **the proposed outcomes and measures be agreed.**

### **Key Points Summary**

- Proposals for a revised format are intended to provide greater transparency of performance reporting and improve the quality of the information available to inform decision making
- There is a work programme in place to deliver further improvements through the course of the year

### **Alternative Options**

1. It is open to Cabinet to amend or revise the proposals; there may be cost implications to alternatives if measures are identified for which data is not currently collected.

### **Reasons for Recommendations**

2. Cabinet is asked to approve the outcomes and measures against which performance will be

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Further information on the subject of this report is available from  
Jenny Lewis, Assistant Director People Policy & Partnership on (01432) 261855

reported to demonstrate the extent to which the corporate plan and corporate delivery plan are being achieved and the overall corporate health of the organisation. Quarterly reports will be presented to Cabinet on performance against these agreed projects and measures, and will help inform development of the Overview & Scrutiny work programme.

## Introduction and Background

3. The existing Integrated Corporate Performance Report (ICPR) provides Cabinet with a quarterly overview of performance against the annual corporate delivery plan; however a number of areas have been identified for improving both the comprehensiveness of performance reporting, and the usefulness and accessibility of the information reported.

## Key Considerations

### Current Position

4. The ICPR provides Cabinet with an overview of performance against the corporate delivery plan for all indicators monitored in that quarter (these vary each quarter depending on frequency of data availability) by showing the number and % ahead, at or behind target by corporate plan theme, together with the % of indicators showing improvement compared to the previous year. This information is expanded in appendices providing more detailed information on those indicators showing exceptional (positive or negative) performance.
5. In addition the report provides:
  - a summary of what has gone well/not gone well/mitigation actions by directorate
  - a summary of 'project' delivery to time
  - A summary of the projected over/underspend
  - Commentary re some specific 'customers' indications
  - Commentary re any Employee issues
6. Issues identified with the format of this report, both from consultation with the Chairman and Vice Chairmen of Overview & Scrutiny Committee, feedback from Members, and a recent internal audit review of the performance management framework include:
  - The large number of indicators being reported against
  - A lack of clarity about the relative importance of the indicators
  - Indicators are too often quantitative and process based rather than providing outcome and quality measures
  - There is no locality based performance information
  - Measures don't demonstrate the degree to which council policies or values are being achieved
  - An absence of visual trend data
  - Insufficient links between the financial performance and service performance data (a separate budget monitoring report is produced and this does not always coincide with the presentation of the performance report or demonstrate the link between allocation of resources and actual performance)
  - Data being presented by corporate plan theme but commentary being provided by directorate
  - Customer information currently focussed on the service provided by corporate customer services rather than the authority as a whole (and/or our service delivery partners)
  - Lack of clarity about service delivery partner performance
  - Insufficient links between risk management and performance

- Lack of clear employee information and the purpose for which this is provided
- Baseline targets not being set, or being set against unclear criteria
- Targets not being reviewed and, if circumstances warrant it, amended in year with a clear justification for the change being recorded

### **Proposed Format**

7. A copy of the proposed format for future performance reporting is attached at Appendix 2. Where relevant, data for the first two months of the year (to the end of May 2012) has been included; this is a 'work in progress' and will be further refined in light of the views of Cabinet and the ongoing improvement work set out in paragraph 13 below.
8. Drawing from the integrated evidence base and needs assessment considered by Cabinet on 14<sup>th</sup> June, a number of longer term outcome indicators have been identified and performance in relation to these will be reported annually (where the data becomes available in year this will be reported as well as being summarised in the year end report). In year performance reporting of progress made towards achieving these outcomes will be measured against a series of in-year proxy indicators and achievement of project delivery milestones as set out in the corporate delivery plan.
9. These outcomes will enable there to be a demonstrable link between council priorities delivery and performance.
10. In addition, there will be a series of indicators to enable an assessment of performance in 'managing the business'. These include specific measures relating to:
  - Service delivery (including that of service delivery partners' performance)
  - Customer experience
  - Workforce management
  - Finance
11. Any areas where an expected return has not been made will, for clarity, be listed as a non-return.
12. Attention will be drawn to the need to consider whether any targets need revision in year.
13. Work is also planned in the coming 12 months to further refine reporting to:
  - reflect locality performance in relation to the longer term outcomes
  - demonstrate the degree to which the council's policies and values are being achieved
  - develop the link between resource management (finance and workforce) and service performance information
  - building on the work of the LGA pilot project to develop a contract management toolkit, develop a common framework for monitoring the performance of service delivery contracts so that service delivery partner performance is clearly demonstrated
  - extend customer experience reporting to all services (including those delivered by service delivery partners)
  - widen access to the PerformancePlus reporting system to enable members to access performance information in a more timely way
  - develop the links between performance reporting and risk management

### **Assurance**

14. It is proposed that Cabinet will receive the annual report (year end performance report) in June

each year to coincide with the integrated evidence base report. There would also be three in-year reviews of performance (in July, November and February). To ensure focus is maintained of improvement, reporting will be by exception (i.e. milestones missed and/or changes in direction of travel).

15. Sitting beneath the overall corporate delivery plan are more detailed directorate delivery plans, and below those yet more detailed service delivery plans; performance monitoring and review of the measures within those plans is carried out on a monthly basis within directorates; directors also meet regularly with their respective cabinet portfolio leads to review performance; and directors and assistant directors meet quarterly to review and monitor corporate delivery plan and budget performance.
16. These plans also form the basis from which personal objectives for staff are established and against which individual performance is monitored, ensuring a clear “golden thread” between the council’s aims and what staff do.
17. Behind each identified outcome and measure is a record setting out the description of the measure, where the data comes from, how regularly it is available, the calculation, and an identified accountable owner for the data. This provides assurance that baseline targets are justifiable and capable of being monitored; and also can inform any necessary adjustment of targets in year to respond to changing circumstances.

## **Community Impact**

18. The proposed reporting arrangements will demonstrate how well the council is progressing to achieve its vision for the people of Herefordshire, and provide assurance that service quality, customer experience and value for money is being monitored both in relation to services directly provided by the council and to services provided by third parties on behalf of the council.

## **Equality and Human Rights**

19. Reducing inequalities are clearly articulated outcomes within the agreed corporate plan; the performance report will demonstrate the degree to which these outcomes are being achieved.

## **Financial Implications**

20. Alterations to the performance reporting framework have no financial implications.

## **Legal Implications**

21. Alterations to the performance reporting framework have no financial implications.

## **Risk Management**

22. The corporate plan and its delivery plan are integral elements of the council’s risk management framework. Risks associated with each objective and project are entered onto the relevant service or directorate risk register and escalated to the corporate register as appropriate. The corporate risk register is reviewed by the leadership team at the quarterly performance meetings and any significant risks are reported to Cabinet as part of the quarterly performance report.



## **Consultees**

23. The OSC Vice-Chair, Councillor EPJ Harvey, has commented on the proposed outcome and in-year proxy performance measures at Appendix 1. Some amendments have consequently been made to the proposed measures, while further work, including that outlined in paragraph 13, will continue so as to develop an improved set of performance measures for the future.

## **Appendices**

Appendix 1 Proposed Outcome Measures and Directorate & Corporate Service Performance Measures

Appendix 2 Proposed Corporate Performance Report

## **Background Papers**

- None identified.



Proposed Performance Measures for 2012-13

Corporate Plan Priority	Outcome measures reported throughout the year	More frequent proxy measures
Create a Thriving Economy	Satisfaction with local traffic levels and congestion	Herefordshire Shop Vacancy rate (to include Hereford City and Leominster)
	Gross workplace based earnings	Travel times
	Business survival rate up to three years after registration	NO2 Air quality measure (as proxy measure for congestion/traffic volumes)
	The percentage of the working age population qualified to at least level 2 or higher	Unemployment count
	The percentage of the working age population qualified to at least level 3 or higher	
	The percentage of the working age population qualified to at least level 4 or higher	
	% of homes and businesses with access to broadband speeds of 2mbps in the County of Herefordshire	
	Admissions from Accident & Emergency as a result of a fall	Reduction in Smoking (Health & Well Being survey)
	Numbers of Years of Life Lost (YLL) by all causes of premature death	Reduction in alcohol binge drinking (Health & Well Being survey)
	Inequality in life expectancy (Marmot SII)	Older people able to get support to live at home
Improve health and social care		Proportion of people using social care who receive self-directed support, and those receiving direct payments
		The number of adult safeguarding referrals
		Delayed transfers of care from hospital, and those which are attributable to adult social care
		The number of 4 week smoking quitters
		Permanent admissions to residential and nursing care homes, per 100,000 population
		Proportion of older people (65 and over) who were still at home 91 days after discharge from hospital into reablement / rehabilitation services

Corporate Plan Priority	Outcome measures reported throughout the year	More frequent proxy measures
<b>Raise standards for children and younger people</b>		Proportion of people using social care who receive self-directed support, and those receiving direct payments
		Dignity in adult social care
	Achievement of 5 or more A*-C grades at GCSE or equivalent including English and Maths	Child attendances at A&E a result of an injury (intentional and possibly accident)
	Looked after children achieving 5 A*-C GCSEs (or equivalent) at Key Stage 4 (with English and Maths)	Satisfaction with children's centres
	Gap between marginalised groups and rest for GCSE results	The percentage of children living in poverty
	The number of serious case reviews	The number of schools/settings in a category
	Attainment levels at Early Years Foundation Stage	The number of permanent Social Workers
	Attainment levels at Key Stage 1	Spend on agency Social Worker staff
	Attainment levels at Key Stage 2	The number of children Looked After per 10,000 of population
	Gap in attainment levels at Key Stage 2 between marginalised groups (free school meals, ethnicity)	The number of Common Assessment Framework (CAF's) cases per area
	The percentage of children living in poverty	The percentage of young people who receive a service who are not referred to Children's Social Care within six months from the end of the intervention
	Reduction in percentage & actual number of 16-18 year olds who are not in education, training or employment (NEET)	The number of children and young people with personal budgets
	The percentage of children who are obese (Reception)	The percentage breastfeeding at 6 weeks
	The percentage of children who are obese (Year 6)	
	The percentage of children with poor dental health	
The number of alcohol related hospital admissions under 18 years old		

<b>Promote self reliant local communities</b>	The percentage increase in the number who feel safe in their local area	Satisfaction of local area
	The percentage of adult residents who are satisfied with their local area as a place to live	The number of people using Halo Leisure facilities
	The percentage of adult residents who feel that they can influence decisions affecting their local area	The number of visits to local museums
	The percentage of Herefordshire adult residents reporting that they have engaged in formal volunteering at least once a month in the previous year	The number of visitors to h.Art
	Satisfaction with the way Herefordshire Council runs things	The number of Courtyard visits
	The ratio of lower quartile house price to lower quartile earnings	The number of recorded crimes in the County
	Satisfaction of home as place to live	Repeat incidence of Domestic Violence
		The number of people killed or seriously injured in road traffic accidents
		The number of new or updated Community Led Plans
		The number of households in temporary accommodation
		The number of households in bed and breakfast
		The number of affordable homes delivered
		Net additional homes provided
		The number of empty properties brought back into use in Herefordshire
<b>Create a resilient Herefordshire</b>	Improved Local Biodiversity – Proportion of Local Sites where positive conservation management has been or is being implemented	The number of fly-tipping incidents
	Proportion of Sites of Special Scientific Interest (SSSI) land in Herefordshire found to be in favourable or unfavourable condition	Residual household waste (kg) per household
	CO2 per capita	The percentage of household waste sent for reuse, recycling and composting
	The percentage finding it difficult to use a Post Office	The percentage of municipal waste landfilled
	The percentage finding it difficult to use Public Transport	Litter levels
	The percentage finding it difficult to see a GP	The proportion (value) of new contracts that have paid due regard to the Public Sector Equality Duty

<b>Commission the right services</b>	The percentage finding it difficult to see a NHS dentist
	The percentage of adult residents who agree that their local area is a place where people from different backgrounds get on well together
	Satisfaction with Council
	Satisfaction with GP
	Satisfaction with hospital
	Satisfaction with dentist
	Satisfaction with police
	Satisfaction with fire authority

<b>Service (including key partners)</b>	<b>Customer</b>	<b>Staff</b>	<b>Finance</b>
<u>Deputy Chief Executive and Corporate Services</u>	Proportion of customer contacts that get an answer to their query at first point of contact	Establishment (FTE)	<b>Forecast outturn against budget:</b>
Increase in the number of web self-service transactions	Contact centre telephone abandonment rate	Headcount in post	Overall
The number of contracts with Customer Quality Schedules	Call centre pick up time	Apprentices	Places and Communities
Proportion of capital projects delivered to time	Avoidable contact	Agency headcount	People's
Compliance with information governance requirements	The percentage of 'yes' answers to the question - did you get the service that you expected to (previously wanted)	Agency spend	DCE and Corporate Services
Realisation of agreed Rising to the Challenge benefits (i.e. savings and service improvements)	The percentage of respondents who felt they were listened to and understood in front office	Cost of workforce	Borrowing
Improvements in priority measures from Employee Opinion Survey	The percentage of respondents who were satisfied with the way in which their complaint was dealt with	Sickness average	Investments
The percentage of critical services that have a Business Continuity Plan	The percentage of respondents who when asked if staff were polite and courteous, said yes	Cost of sickness (estimated)	Other central
<u>People's Services</u>	The percentage of respondents who	Turnover	<b>Progress against</b>

<b>Service (including key partners)</b>	<b>Customer</b>	<b>Staff</b>	<b>Finance savings targets:</b>
	when asked if 'they were satisfied with the quality of the service overall', said yes		
Proportion of people using adult social care receiving direct payments	Website failure rate: The percentage of respondents who when asked if they had found what they were looking for today', said 'no, not at all'	Completed appraisals	Overall
Proportion of older people (65 and over) who were still at home 91 days after discharge from hospital into reablement /rehabilitation services	The percentage of complaints escalated by the complainant to the ombudsman	Number of redundancies	Places and Communities
Delayed transfers of care from hospital which are attributable to adult social care	The percentage ombudsman escalated complaints found in favour of the complainant	Cost of redundancy	People's
The number of adult safeguarding referrals	Better connects annual assessment	Number of development and training days	DCE and Corporate Services
Timeliness of initial assessments for children's social care	Organisational reputation	Recruitment - time to recruit / cost / quality / effectiveness	Level of assurance
Timeliness of core assessments for children's social care		The percentage of the top-paid 5% of staff who are women.	The percentage delivered
The number of children on a child protection plan per 10,000 population aged under 18		The percentage of top-paid 5% of staff who are from an ethnic minority	The percentage assured
The number of looked after children per 10,000 population aged under 18		The percentage of the top paid staff who are disabled	The percentage at risk
The number of schools/settings in a category		The percentage of disabled employees	

Service (including key partners)	Customer	Staff	Finance
The number of Common Assessment Frameworks (CAFs) completed		The percentage of employees from an ethnic minority	
School attendance		The percentage staff completing mandatory training per annum	
<i>Child and Adolescent Mental Health Services (CAMHS) indicator – to be confirmed – likely to be number of children waiting and length of wait time; possibly also wait for CAMHS support for adopted/waiting to be adopted children</i>		Employee relations measures (disciplinary / grievances)	
The number of underage sales test purchasing programmes undertaken		Hoople HR measures (to be developed)	
Percentage of high risk food premises inspected			
Percentage of eligible people who have been offered NHS Health Checks			
Percentage of individuals aged under 65 years in at risk groups who have received a flu vaccine			
Percentage of individuals aged 65 and over who have received a flu vaccine			
<u>Places and Communities</u>			
Supply of ready to develop housing sites			
Highway defects- Category 1			
Automatic Traffic Count (ATC) Peak hour vehicle flows A, B and C classified road condition			
The percentage of the working age population claiming out of work benefits			
Gross workplace based earnings			
The number of vulnerable households assisted			
Violence against the person (VAP) with injury			
Reoffending rate of prolific and priority offenders			
The number of households per thousand for which			



APPENDIX 1

<b>Service (including key partners)</b>	<b>Customer</b>	<b>Staff</b>	<b>Finance</b>
homelessness is prevented/relieved			
Bus patronage			
Annual Public Transport Cordon Counts			
Community Transport Patronage			
The number of major, minor and other planning applications dealt with within designated timescales			



<b>MEETING:</b>	<b>CABINET</b>
<b>DATE:</b>	<b>12<sup>TH</sup> JULY 2012</b>
<b>TITLE OF REPORT:</b>	<b>CORPORATE PERFORMANCE REPORT PERIOD TO END MAY 2012</b>
<b>PORTFOLIO AREA:</b>	<b>CORPORATE SERVICES</b>

**CLASSIFICATION:** Open

### **Wards Affected**

County-wide

### **Purpose**

To invite Cabinet Members to review performance for the period to end May 2012.

### **Key Decision**

This is not a Key Decision.

### **Recommendation**

**THAT:**

- (a) **Cabinet considers performance for the period to end May 2012.**

### **Key Points Summary**

- .

### **Alternative Options**

1. The Joint Performance Improvement Framework provides that Cabinet will formally review performance against the Joint Corporate Plan quarterly. There are therefore no alternative options.

### **Reasons for Recommendations**

2. To ensure that progress towards achievement of the agreed outcomes, service delivery targets and organisational health measures is understood. Further, to ensure that the reasons for important areas of actual or potential under-performance are understood and are being addressed to the Cabinet's satisfaction.

### **Introduction and Background**

3. The Corporate Performance Report is a regular report, focusing on progress towards

achievement of the six priority themes in the Joint Corporate Plan 2011-14 (i.e. improvement measures), and on how well the business is being managed (i.e. operational service delivery and organisational health measures). Progress is measured through the management and monitoring of selected performance indicators and projects.

4. Broadly based on a balanced scorecard approach, the report provides a summary of performance in the following areas:
  - a. Achievement of outcomes sought within each of the 6 priority themes (or in year proxy measures where outcome data is not available in year)
  - b. Achievement of Delivery Plan milestones
  - c. Service performance by directorate
  - d. Corporate customer service performance
  - e. Corporate HR performance
  - f. Corporate finance performance

## Key Considerations

5. A high level summary of performance in each of the 6 areas above will be provided in a 'balanced scorecard' style – a working example of which is provided at appendix A.

### Achievement of outcomes

6. Future reports will provide a summary of the key risks to delivery of the outcome measures and key successes and the relevant appendix will include any detailed exception reports – a sample exception report is attached at appendix B.

### Delivery Plan Milestones

7. The key headline is that the majority of projects are being delivered to plan, although 6 are currently reported as being behind schedule; the majority of projects are rated Blue, as being delivered to schedule. More detailed information is provided at appendix C in relation to those projects that are green or red rated (ahead of or behind schedule), and those that have not been updated.

### Service Performance

8. Future reports will provide a summary of the key risks to service delivery, including that of service delivery partners, and key successes and the relevant appendix will include any detailed exception reports. Data has not been provided the service performance measures as part of this report.

### Corporate Customer Service

9. More detailed information is provided at Appendix D in relation to those performance measures that are included within the Customer Service Report, for which data is currently available.

### **Corporate Workforce Performance**

10. More detailed information is provided at appendix E in relation to those performance measures that are included within the Workforce Report.

In summary, the average sickness absence, at 3.43% to the end of April, is better than the same period last year and has remained at a similar level for the last six months.

The turnover of staff within the last 12 months to the end of May is 12.5%; this includes both staff that have left the organisation, and those that have transferred to strategic partners such as Hoople, Wye Valley Trust and 2Gether. In particular, the turnover rate within the directorate of the Deputy Chief Executive and Corporate Services is particularly high for the last 12 months, at 18.59%, due to a combination of the Mutual Early Resignation Scheme (MERS), resignations, redundancies, transfers to Hoople, and the completion of the work of the Agresso Build Team. The presentation of turnover as a rolling 12 month average tends to hide any peaks and troughs; further analysis of the data will be undertaken in the future so as to present a more meaningful overview in the next report.

The current proportion of eligible staff to have received an appraisal, i.e. those staff that are not on maternity leave, career break, long-term sick, or are new to the organisation, is 69% at the end of May. Performance within the directorates of the Deputy Chief Executive and Corporate Services and Places and Communities are significantly better than the organisation average, at 85% and 79% respectively. Although not all eligible employees had received an appraisal by the due date of the end of May, the appraisal process will continue throughout the year the next report should show that closer to 100% of employees have received an appraisal.

In respect of agency spend, the figure reported in appendix E includes both interims and consultants. There are peaks and troughs within the report; the data shows the period in which money is processed through the system, and does not reflect the level of interim and consultant employment during the same period. Further analysis will be undertaken in the future to try and present a more meaningful picture.

### **Corporate Finance Performance**

11. A separate budget report is provided for Cabinet consideration elsewhere on the agenda. An overview of performance is provided at appendix F.

The overall revenue budget position for 2012/13 shows a £2.854m projected overspend. The main area of concern is the People's Services Directorate, which is currently forecasting a £2.902m overspend.

### **Community Impact**

12. Delivering the Joint Corporate Plan is central to achieving the positive impact the Council wishes to make across Herefordshire and all its communities.

### **Equality and Human Rights**

13. The corporate delivery plan recognises our Public Sector Equality Duty, and includes a specific project that contributes towards its achievement. Equality Impact Assessments will be carried out as an integral part of decision making in respect of all new projects/policy

changes.

## Financial Implications

14. None.

## Legal Implications

15. None.

## Risk Management

16. By highlighting progress against the Joint Corporate Plan, including the major risks to achievement and how they are being mitigated, this report is an essential component of the Council's management of risks.

## Consultees

17. None.

## Appendices

- Appendix A Summary Balanced Scorecard
- Appendix B Example Measure Exception report
- Appendix C Delivery Plan Exception Report
- Appendix D Customer Service Report
- Appendix E Workforce Report
- Appendix F Finance Report

## Background Papers

- None.







NI156					
Number	Description	Latest Year to Date	Latest Reporting Date	DoT (Last Year)	DoT (Period)
@NI156	This indicator measures the numbers of households living in temporary accommodation provided under the homelessness legislation.		31/05/2012		
Units Number	Reporting Pattern	Good Performance	Thresholds	Contacts	
	d) Monthly	Smaller is Better	5%, 0.01%, -10%	Gabb, Richard	

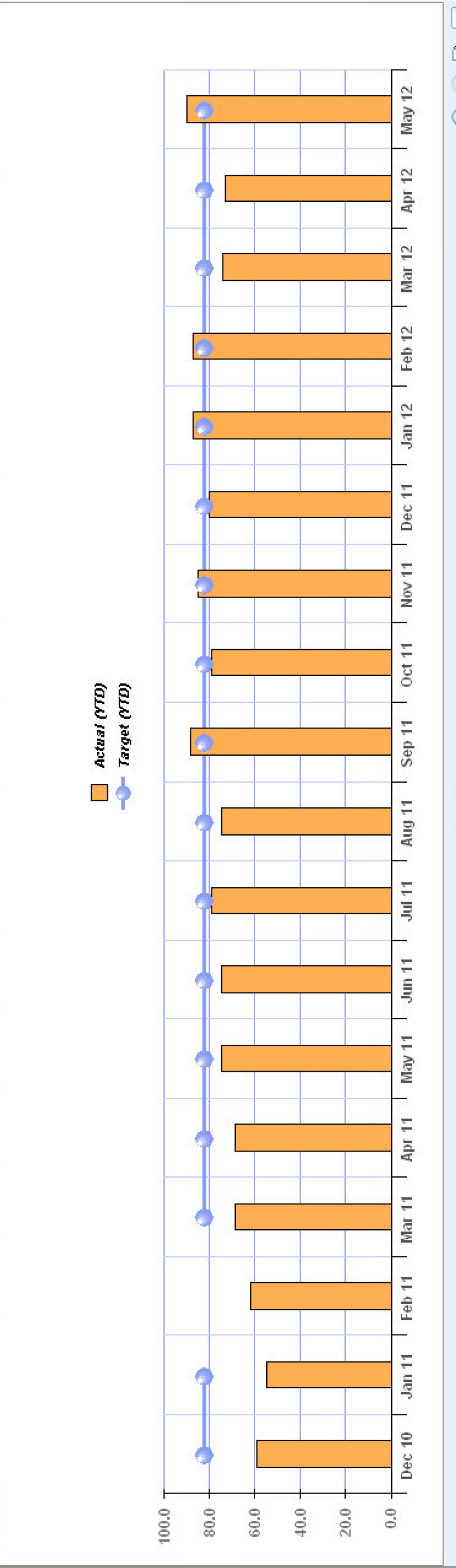
**Latest Actions and Commentary**

**7) Analysis**  
 The number of households in temporary accommodation was below the targeted level at the end of May 2012 (90; target: 82). General increase in number of single people requiring assistance, in line with changes to Benefits making it harder for them to access accommodation. Actions - focus on swift decision making in homelessness applications, and securing of suitable alternatives to B&B.

Comment Date: May 12

NI156 Temporary Accommodation

	Dec 10	Jan 11	Feb 11	Mar 11	Apr 11	May 11	Jun 11	Jul 11	Aug 11	Sep 11	Oct 11	Nov 11	Dec 11	Jan 12	Feb 12	Mar 12	Apr 12	May 12	
Actual (YTD)	59	55	62	69	69	75	75	79	75	82	88	79	85	80	87	87	74	73	90
Target (YTD)	82	82	82	82	82	82	82	82	82	82	82	82	82	82	82	82	82	82	82





**Delivery Plan Exception Report**

<b>Projects – Exceptions (Green – ahead of schedule)</b>		
<i>Raise standards for children and young people</i>		
CYP.PROJ.01 Implement & evaluate county wide early language support across early years & Key Stage 1	🟢	Boulter, Wendy
CYP.PROJ.03 Key Stage 2 attainment	🟢	Boulter, Wendy
CYP.PROJ.08 Development of Phase 2 of Looked After Children (LAC) Delivery Plan	🟢	Clay, Stephanie
PSC.PROJ.01 Develop and agree & implement the plan for the vision and guiding principles	🟢	Reid, Rob
<i>Promote self reliant local communities</i>		
NEPL.PROJ.04 Neighbourhood Planning web-pages	🟢	Willmont, Mike

<b>Projects – Exceptions (Red – behind schedule)</b>		
<i>Raise standards for children and young people</i>		
CYP.PROJ.09 Recruitment and Retention project : Task Summary	🔴	Lewis, Jenny
Remedial Actions • There has been an operational focus on the solutions defined in the current Social Care R&R strategy to date. We have been waiting for the new Head of Children & Families Casework to join the team so that we can review and make proposals to enhance the current plan. We had a meeting scheduled 8 June that is rescheduled to July as a handover between Lisa Green and John Roughton. In the interim, Carol Neale and TJ Postles will progress with John Roughton - meeting planned on 18 June.		
CYP.PROJ.11 Personalisation : Task Summary		Date of comment May 12
Remedial Actions • Project manager now in post and developing a project plan.		🔴 O'Mahony, Kathy
Date of comment May 12		

<b>Projects – Exceptions (Red – behind schedule)</b>	
CYP.PROJ.14 Edge of Care Service : Task Summary	▲ O'Mahony, Kathy
Remedial Actions • No providers were forthcoming to deliver the edge of care service in last commissioning round. This means we have to bring the service in house. Originally we understood staff would TUPE in but this is now not the case as staff have not opted for this. Therefore, during the transfer period performance has dipped as we develop and recruit to the service. Work is underway to determine how the target will be met once the service is delivered in house.	
Date of comment May 12	
<i>Commission the right services</i>	
PES.PROJ.17 Fundamental Review of S75 Agreements with WVT and 2gether : Task Summary	▲ Lewis, Jenny
Remedial Actions • Meeting set up with Chris Baird on 13 June to discuss. Exploring externally what has worked well in other organisations	
Date of comment May 12	
PPP.PROJ.11 Information Management : Task Summary	▲ Lewis, Jenny
Remedial Actions • Business Case and Project Plan agreed. Posts advertised ahead of the business case sign-off, which has now been signed off at the Rising to the Challenge (RTTC) programme Board.	
Date of comment May 12	
CSC.PROJ.07 Digital Channels Project : Task Summary	▲ Beavan-Pearson, Richard
Remedial Actions • The Digital Channels project revised timeline is still on track for delivery in June/July. For the intranet project there have been some EDRMs integration Metadata issues which have been resolved and this paves the way for the final stages of deployment. Following this, a roll out plan will be implemented as each directorate, service and stakeholder group will be asked to provide information to support the initial roll out stages. For the Website project. This project has also been affected by the EDRMS issues, but is currently on track. Elements of the new site are already live and the pace of the staged deployment is expected to increase as document uploads become possible.	
Date of comment May 12	

**Projects for which an update should have been provided**

<b>Projects for which an update should have been provided</b>		
<i>Create a thriving economy</i>		
CYP.PROJ.16 Implementation of new Integrated Support Service arrangements : Task Summary	?!	McMillan, Debbie
HWS.PROJ.05 Implementation of the Integrated Alcohol Harm Reduction Strategy 2012/13 : Task Summary	?!	Aitken, Sarah
HWS.PROJ.06 Healthchecks Implementation Project : Task Summary	?!	Aitken, Sarah
<i>Improve health care and social care</i>		
HWS.PROJ.02 Public Health Transition : Task Summary	?!	Aitken, Sarah
HWS.PROJ.03 Health and Wellbeing system leadership : Task Summary	?!	Aitken, Sarah
<i>Raise standards for children and young people</i>		
CYP.PROJ.06 Develop and implement Children In Need strategy : Task Summary	?!	Green, Lisa
CYP.PROJ.12 Children with disabilities review : Task Summary	?!	O'Mahony, Kathy
<i>Create a resilient Herefordshire</i>		
HWS.PROJ.08 Implement Seasonal Flu Plan : Task Summary	?!	Aitken, Sarah



Customer Service Report

Customer Services Key Performance Indicators						
Outcome & Measure	DoT since last year	DoT since last period	Performance (period)	Target	Actual	Date
LI.COP.002 Website take up service % failure rate				19	0	May 12
Remedial Actions • no issues reported						
Date of comment May 12						
LI.CUS.011a Call Centre Abandonment				4	7.2	May 12
Remedial Actions • Performance has been lower than expected due to lower staffing levels. A change in call centre rota is expected to have immediate results regarding performance in this area						
Date of comment May 12						
LI.CUS.012 Avoidable Contact				17	17	May 12
Remedial Actions • nothing to add						
Date of comment May 12						
LI.PCIU.001 Satisfaction with Complaint Handling				95	100	May 12
Remedial Actions • no comment						
Date of comment May 12						
LI.PCIU.002 % of complaints received that are referred to the ombudsman (LA)				3	0	May 12
Remedial Actions • no comment to make						
Date of comment May 12						
LI.PCIU.004 % of complaints that are referred to the ombudsman that are upheld (LA)				3	0	May 12
Remedial Actions • no comment to make						
Date of comment May 12						

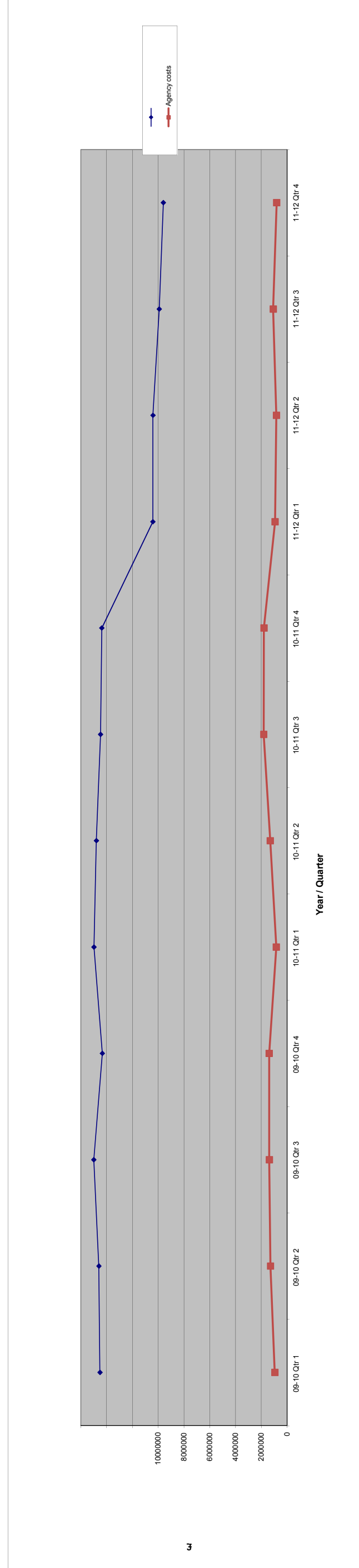
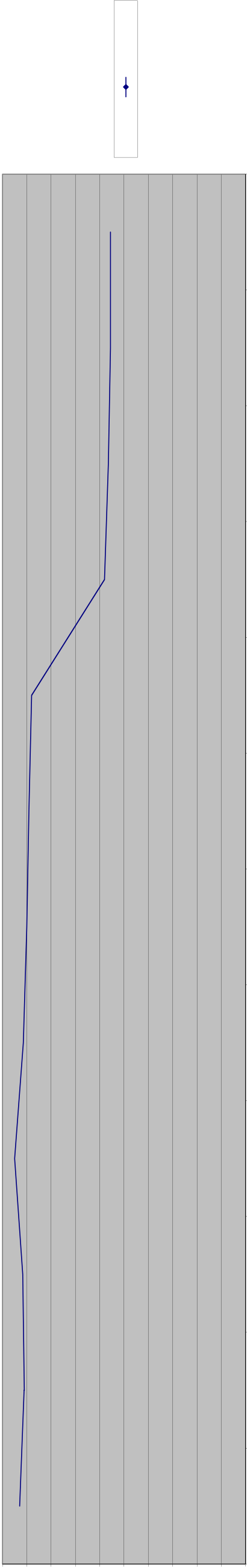











WORKFORCE REPORT

Performance Measure	Apr-11	May-11	Jun-11	Jul-11	Aug-11	Sep-11	Oct-11	Nov-11	Dec-11	Jan-12	Feb-12	Mar-12	Apr-12	May-12
LI.WFOD.002 Establishment (FTE)	1733	1178	1177	1168	1172	1139	1145	1136	1120.57	1128.2	1125.16	1123.72	1122.31	1114.19
LI.WFOD.004 Headcount in post	?	1407	1407	1402	1390	1370	1364	1357	1350	1360	1360	1359	1358	1342
No. of leavers (monthly)			6	23	17	38	13	9	12	4	10	19	10	7
Resignation			2	5	10	14	7	6	6	6	6	4	2	5
Redundancy			2	15	4	13	5	2	3	0	3	6	4	1
Fixed Term Contract Expiry			1	1	2	5	0	0	0	1	0	5	2	0
Other (including dismissals; retirements; TUPE transfers; and death in service)			1	2	1	6	1	1	3	2	1	4	2	1
Annualised turnover			5.1%	19.7%	14.7%	33.3%	11.4%	8.0%	10.7%	3.5%	8.8%	16.8%	8.8%	6.3%
LI.WFOD.007 Number of apprentices in the organisation	?	1	1	2	4	5	5	7	7	5	4	4	4	7
LI.WFOD.009 Agency Headcount	123	117	105	100	104	105	77	98	92	70	60	73	97	80
LI.WFOD.019 Cost of workforce	3438556	3519277	3456232	3516328	3582179	3313939	3345953	3314363	3258035	3231568	3317237	3055750	3266885	3235802
LI.WFOD.020 Agency spend	82990	125973	1300454	551047	771292	24878	1147284	209801	684874	337370	294771	296065	151602	82966
LI.WFOD.021 Cost of sickness (estimated)	?	72300	50000	56200	56500	72100	67900	67100	74100	67500	63700	63700	60300	?
LI.WFOD.022 % of appraisals completed	?	?	34.6	34.6	64.5	64.5	80.2	80.2	88	88	91	88	88	69
LI.WFOD.026 Number of redundancies	11	7	3	20	56	20	4	4	2	0	0	3	3	1
LI.WFOD.027 Cost of redundancy	158000	124000	38000	395000	397000	388000	42000	64000	35000	0	51000	136000	19000	25000
LI.WFOD.028 % turnover (rolling 12 month average)	?	19.62	18.27	18.33	18.63	20.15	19.1	16.8	16.62	15.22	15.22	14.85	12.37	12.5
LI.WFOD.029 % sickness absence (rolling 3 month average)	5.03	4.5	3.98	3.6	3.4	3.37	3.54	3.57	3.43	3.5	3.44	3.57	3.43	?

A detailed analysis of the above data will appear here as part of the next report



## Finance Report

Customer Services Key Performance Indicators				
Measure	DoT since last period	Performance (period)	Budget	Projected (over) or under spend Date
<b>Forecast outturn against budget:</b>			<b>£'000</b>	<b>£'000</b>
Deputy Chief Executive and Corporate Services			21,140	0
People's Services			72,413	(2,902)
Places and Communities			36,374	(92)
Borrowing			16,194	140
Investments			(352)	0
Other central			(2,410)	0
Overall			143,359	(2,854)

*[The measures that relate to progress against savings targets will be included as part of this report in future]*



<b>MEETING:</b>	<b>CABINET</b>
<b>DATE:</b>	<b>12 JULY 2012</b>
<b>TITLE OF REPORT:</b>	<b>LOCAL DEVELOPMENT FRAMEWORK AND LOCAL TRANSPORT PLAN UPDATE</b>
<b>PORTFOLIO AREA:</b>	<b>ENVIRONMENT, HOUSING &amp; PLANNING AND EDUCATION &amp; INFRASTRUCTURE</b>

**CLASSIFICATION:** Open

### **Wards Affected**

County-wide

### **Purpose**

To update Members on progress and proposed changes to the timetable for finalising the Local Development Framework Core Strategy and the implications and options for the Local Transport Plan.

### **Key Decision**

This is not a Key Decision.

### **Recommendation(s)**

**THAT Cabinet:**

**With regard to the Local Development Framework (LDF) and planning matters:**

- (a) **notes the summary of the results of the Revised Preferred Option consultation undertaken between September and November 2011;**
- (b) **agrees that a further round of consultation be undertaken on the Core Strategy, on the basis of a full draft document, evidence base and Strategic Environmental Assessment and Habitats Regulations Assessment which demonstrates that the plan will not adversely affect the integrity of relevant European sites;**
- (c) **endorse that, subject to outstanding issues being resolved, the proposed scale and distribution of development and strategic housing, employment and infrastructure proposals, as set out in paragraph 49, form the basis of the draft Core Strategy;**
- (d) **endorses the approach to prepare the Community Infrastructure**

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Further information on the subject of this report is available from  
Dr David Nicholson, Head of Strategic Planning and Regeneration on (01432) 260166 and  
Steve Burgess, Head of Transportation and Access on (01432) 260968

**Levy (CIL) charging schedule in parallel with the preparation of the Core Strategy with a joint Examination in Public;**

- (e) agrees an interim protocol to be taken into account in determining planning applications for new housing proposals in the absence of a demonstrable five-year housing supply; and**
- (f) agrees the amended timetable for the preparation of the Core Strategy.**

**With regard to the Local Transport Plan (LTP):**

- (g) agree that a Local Transport Plan (LTP) covering the period to 2014/15 is developed and adopted in advance of the final consideration of the LDF Core Strategy;**
- (h) notes the proposed timetable for adopting the LTP and the summary of what that Plan will include; and**
- (i) notes the key ongoing linkages between the LTP and LDF and proposals to prepare and adopt an LTP to cover the period from 2015 to 2031 in association with the revised timetable for the Core Strategy.**

## **Key Points Summary**

### **Local Development Framework**

- A county-wide consultation undertaken in the autumn of 2011 upon a Revised Preferred Option for the Core Strategy generated a significant response. The responses received covered most aspects of the emerging plan and were not confined to references to the specific changes being proposed through the Revised Preferred Option. The highest level of comment received made reference to the proposals for Hereford.
- The emerging Core Strategy needs to consider the implications of recent changes to the planning system at national level. In March the National Planning Policy Framework (NPPF) was published reducing the amount of Government Planning Policy from more than 1,000 pages to around 50 pages. The Core Strategy will need to be compliant with the streamlined policy document and should not be silent on aspects of planning policy which are important to Herefordshire but which previously have been adequately covered by national planning policy. In addition the emergence of the Neighbourhood Planning agenda means that planning policies at a County level should be sufficiently flexible so as not to unduly prevent the development aspirations of local communities being achieved. It remains the intention of the Government to revoke Regional Spatial Strategies.
- Important technical studies to inform the LDF evidence base have recently been completed. In respect of new road infrastructure for Hereford a report was commissioned to assess the environmental and amenity issues associated with the southern corridor of the proposed relief road taking into account various consultation responses. This report has recently been completed and recommends continuing with a wider corridor until more detailed assessments have been undertaken. In addition, reports considering the engineering, environmental and traffic impacts as well as economic and wider social impacts of an Eastern Link to the proposed Enterprise Zone

at Rotherwas are also being undertaken. The demographic implications of providing 16,500 additional homes in the County by 2031 have been examined by GL Hearn and they have confirmed that this would result in an increase in the population of working age. The development target would therefore help to address demographic pressures facing Herefordshire as set out in the Integrated Needs Assessment (Understanding Herefordshire 2012) reported to Cabinet on 14<sup>th</sup> June. Recent work undertaken on updating the Strategic Housing Land Availability Report and producing the 2011 Annual Monitoring Report has confirmed the absence of a 5-year housing supply within the County.

- A number of issues remain to be resolved before the Plan can be submitted to the Secretary of State. These issues include the need for continuing examination of possible impacts that the Core Strategy proposals may have upon the River Wye Special Area of Conservation (SAC), further analysis of the viability of the package of development proposals contained within the plan and work to develop an appropriate set of rural policies in the light of the changes to the planning system.
- This report proposes a further round of consultation prior to the submission of the Core Strategy together with the completion of Strategic Environmental and Habitats Regulation Assessments and completion of the evidence base including an updated economic viability study to inform the Infrastructure Delivery Plan (IDP) and preparation of the CIL.

The Local Transport Plan:

- Council agreed the adoption of the Local Transport Plan 2 (LTP2) as its interim transport strategy pending the finalisation of the LDF submission at its meeting of 4 March 2011. The decision to coordinate the adoption of the LDF and LTP sought to ensure integration of long term land use planning and growth proposals with appropriate complementary transport infrastructure proposals.
- There is no statutory or other legal requirement to adopt these strategies at the same time.
- Given the anticipated delays in adopting a final LDF Core Strategy this report proposes adopting a local transport plan covering the period to 2014/15 in advance of the LDF and sets out a timetable for this process.
- The original aim to coordinate the two long term strategies remains entirely valid and there are ongoing key linkages which need to be maintained and allow for the eventual adoption of an LTP which reflects the finally adopted Core Strategy.

## **Alternative Options**

- 1 There are no alternatives to preparing the LDF and LTP. In respect of advancing the LDF without resolution of outstanding matters and further consultation as now proposed the document will not survive Examination and any subsequent challenge.
- 2 Continuing with LTP2 as an interim transport strategy would mean reliance on an increasingly out of date programme and set of policies

## **Reasons for Recommendations**

- 3 To ensure the Cabinet is fully updated in respect of the results of the most recent LDF

consultation, acknowledge the outstanding challenges to plan progress and the need for further consultation; and

- 4 To mitigate the impact of delaying the adoption of the Core Strategy upon the LTP.

## **Introduction and Background**

- 5 A revised timetable for the LDF was approved by Council in March 2012. That timetable indicated Cabinet would consider the LDF in June followed by Council consideration in July 2012. However, it is now proposed that a further round of consultation on the Core Strategy should be undertaken prior to submitting to the Secretary of State and its public examination, to ensure that potential risks arising from recent case law are addressed. The Core Strategy is not yet compliant with EU requirements as to Strategic Environmental Assessment (SEA) and Habitats Regulations Assessment (HRA). The implications of the proposed growth on water quality in the Rivers Wye/Lugg SAC, which enjoys the highest level of habitat protection, are of particular concern. The viability of the strategy and key infrastructure proposals also remains to be demonstrated. Delays to the LDF timetable also have implications in respect of the preparation and way forward for the LTP.

## **Key Considerations**

### *Revised Preferred Options Consultation*

- 6 Between 26<sup>th</sup> September and 28<sup>th</sup> November 2011 a consultation upon the Herefordshire Core Strategy Revised Preferred Option was undertaken across the county. The main changes proposed during the consultation were:
  - an amendment to the plan period to cover the 20 years from 2011 to 2031 (rather than 2006-2026);
  - a reduction in the overall housing target for the county from 18,000 to 16,500 (or 825 per annum);
  - at Hereford a significant reduction in the level of housing to be built from 8,500 to 6,500, principally by removing entirely the proposal to build 1,500 homes at Whitecross and by reducing by 50% the proposed housing site at Holmer (from 1,000 to 500). A proposed employment site on Roman Road was proposed to be deleted. Minor amendments to the preferred relief road corridor to the south of Hereford were also suggested;
  - reductions in the housing proposals for Ross-on-Wye (reduced by 100) and Leominster (reduced by 200) were also proposed. At Leominster additional employment land was included within the proposals;
  - for the rural areas the housing proposals were proposed to be increased from 4,500 to 5,300 in order to provide more rural affordable housing and provide a more flexible approach recognising the emergence of neighbourhood plans.
- 7 A variety of consultation methods were used to engage a wide audience. These included:
  - a series of ward, City and market town based events, providing county-wide coverage with over 1,000 attendees and a number of public meetings;



- additional meetings held with Stakeholders and interest groups;
  - Ward Councillor briefings;
  - use of the Herefordshire Council website;
  - adverts within the local press;
  - radio announcements, interviews and public debate;
  - newspaper article incorporating a Q&A session with the Leader; and
  - articles in August and November editions of Herefordshire Matters.
- 8 Responses were received from a number of sources including Members, Parish Council's, other organisations, including statutory bodies and many individuals. In total some 608 letters and emails were received, 1069 questionnaires and structured forms sponsored by a number of local groups were submitted and in addition 4 petitions with some 722 signatures were presented. Responses received were not limited to the proposed changes to the Core Strategy but commented on most aspects of the emerging plan.
- 9 The consultation events resulted in wide ranging discussions including a number of key issues such as:
- affordable Housing – definition, numbers and management of schemes;
  - provision for employment land and the need for well paid employment;
  - need for improved infrastructure, concern over flooding and drainage issues, and broadband provision;
  - the phasing, financing and route of the relief road;
  - more flexibility for scale and location of housing development to reflect the aspirations of the local community in the rural areas; and
  - the need for further information on Neighbourhood Plans.
- 10 In respect of written responses the proposals for Hereford generated the highest level of responses with particular concerns expressed regarding the need for, possible route alignment and funding of a relief road and level and location of major housing proposals. This is not surprising given the scale and type of development proposed in the plan for Hereford and the emphasis given to these proposals in the questionnaires and forms designed by local groups. Similarly the petitions received were specifically concerned with the Hereford relief road with two in support of a road (with 44 and 518 signatures respectively) and two questioning specific aspects of the revised route corridor to the south of the City (with 50 and 110 signatures).
- 11 Proposals for other parts of the County generated a lower level of feedback. The majority of responses commenting upon proposals at Leominster and Ledbury expressed concerns regarding the location and/or the level of growth proposed. Few comments were received regarding other towns. In rural areas there were a number of comments identifying the need for greater flexibility in rural policies.
- 12 In addition to the responses specific to certain locations there were also comments made on a number of key topics:
- employment land proposals with a general recognition of the need for new employment land, support for improved broadband and the designation of Rotherwas as an enterprise zone;

- housing proposals including the need for affordable housing for local needs; and
  - water and sewerage issues including the need to ensure sufficient infrastructure and consideration of the impacts of development on phosphate levels in the River Wye and its tributaries.
- 13 It should also be noted that a number of statutory organisations expressed concerns regarding aspects of the emerging plan. These include the Highways Agency, the Environment Agency and Natural England.
- 14 The response from the Highways Agency indicated that further supporting transport evidence is required although they indicate that they will continue to work with the Council to provide a suitable evidence base. They also raised concerns regarding the transport implications of the Enterprise Zone in their response. Discussions with the Agency are ongoing and future work will include an upgrade to the traffic SATURN model for Hereford to address the concerns of the Highways Agency.
- 15 The Environment Agency indicate that there is some outstanding work in the Water Cycle Study and clarification is required to ensure sound infrastructure delivery planning, including costs, to inform the strategy. This will include phasing and timescale considerations to ensure implementation, deliverability, as well as sufficient flexibility. They recommend that reference is made to any phasing and timing constraints that may be present. However, the Environment Agency appreciate that this work is progressing and they are working with the Council, and other partners, to address these matters.
- 16 The comments of Natural England highlighted a number of ongoing concerns rather than raising issues regarding the revisions to the strategy. In particular, Natural England considered that there were a number of outstanding issues relating to requirements under the Habitats Regulations which need to be resolved prior to the submission of the Core Strategy and that the nature and complexity of some of these issues, particularly those around sewage discharges, had the potential to impact on the proposed Core Strategy production timescales.
- 17 Work is continuing to address the concerns raised through direct contact with these agencies, partnership work such as the Water Steering Group and the continuing development of the evidence base.
- 18 Work has been ongoing in several areas to address a number of the issues raised during the consultation and this is set out in later sections of this report. The consultation responses demonstrate that a level of public concern and opposition remains regarding the emerging proposals of the Core Strategy and, in particular, strategic proposals at Hereford, including matters regarding the provision of a relief road, and growth in the market towns. Evidence, however, continues to indicate that the level of development proposed in the emerging plan, together with the accompanying package of necessary infrastructure improvements is entirely appropriate in order to improve the social and economic well-being of Herefordshire over the next 20 years.

#### *Changes to the planning system*

- 19 The new NPPF was published in March 2012 providing a significantly simplified and reduced level of Government Planning Policy (from more than 1,000 pages to around 50 pages). Previous advice from Government had indicated that the LDF, including

Core Strategies, should be concise and need not repeat national planning policy. With a much more streamlined national policy document and the intention of the Government to revoke Regional Spatial Strategies it will be necessary to ensure that the LDF is not silent on aspects of planning policy which are important to Herefordshire but which previously have been adequately covered by national planning policy. As a result, there may be a need to provide a more comprehensive suite of policies in some topic areas or look to continue to save existing UDP policies. In addition, there is likely to be a need to provide a more detailed policy framework on some issues which are important at a county-wide level and which are unlikely to feature in the preparation of Neighbourhood Plans, for example, minerals and waste policies and policies for gypsies and travellers.

- 20 Herefordshire Council's approved Local Development Scheme (LDS) identifies the intention of producing two detailed development plan documents setting out specific allocations and policies for Hereford and for Market Towns and Rural Areas. With the new ability for local communities to produce neighbourhood plans there is a need to reconsider the LDS. Although it is not clear at present how many neighbourhood plans will be produced across the County the Council has already responded to considerable initial interest in producing such plans at both Parish and Town Council level by establishing a Neighbourhood Planning Team. In recent months a number of Core Strategies have been suspended or withdrawn at examination because of their inability to show how housing targets will be achieved. It will be important that planning policies at a County level are able to clearly demonstrate how strategic targets can be delivered on the ground, provide a policy framework for determining development proposals where a neighbourhood plan does not exist or is silent and be sufficiently flexible so as not to unduly prevent the development aspirations of local communities being achieved in neighbourhood plans.
- 21 The NPPF also highlights the need to accord with the new Duty to Cooperate requirements which will be considered by the Inspector at Examination and places increased emphasis upon demonstrating viability of plan proposals.

#### *Evidence Base update*

- 22 The announcement in August 2011 of Enterprise Zone status for Rotherwas came after Cabinet's approval of the principles of the Revised Preferred Option in July. As a result of the announcement the Revised Preferred Option Background Paper indicated that there may be implications in terms of additional infrastructure requirements for the Enterprise Zone and that further consideration would need to be given as the plan progressed. Studies were commissioned (by Amey and SQW) to examine the economic, wider social and traffic impacts of an eastern link road extending from the Rotherwas Enterprise Zone to the A438 Ledbury Road.
- 23 The Amey report will consider engineering, environmental and traffic impacts, of an Eastern Link. In addition, SQW have been commissioned to consider the economic impact of an eastern link upon the proposed Rotherwas Enterprise Zone. This work is underway.
- 24 The Revised Preferred Option also proposed to modify the southern route corridor of the Hereford relief road to take account of the original by pass route between the A49 and the A465. To consider this route in greater detail and to take into account various consultation responses, Amey were commissioned to assess the environmental and amenity issues associated with the corridor.
- 25 The Amey report recommends that the route corridor to be taken forward should

incorporate those consulted upon at both preferred options and revised preferred options consultation stages. The report recognises that constraints exist with some potential routes relating for instance to the earthworks balance, the impact upon the setting of the historic assets and concerns relating to the crossing of Newton Coppice and the impacts of the Southern Corridor and the Western Relief Road Route on the Belmont Abbey complex. It should be noted that representations regarding the Southern Corridor have continued to be raised through letters and emails in the period since the end of the Revised Preferred Option consultation, including a petition expressing concerns regarding the potential impact of the road upon the Abbey complex and the results of a local survey undertaken by Callow and Haywood Parish Council.

- 26 The report recognises that retaining the corridor in this form has disadvantages in relation to the ongoing concerns of the public and other interested parties in the vicinity of the routes. It recommends that a preferred route is selected by means of the staged assessment in accordance with the Design Manual for Roads and Bridges and WebTAG, and that this is completed at the earliest opportunity to reduce the time that this uncertainty is felt.
- 27 In July 2011 the Local Housing Requirements Study produced by GL Hearn was published which recommended a housing target within the range 14,400-18,000 would be a realistic target to establish within the Core Strategy. As a result of this evidence an examination of past completion rates and other housing data was undertaken and the impacts of the depressed housing market assessed in determining a Revised Preferred Option target of 16,500 new homes for the period 2011-2031. Higher housing targets are not considered deliverable while a lower target would result in little growth in the local economy.
- 28 GL Hearn were subsequently asked to set out revised projections for population and household growth for the county, taking account of the level and distribution of housing proposed in the Revised Core Strategy Preferred Options. The study estimates that completing 16,500 new homes in the County would support a 12.3% growth in the County's population over the 20 year period, with the population increasing by 22,450 persons. The report also indicates that the age structure of the population will also change with the strongest growth in the population in those aged over 75, particularly as a result of improvements in life expectancy. However, the level of housing provision proposed is also predicted to support growth in the number of people in employment of 7.7%. Therefore although the trend towards an ageing population will continue the level of housing proposed in the Core Strategy will enable continued growth in the local economy. The recent study of the Housing and Support Needs of Older People in Herefordshire will be taken into account in ensuring that relevant demographic pressures are appropriately addressed.
- 29 As part of the LDF evidence base and in accordance with the NPPF the Council produces a Strategic Housing Land Availability Assessment (SHLAA) which is updated on an annual basis. The Assessment provides a technical assessment of the potential for new housing to be built in the County over the plan period. In addition the Assessment sets out an indication of whether the Council can demonstrate a five-year supply of specific and deliverable housing land. The most recent review of the SHLAA indicates that Herefordshire Council cannot demonstrate a five-year housing land supply (the SHLAA indicates the County had a 4.6-year supply in 2011). This is important as the NPPF indicates that local authorities should provide five years worth of housing land with an additional buffer of 5% and 20% where there has been a record of persistent under delivery (para 47) and that relevant policies for the supply of housing land should not be considered up-to date if a five-year supply cannot be

demonstrated (para 49). The issue of the size of any housing land buffer in Herefordshire will need to be considered as part of the review of SHLAA and the Annual Monitoring Report process.

- 30 Given the lack of a demonstrable five-year housing supply it is likely that there will be more planning applications for housing proposals that fall outside the existing UDP policy context. In providing pre-application advice or considering applications it is suggested that an interim approach should be taken which recognises the absence of a 5-year supply of housing land but aims to ensure that new housing development is located at sustainable locations. In determining planning applications this should mean that housing proposals of acceptable scale and design may be permitted where they:
- fall at locations that currently have settlement status within the UDP;
  - are located adjacent to the existing settlement boundary;
  - in terms of sites of 5 or more units, they should be sites that have been assessed through the SHLAA as having low or minor constraints.
- 31 In addition, the housing land situation should be taken into account in determining planning applications advanced for strategic sites identified through the emerging Core Strategy should proposals be received prior to the adoption of the plan.
- 32 All such applications will need to be determined by Planning Committee as they would not be consistent with the adopted UDP. This approach would not rule out other sites but the onus will be firmly on the applicant to demonstrate why the location is sustainable and appropriate for additional housing and, the environmental and other impacts of the development are acceptable. Although an interim approach is necessary in respect of this aspect of the UDP, planning applications will be required to accord with other adopted UDP policies.

#### *Ongoing work*

- 33 There remain a number of key areas where ongoing work is required in order to be able to demonstrate that the Core Strategy is soundly based. In respect of water related issues a key matter is the potential impact of the proposals of the Core Strategy upon the integrity of the River Wye SAC which is primarily related to the phosphate levels in the Rivers Wye and Lugg. It is essential that, before being submitted to the Secretary of State, the Core Strategy can be demonstrated to be fully compliant with the Habitats Regulations. In order to address the issue a Water Steering Group has been established with officers from Herefordshire Council, Natural England, the Environment Agency and Welsh Water working in partnership to address the issue and identify possible solutions
- 34 Demonstrating that the proposals of the plan are both viable and deliverable will be an important element of any Examination in Public and was another concern raised during the Revised Preferred Option consultation. An Economic Viability Study undertaken at Preferred Option stage indicated that meeting the proposed affordable housing target and achieving the level of development contribution based upon initial work on an IDP was not possible in the short term. The Report suggested a number of possible approaches to deal with this issue. Subsequently with amended proposals set out in the Revised Preferred Option and with work continuing to refine the IDP additional viability work has been commissioned which will not only provide evidence for the Core Strategy but is also intended to help in the preparation of the CIL. Given the changes

to the LDF timetable it is proposed that the CIL be produced in parallel with the progress of the Core Strategy, in order that it can be examined at the same time and adopted at the earliest opportunity.

- 35 As previously indicated above the preparation of neighbourhood plans will enable local communities to identify and plan for their own development needs. Given these changes to the planning system consideration of a different approach to the previous draft rural housing policies published in August 2010 would now seem appropriate. Such an approach would enable rural development to be identified in neighbourhood plans and also reflects comments raised during the Revised Preferred Option consultation to provide a more flexible approach to rural housing development. Any rural policy framework should also provide the basis for determining proposals where no neighbourhood plan exists and it will be necessary to demonstrate to an Inspector that the strategic target of 5,300 new dwellings in rural areas will be achieved by 2031. Public consultation upon such a new rural policy approach would be necessary and the implications of the new approach taken into account in undertaking the Sustainability Appraisal of the plan.
- 36 It is proposed that a further round of consultation is needed on a draft Core Strategy, prior to submitting to the Secretary of State and its public examination. This is to ensure that potential risks arising from recent case law are addressed, by providing consolidated documentation and clarifying outstanding matters including in respect of the Hereford relief road, the Rotherwas Enterprise Zone and rural housing policy. It is important that the draft Core Strategy is accompanied by Sustainability Appraisal (SA)/SEA and HRA reports to ensure full compliance with the regulations. The preparation of a consolidated set of documentation, produced for the proposed consultation, also provides the opportunity to clarify the reasons for rejecting alternative options in an accessible form. The consultation will take into account the agreed recommendations of Overview and Scrutiny Committee at its meeting of 9 December 2011, in respect of the principles to be applied when undertaking consultation.

#### *Local Transport Plan*

- 37 Council agreed the adoption of the LTP2 as its interim transport strategy pending the finalisation of the LDF submission at its meeting of 4 March 2011. As such, LTP2 remains the adopted transport strategy for Herefordshire. There is a statutory requirement for a highway authority to have an adopted LTP. Department for Transport confirmed that it was acceptable for Herefordshire to adopt its existing LTP as its interim transport strategy at the time of the decision in 2011 and that it was a 'local' decision.
- 38 The decision to coordinate the adoption of the LDF and LTP was sensible, seeking to ensure integration of long term land use planning and growth proposals with appropriate complementary transport infrastructure proposals. However, there is no statutory or other legal requirement to adopt these strategies at the same time.

#### *Options for Local Transport Plan Adoption*

- 39 Given the anticipated delays in adopting a final LDF Core Strategy it is now sensible to consider adopting a revised transport strategy in advance of the LDF. There are 3 broad options:
- a. LTP Option 1: Maintain the linkage between the two strategies such that the next LTP will continue to be delayed until such time that the Council is ready to

adopt the LDF core strategy. The revised timetable for adopting the LDF would indicate that this would be Spring 2014.

- b. LTP Option 2: Prepare a LTP covering the period to 2014/15, which does not prejudice the ongoing development of key elements to be considered in the Core Strategy, and seek to adopt this in advance of the Core Strategy. This option would maintain the linkage with the LDF timetable and include the provision for eventual adoption of an LTP to cover the period to 2031 which is coordinated with the adopted Core Strategy.
- c. LTP Option 3: To abandon the linkage between the two strategies and prepare a completely revised LTP strategy which can function independently of the eventual Core Strategy. This option is not recommended due to the interdependence between planned growth and the resultant supporting infrastructure and wider transport benefits.

#### *Recommended Option and LTP (to 2014/15) Coverage*

- 40 It is recommended that Cabinet pursues LTP Option 2. This will allow a refresh of transport policy areas which have moved on since adoption of LTP2 and the inclusion of an updated programme to cover the period to 2014/15.
- 41 Key areas of transport policy development which would be covered in a revised local transport plan (to 2014/15) include:
  - a. car parking strategy and parking supply in Hereford;
  - b. the priorities developed through the bus services review and consultation in 2011;
  - c. initiatives which will help longer distance commuters and rural access;
  - d. the City Centre Streetscape Hierarchy of Streets;
  - e. progressing the A49 to A465 highway link to identify a preferred route; and;
  - f. setting out proposals to address congestion issues in Hereford including the Destination Hereford programme and the infrastructure capacity review.
- 42 It would also be helpful for a strategy update to set out the short term delivery programme as the Council has certainty for its LTP capital funding programme to 2014/15.
- 43 Public consultation was carried out on a draft LTP3 in autumn 2010 and specific stakeholder engagement has continued to take place since this time (on such matters as bus services, community transport and highway improvements). It is recommended that a final round of public consultation is carried out on the draft LTP prior to consideration by Cabinet and Council to ensure that the public have had a chance to influence the strategy. This consultation will take into account the principles agreed with the Overview and Scrutiny Committee.

#### *Ongoing Linkage with Core Strategy*

- 44 The longer term strategy linkages with the LDF covering significant matters such as the relief road, strategic housing sites and the development of employment land are vital to maintain. In addition, the outcome of the viability assessment and the

development of a CIL need to be supported by complementary land use and transport strategies. This will help ensure that the Council can deliver strategic infrastructure and manage the interaction with private sector led development and funding opportunities. This will require the ongoing linkage of the two strategy areas and would mean that a refreshed LTP would be developed when the long term planning strategy is adopted.

*Timetable for the Local Transport Plan*

45 The proposed timetable below sets out key dates in the process for developing and adopting a short term LTP. It allows for an additional round of public consultation, based on a completed draft Plan. It also identifies the ongoing development of the longer term LTP strategy and its adoption in coordination with the anticipated timetable for adopting the LDF Core Strategy.

<b>Date</b>	
July 2012	Cabinet
July – October	Preparation of a Draft LTP Strategy and Delivery Plan (to 2014/15).
Autumn	Consultation
January 2013	<b>Cabinet</b>
February 2013	Council Adoption of LTP
July 2013 to Spring 2014	Maintain linkages with Core Strategy development and review LTP Strategy (to 2031)
Summer 2014	Adopt LTP to 2031

*Moving towards a final Core Strategy*

46 In order to ensure a sound Core Strategy the following steps are proposed prior to the submission of the document to the Secretary of State:

- preparation of a fully drafted Core Strategy for Cabinet approval and subsequent consultation;
- completion of a proportionate and consistent evidence base to cover the plan period up to 2031;
- completed SEA and HRA reports which are fully compliant with the respective regulations;
- demonstration that the Core Strategy proposes a suite of viable proposals that are flexible and can be delivered.



- 47 Having fully considered the consultation responses to the Revised Preferred Option and in the light of technical evidence Officers advise that the broad principles set out as part of the Revised Preferred Option remain an appropriate basis for developing a sound Core Strategy. It is recommended that Cabinet endorse the following proposals as forming the basis for working towards a draft Core Strategy.
- 48 In providing such a clear steer to the strategy Cabinet would provide a basis for Officers to draft the document and would also give weight to the emerging plan which could start to be applied when making planning decisions. Such an approach would be useful when demonstrating how the Council is expecting to deal with issues such as the lack of a five-year supply of housing land. However, the NPPF also recognises, in paragraph 216, that the extent to which there are unresolved objections in respect of emerging plans should also be taken into account in making planning decisions.
- 49 It is proposed that Cabinet agree to the following for inclusion within the Draft Core Strategy (subject to the outstanding issues identified earlier in this report being successfully resolved):
- that the Core Strategy covers the period 2011-31;
  - provision of 16,500 net new dwellings and enables the development of 148ha of employment land across the County;
  - at Hereford an overall target of 6,500 new dwellings including the proposed urban extensions at Holmer (500 dwellings), Lower Bullingham (1,000 dwellings) and Three Elms (1,000 dwellings);
  - reference is made within the Core Strategy to the Rotherwas Enterprise Zone and new strategic employment land is provided at Three Elms ( as part of the proposed urban extension);
  - the Core Strategy continues to propose the western relief road with amended route corridor to the south in line with the recommendations of the Amey report;
  - in the Market Towns the following table sets out the basis of the Core Strategy proposals;

	<b>Housing Target</b>	<b>Other Development</b>
<b>Leominster</b>	2,300 new dwellings with 1,500 on the strategic site.	Strategic employment site.
<b>Ledbury</b>	800 new dwellings with 700 on the strategic site.	Strategic employment site.
<b>Ross-on-Wye</b>	900 new dwellings with 200 on the strategic site.	Continuing with the Model Farm employment proposal as identified in the UDP
<b>Bromyard</b>	500 new dwellings with 250 on the strategic site.	Strategic employment site.
<b>Kington</b>	200 new dwellings but no strategic allocation.	Recognition that employment land is needed to be identified as part of a lower tier plan.

- at Bromyard, with the recent refusal of planning permission of housing at Porthouse Farm and with the Town Council proposing alternative proposals, further consideration of the Core Strategy proposals for the town is required. This work to be undertaken in consultation with local members prior to the draft plan being considered by Cabinet;
- the strategic requirement to accommodate 5,300 new dwellings in rural areas over the plan period continue through the development of an alternative flexible approach to rural policies promoting new development where supported by neighbourhood plans and/or supported by the local community;
- that the Core Strategy includes a policy to ensure that development proposals will only be permitted where it can be demonstrated that the treatment of waste water will not result in the River Wye SAC exceeding its Conservation Objectives and require that new residential development incorporates the highest level of water efficiency;
- the Core Strategy policies recognise and plan to address current and future demographic trends to meet the needs of all sections of the community including older people and children and young people;
- a comprehensive examination of the emerging policy framework is undertaken to determine whether any significant policy gaps exist in view of publication of the NPPF and impending revocation of Regional Spatial Strategy. As part of this work it will be necessary to consider enhancing existing draft policies, preparing new policies or continuing to save a limited number of UDP policies.

50 Attached below is a suggested timetable setting out the various stages to the adoption of the Core Strategy. The timetable assumes that outstanding matters are sufficiently resolved by the end of September in order to allow for a draft Core Strategy to be progressed. Should it not be possible to identify firm solutions by this date it will be necessary to revisit the timetable.

Date	
July 2012	<b>Cabinet</b>
July – September	<b>Continuing work on outstanding elements, including:</b> <ul style="list-style-type: none"> <li>• Ongoing development of the evidence base, including viability work and updated retail and employment evidence.</li> <li>• Completion of road studies, including the Eastern Link work and upgraded modelling.</li> <li>• Work on water quality issues with statutory bodies and water companies (water steering group).</li> <li>• Progressing approach to rural areas and other place specific issues.</li> <li>• Ongoing Policy drafting.</li> </ul>
October – November	- Subject to sufficient progress being made upon the outstanding elements of work: <ul style="list-style-type: none"> <li>• prepare draft Plan</li> <li>• Prepare SA/HRA reports.</li> </ul>

December 2012	<ul style="list-style-type: none"> <li>• Cabinet</li> </ul>
Early 2013	<b>Consultation upon Draft Plan and SA/SEA and HRA report</b>
Spring 2013	<ul style="list-style-type: none"> <li>• Analyse consultation response</li> <li>• Amend draft plan as necessary</li> </ul>
July 2013	<ul style="list-style-type: none"> <li>• Cabinet</li> <li>• Council approval of Plan</li> </ul>
Late summer 2013	<b>Pre-submission publication</b>
Late 2013	<b>Examination in Public</b>
Spring 2014	<b>Adoption</b>

- 51 The preparation of the CIL charging schedule, which itself will be subject to consultation, will need to ensure that it is completed in time to be considered alongside the Core Strategy at the Examination in Public.
- 52 In addition to the Core Strategy and CIL other development plan documents are likely to be required to enable a comprehensive LDF. A revised Local Development Scheme will be brought to a future Cabinet meeting setting out a programme to bring such documents forward in more detail.

## Community Impact

- 53 The LDF is at the heart of the delivery of key Council strategic objectives for the county. These include promoting economic resilience and diversity, providing decent and affordable houses, and providing good efficient transportation and movement throughout the county, balanced with the need to protect Herefordshire's built and natural environmental resources. The policies concerned are designed to yield significant positive community impacts. This has been guided and informed by extensive consultation to date.

## Equality and Human Rights

- 54 In order to fulfil the requirements of S149 of the Equality Act 2010, an Equality Impact Assessment was completed in October 2010. This report shows that previous consultations have been conducted across the county and taken equality issues into consideration. The Equality Impact Assessment will be reviewed prior to the next consultation to ensure that there is no potential for discrimination and that all appropriate opportunities will be undertaken to advance equality and foster good relations.

## Financial Implications

- 55 The Council is facing significant challenges in financial terms and through the national settlement and reductions in funding. The council's five year financial strategy includes an estimated 29.7% reduction in government formula grant. Budget decisions have been based on a set of core principles that include Supporting the Vulnerable. The process also includes fundamentally challenging what the council does to ensure appropriate use of public funding and quality of service.

- 56 In respect of the LDF the additional consultation and evidence base work will be met from currently approved budgets of £506k in total. This is made up of £206k held in reserves and a further £300k to address revenue budget pressures in 2012/13 as part of the Medium Term Financial Strategy.
- 57 Future pressure on the budget will arise from the need to hold an Examination in Public into the soundness of the plan, potential updates to elements of the evidence base which underpins the LDF and work to progress more detailed documents which form elements of the County's planning framework. The directorate will work to mitigate the additional budget pressure by seeking to absorb associated future costs where possible. As a result work is underway to identify and mitigate any impact of likely budgetary pressures upon the LDF process in future years and this will also involve consideration within the Council's financial planning.

## Legal Implications

- 58 The provisions of the 2004 Regulations as amended by the 2008 Regulations are mandatory. Section 20 of the Planning and Compulsory Purchase Act 2004 stipulates that before a DPD is adopted by a local authority it must be submitted to the Secretary of State for independent examination. A DPD would not be approved if the relevant provisions of the Regulations were not complied with.
- 59 A further round of consultation on a draft Core Strategy, prior to submitting to the Secretary of State and its public examination will help ensure that potential risks arising from recent case law are addressed, by providing consolidated documentation and clarifying outstanding matters including in respect of the Hereford relief road, the Rotherwas Enterprise Zone and rural housing policy. The draft Core Strategy should also be accompanied by SA/SEA and HRA reports to ensure full compliance with the regulations.
- 60 The need to demonstrate viability has become even more important following publication of the NPPF and that to progress work on the CIL would assist in showing that the plan is sound.
- 61 There are no legal implications related to de-coupling the LDF and the LTP, however, it is important to maintain the key linkage in respect of longer term strategy.

## Risk Management

### 62 **LDF Option 1: proceed without further consultation on the LDF**

The key risks here are around the ability of the document to survive Examination and any subsequent challenge. On the basis of recent experience elsewhere, it is anticipated that the Inspector would raise issues related to soundness and refer the document back to the Council for these aspects to be addressed. This option will also increase susceptibility to legal challenge.

### 63 **LDF Option 2: carry out further round of consultation on the LDF**

This option, whilst in itself a form of risk management, will entail more delay and this in itself carries risks, highlighted below.

LDF Risk	LDF Mitigation
Lack of five year housing land supply weakens ability to control which sites come forward	Steer development to sites assessed in SHLAA Progress pre-application discussions on strategic sites – but see below re CIL.
Reliance on increasingly outdated UDP policies to support planning decisions threatens basis of planning control	Screen UDP policies for compliance with national planning policies Produce Core Strategy
CIL is not available to secure CIL payments from development – including the larger sites, leading to lost funding opportunities	Accelerate CIL to progress in tandem with Core Strategy Address in pre-application discussions Continue to use Planning Obligations SPD up to 2014.

64 There are 2 key risks associated with the LTP and these are summarised with mitigation in the table below.

LTP Risk	LTP Mitigation
Reliance on increasingly out of date LTP2/(Programme, Policies)	Adopt a short term strategy with appropriate updates on key policy areas and a short term delivery programme (LTP Option 2)
(Part) severing the link between LTP/LDF may weaken the strategic case for key infrastructure	Any revised LTP strategy would need to outline the areas of overlap with emerging LDF strategy and set out the circumstances for an early review which would ensure full policy integration as and when core strategy is determined.

## Consultees

65 Overview and Scrutiny Committee were consulted on the report at their meeting on 4<sup>th</sup> July 2012.

## Appendices

66 None.

## **Background Papers**

- Hereford Relief Road: Southern Core: Corridor Assessment Report, Amey; and
- Update to Local Housing Requirement Report, GL Hearn.

<b>MEETING:</b>	<b>CABINET</b>
<b>DATE:</b>	<b>12 JULY 2012</b>
<b>TITLE OF REPORT:</b>	<b>HEALTHWATCH HEREFORDSHIRE</b>
<b>PORTFOLIO AREA:</b>	<b>CORPORATE SERVICES</b>

**CLASSIFICATION:** Open

### **Wards Affected**

County-wide

### **Purpose**

To update Cabinet on the progress made to date regarding Healthwatch Herefordshire and to seek approval for the establishment of the new organisation.

### **Key Decision**

This is not a Key Decision.

### **Recommendation(s)**

**THAT Cabinet:**

- (a) notes the content of this paper and the views expressed from consultation so far;
- (b) agrees the proposals in the paper for the establishment of Healthwatch Herefordshire, including the local vision and that Healthwatch Herefordshire be provided through an arrangement with the local voluntary sector for an initial period of 2 years (option 2); and
- (c) authorises the Deputy Chief Executive to implement these proposals, including the recruitment of an independent Chair of Healthwatch Herefordshire.

### **Key Points Summary**

- The Health and Social Care Act 2012 has established Healthwatch, as the

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Further information on the subject of this report is available from  
Richard Beavan-Pearson, Assistant Director Customer Services and Communications (01432) 26 1721/  
07792880246

'consumer champion' for NHS, public health and adult social care services. A major role for the new organisation will be to ensure that public, patients, service users and carers can influence planning and delivery of local services.

- The creation of Healthwatch amalgamates the existing statutory roles and responsibilities undertaken by Local Involvement Networks (LINKs), Independent Complaint Advocacy Services (ICAS) as well as incorporating the provision of consumer advice and support for people to make informed health and social care choices.
- A key objective of the local vision is for Healthwatch Herefordshire to operate as part of the wider network of community based organisations that champion the interests of local residents and consumers. This vision has been supported in the consultation undertaken and has informed the recommended option for Healthwatch Herefordshire
- There will be a remuneration structure for key board members of Healthwatch Herefordshire to attract high calibre people, recognise the importance of the new arrangements and drive performance.

## **Alternative Options**

- 1 Healthwatch is a requirement of the 2012 legislation. There is therefore no alternative to the implementation of the service. Different organisational models for Healthwatch Herefordshire are summarised in the paper.

## **Reasons for Recommendations**

- 2 Healthwatch is a requirement of the 2012 Health and Social Care Act and whilst there are a number of different possible models and approaches, as set out in this paper, the recommendation to seek the Healthwatch service from local voluntary sector partners will provide a value for money approach through the utilisation of existing partnership arrangements. This has been broadly supported in the consultation undertaken so far.

## **Introduction and Background**

- 3 The creation of Healthwatch requires some key decisions to be made regarding the implementation and operational arrangements for the new service. As a significant change to the local Health and Wellbeing system, this requires the approval of Cabinet.
- 4 The creation of Healthwatch amalgamates the statutory roles and responsibilities undertaken by Local Involvement Networks (LINKs), Independent Complaint Advocacy Services (ICAS) and also incorporates the provision of consumer advice and support for people to make informed health and social care choices. It is important to note that Healthwatch will be a different organisation, with a wider remit, but we will seek to build on the strong foundation laid by Herefordshire LINK.



- 5 The vision for Healthwatch set out in the transition plan published on March 29<sup>th</sup> 2011 by the Department of Health was that:

*'Healthwatch will be the independent consumer champion for the public - locally and nationally – to promote better outcomes in health for all and in social care for adults.*

*Healthwatch will be representative of diverse communities. It will provide intelligence – including evidence from people's views and experiences - to influence the policy, planning, commissioning and delivery of health and social care. Locally, it will also provide information and advice to help people access and make choices about services as well as access independent complaints advocacy to support people if they need help to complain about NHS services.*

*Healthwatch will have credibility and public trust through being responsive and acting on concerns when things go wrong and operating effectively and efficiently.'*

Local Healthwatch services will be a way for local people to get information and advice about local healthcare services and will also give them the opportunity to comment on and get involved in the development and planning of healthcare services.

- 6 The functions of local Healthwatch services extend beyond those currently required of LINKs and can be summarised as:

- a) *Gathering views and understanding the experiences of patients and the public.*
- b) *Making people's views known to commissioners and service providers.*
- c) *Promoting and supporting the involvement of people in the commissioning and provision of local care services and how they are scrutinised.*
- d) *Recommending investigation or special review of services via Healthwatch England or directly to the Care Quality Commission (CQC).*
- e) *Providing advice and information (signposting) about access to services and support to members of the public to make informed choices about healthcare services.*
- f) *Making the views and experiences of people known to Healthwatch England (and to other local*

*Healthwatch organisations) and providing a steer to help it carry out its role as national champion.*

- 7 In 2011, Herefordshire Council, NHS Herefordshire and Herefordshire LINK submitted a bid for Healthwatch pathfinder status. The bid set out the proposed functional relationships between Healthwatch Herefordshire and the other health and social care governance structures within the county. It also set out how Healthwatch Herefordshire could work through existing services to provide a single point contact for local people wanting to access support and advice, or to comment on local health and social care services.
- 8 The Healthwatch Herefordshire pathfinder application clearly laid down the proposed model of working for the local service. It identified some of the challenges faced in Herefordshire as a result of having a small rurally dispersed population and some of the significant developments that have been led by Herefordshire Council to mitigate against those challenges.
- 9 The proposal was that Healthwatch should provide its key functions through the Council's existing telephone contact centre and 'One Stop' shops, which would enable the most cost-effective, far reaching coverage of the county for the new service.
- 10 The vision set out in the proposal for Healthwatch Herefordshire was that:
  - a) *Healthwatch Herefordshire will empower the public to make choices and shape health and adult social care services to local needs and improve customer experience.*
  - b) *Using the 9 localities identified within the county already as a framework for engagement and intelligence gathering, Healthwatch Herefordshire will be integral to the developing locality service arrangements, working alongside other public services, and close to local communities.*
  - c) *Healthwatch Herefordshire will have an important role supporting everyone in the community, but particularly those who are vulnerable or often unheard.*

## **Key Considerations**

- 11 As the local Health and wellbeing economy is relatively small this will require a creative response to the legislative requirements for Healthwatch if a sustainable service which provides value for money is to be delivered.

- 12 This issue was fundamental in informing the successful Healthwatch pathfinder bid which was submitted in 2011. The bid outlines how Healthwatch Herefordshire would work using existing infrastructure to keep running costs to a minimum thereby enabling more of the available cash to be used to support local people. Another key expectation set out in the bid was that the Healthwatch service would reflect the locality arrangements which have already been established in the county.
- 13 The Local Improvement Network (LINK) service has at times struggled to fulfil the remit which the previous legislative framework set out. This is a very common experience in other local authority areas. Even so, as Healthwatch replaces the LINK, it will be important to retain those elements of the service that have worked so that there is a smooth and effective transition.
- 14 Local authorities are required by the legislation to commission the Healthwatch service. There is a requirement that the commissioned organisation is 'body corporate' – this therefore means that there is a range of opportunities and options regarding the potential commissioning arrangement. The Corporate Services Directorate will be commissioning Healthwatch as this provides more potential for corporate oversight.
- 15 The development of the options considered in this paper have been supported by Paul Deneen and Diane Jones who are locality non-executive directors for NHS Herefordshire. This support has resulted in a wide-ranging dialogue with a number of key stakeholders and organisations, which is indicated in the recommendations to cabinet.
- 16 Herefordshire Public Services Leadership Team and the Health and Wellbeing Board have already been invited to comment on the proposals presented in the attached paper. Each has endorsed the preferred option which is set out above.

## 17 **Options for the new organisation**

- 18 With the 'body corporate' requirement of the Act, the new service is able to employ staff in addition to involving volunteers in their work. They will be able to contract out functions while remaining accountable for the public funding they receive. There are a number of options regarding how this corporate structure can be created upon which views are sought.

## 19 **Option 1 – New Independent Organisation**

- 20 Set up a new independent organisation with the sole remit of providing the employment and governance arrangements for Healthwatch Herefordshire.
- 21 This option could give a great deal of independence to Healthwatch, but would involve the additional expense of setting up a new organisation. However, it would provide clear accountability and performance management arrangements if the local authority retained the rights to remove the senior management and/or chairman if the organisation did not meet the required performance targets.

- 22 As a very small organisation it could struggle to provide cost effective and robust human resource, financial and IT systems.
- 23 Healthwatch Herefordshire is expected to be in place in shadow form in October 2012, to allow for the Chairman and staff to undertake the member recruitments and other activity required to have a fully operational Healthwatch in April 2013. Setting up a new organisation would take more time than the other options and would be very challenging within the time available.

Pros	Cons
Independence	Cost
Accountability	Potential duplication of functions
Meets legislative requirements	Not in line with strategic direction of HPS
A clear demarcation between the old system and the new	Timescale would be very difficult to achieve
	Requires new networks to be created

24 **Option 2 - Part of an existing not for profit organisation**

- 25 Contract with an existing organisation to set up Healthwatch Herefordshire function and employ staff as an independent arm of their existing structure.
- 26 The local authority could work with independent not for profit organisations, social enterprises or charities to provide Healthwatch Herefordshire organisational support, through grant in aid funding.
- 27 This could be with any suitable local organisation as the legislation allows for the local authority to fund the local Healthwatch organisation through grant and aid which means there would no requirement to go out to formal tender. This would reduce the cost and time involved with making the appropriate contractual arrangements.
- 28 Along with the public sector, the third sector is undergoing substantial changes and restructure in Herefordshire. Therefore taking on the role of Healthwatch may not be seen as a significant priority for some organisations and this would need to be identified prior to undertaking any work with an interested party.

Pros	Cons
Independence ie: rooted in the not for profit sector	Perceived lack of Independence (if local organisation involved in Compact or commissioning)
Accountability	May not be organisational priority
Shared overheads	Current changes within not for profit sector within Herefordshire may impact upon resource availability or

	organisational capacity
In line with strategic direction of local partnership working	
Meets legislative requirements	
Could be developed within timescale	
A clear demarcation between the old system and the new	
Existing networks are retained	

### 29 **Option 3 – Rebrand LINK as Healthwatch**

- 30 Rebrand the existing LINK arrangements as Healthwatch Herefordshire and extend the current brief to include the additional functions that Healthwatch are required to provide.
- 31 The current arrangements for the LINK in Herefordshire would not meet the legislative requirements for Healthwatch Herefordshire without significant change. There may also be a perceived lack of independence as the staff are currently employed directly by the local authority.
- 32 A local concordat has been developed to clarify roles and responsibilities; however public accountability remains unclear in the current structure.
- 33 The Department of Health has confirmed that it will not produce specific guidance documents concerning local Healthwatch procurement. However, the Healthwatch advisory group has clarified that the grant in aid option or a single tender option is potentially available to a high performing LINK which is distinguished as having a 'unique capacity' to do the job of being a local HealthWatch organisation.
- 34 This option would require the local LINK membership to establish a 'body-corporate'.
- 35 This is probably not a viable option in Herefordshire, as the current LINK and is almost certainly not high-performing enough and does not provide the unique capacity required to fulfil Healthwatch functions.

<b>Pros</b>	<b>Cons</b>
Cost efficient	Does not meet legislative requirements in current form
Control of priority given to development	Lack of accountability in current structures
Existing membership	Lack of Independence
	Would need to become separate independent organisation in its own right

	Is not a clear demarcation between the old system and the new ie: does not meet the local vision for Healthwatch
Existing networks are retained	

36 **Option 4 – Procure Healthwatch by open tender**

37 Run an open tender exercise to identify and procure a not for profit organisation, social enterprise or charity to set up and run Healthwatch Herefordshire

38 This would involve running a procurement exercise in line with European Guidance.

39 A full procurement exercise would realistically take a minimum of four months and although we could stipulate the need for local knowledge and partnership working, there would be no guarantee that a local organisation would be successful.

40 A procurement exercise would enable organisations from across the country (and potentially Europe) to bid to provide the service, this would mean that the potential for recruiting an organisation with experience in either providing host arrangements for LINKs, or having set up other Local Healthwatch pathfinders is greatly increased.

41 We would not be able to complete a full tender exercise in time for the Healthwatch Herefordshire to take on shadow form in October; however we could potentially still recruit and independent chair and executive board in advance of the procurement exercise being completed.

Pros	Cons
Ability to identify organisations with previous experience	Long time scale required
Meets legislative requirements	Expense involved with procurement
Independence	Not ensured of local solution
	May have provider with a number of other Healthwatch developments and resources shared across areas
A clear demarcation between the old and the new	Risk of new organisation/ individuals
	Requires new networks to be created.

42 **Option 5 – Commission Healthwatch in conjunction with another**

## local authority

- 43 Explore what opportunities may exist to joint in a partnership arrangement with another (neighbouring) local authority regarding the procurement of the Healthwatch service across a wider geographical footprint.
- 44 This approach would need to ensure that Herefordshire’s needs were safeguarded and that the potential for vicarious risks is acknowledged within any potential agreement.

Pros	Cons
Larger economy of scale	3-way agreement/ contract
Meets legislative requirements	Expense involved with procurement
Independence	Not ensured of locally-specific solution
Mitigates cost of procurement	May have provider with a number of other Healthwatch developments and resources shared across areas
A clear demarcation between the old and the new	Risk of new organisation/ individuals
	Requires new networks to be created.

## Preferred option:

- 45 The initial assessment is that Option 2 is likely to provide the best opportunity for a high quality and cost effective local Healthwatch service, by enabling the provision of Healthwatch functions through existing services and networks, as well as ensuring members and staff have the independence they require to scrutinise those functions, along with the commissioning and provision of local healthcare services.

## Community Impact

- 46 The changes that the new system will bring are intended to provide a strengthened and more visible ‘consumer champion’ for Health and Wellbeing services within Herefordshire. This will therefore have an impact on all communities and locality areas across the county.

## Equality and Human Rights

- 47 The implementation of Healthwatch Herefordshire will have due regard to equality and human rights legislation. The new organisation will be a consumer champion for health and social care services and is therefore expected to deal with such matters in response to issues raised by the public

## **Financial Implications**

- 48 The current budget for LINK is £95,000 this will form the basis of the funding for the new organisation
- 49 An additional £50,000 minimum is expected to be provided by the Department for Health/ Department for Communities and Local Government to support the additional role requirements for the new organisation.
- 50 Any further funding gap identified through the procurement process is currently expected to be met from within existing Directorate funds.

## **Legal Implications**

- 51 The local Healthwatch service must be in place by April 2013
- 52 Any further legal issues will be determined through the procurement process

## **Risk Management**

- 53 Any delays to the implementation of the local Healthwatch service will be contrary to legislative requirements and will delay the procurement process.
- 54 There is a risk that local voluntary organisations are not willing or capable of taking on the Healthwatch service. If this is the case, then the alternative options outlined in the paper will need to be considered.
- 55 There is also a risk that the potential funding gap will be too large to be met by directorate funds. If this is the case, further consideration of this issue will be needed.

## **Consultees**

- 56 The consultation process is not yet completed and there will be a further period of engagement on the aims and operation of HealthWatch to inform the detailed arrangements. Some key stakeholders who have already been consulted are:
- Chair of the Health and Wellbeing Board
  - Health and Wellbeing Board
  - Herefordshire Public Services Leadership Team
  - Cabinet Member for corporate services
  - Equality and diversity team
  - Chair of Herefordshire Clinical Commissioning Group
  - Clinical Commissioning Group Board
  - PCT locality Non Executive Directors



- LINK Herefordshire management board
- Chief Operating Officer of HVOS
- Senior Managers Team
- Legal Services

## **Appendices**

13.0 None

## **Background Papers**

14.0 Healthwatch Herefordshire discussion paper



<b>MEETING:</b>	<b>CABINET</b>
<b>DATE:</b>	<b>12 JULY 2012</b>
<b>TITLE OF REPORT:</b>	<b>STRATEGIC DELIVERY PLAN FOR TRANSFORMING ADULT SERVICES 2012-2015</b>
<b>PORTFOLIO AREA:</b>	<b>HEALTH AND WELLBEING</b>

**CLASSIFICATION:** Open

### **Wards Affected**

County-wide.

### **Purpose**

To provide the Cabinet with the final draft of the Strategic Delivery Plan for Transforming Adult Services 2012-2015.

### **Key Decision**

This is not a Key Decision.

### **Recommendation**

**THAT: the Strategic Delivery Plan, as a working document to be used by the Council, other agencies and partners to deliver the necessary transformation for adult services, be approved.**

### **Key Points Summary**

- All Councils and Health communities are facing significant challenges due to reducing budgets and increasing demographics.
- In Herefordshire we want people to live fulfilling lives with control over what is important to them. Most people can, and should, be helped and supported by their family, friends and local community. People should only need to access formal health and social care services when they are assessed as needing them.
- There is a need to have systems and services which are sustainable and offer value for money. This is a national as well as local issue and the strategic delivery plan sets out a transformation programme over three years.
- Members, partners, providers and staff have highlighted that a single plan covering services for adults would be helpful in focusing action and enabling a coordinated approach.
- The Strategic Delivery plan harnesses the activity required to produce significant change to transform services and will incorporate any recommendations from the Root and Branch review of Older People and Vulnerable Adults.

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Further information on the subject of this report is available from Jo Davidson,  
Director of People's Services on (01432) 260039

- Various Council services, NHS Herefordshire colleagues, Herefordshire Clinical Commissioning Group, Wye Valley NHS Trust and 2gether Foundation Trust have been involved in the development of this draft.

## Alternative Options


- 1 The Council is facing significant challenges in financial terms and through the national settlement and reductions in funding. The Council's five year financial strategy includes an estimated 29.7% reduction in government formula grant. Budget decisions have been based on a set of core principles that include supporting the vulnerable. The process also includes fundamentally challenging what the council does and the way that it does it to ensure appropriate use of public funding and quality of service.
- 2 Continuing to provide the same level and type of services in Herefordshire is not an option given the changing expectations of the people of Herefordshire, their families and carers, the changing national agenda, expectations of providers and the serious budgetary issues the Council and health economies face. The delivery plan provides a step change to transform the way in which people are supported to live independently, where people cannot live at home this also sets out developments to secure good quality arrangements. Alternative options would be to reduce some activity and increase other activity, but this will be informed by the root and branch reviews.

## Reasons for Recommendations

- 3 This draft Strategic Delivery and Transformation Plan impacts on the way in which services for adults will be delivered and funded in the future and requires a whole council response to deliver with partner organisations and residents of Herefordshire. It is not a plan that focuses solely on the activities for adult social care. The delivery of the plan is a key aspect of the council's corporate plan and contributes to achieving a number of outcomes across the whole of the plan.

## Introduction and Background

- 4 The Strategic Delivery Plan for Transforming Adult Services has been developed to take account of national policy direction, the demographic profile of Herefordshire and build on the vision and principles of encouraging people to take responsibility for their own lives and only when necessary access formal health and social care services. It provides a single document setting out the overall approach for adults over the next three years and contributes to the Joint Delivery Plan, the strategic aims of the council and its partners, and is a key part of achieving a balanced budget position.
  - a. The approach has been to consider what needs to take place to impact on key areas of people's lives. e.g. My Care Closer to Home
  - b. The plan gives a clear direction for staff, stakeholders and citizens of what we are intending to achieve and the actions that are required to deliver. It has also been developed to enable a range of services and stakeholders to play their part in delivery. It is not solely an adults social care or people's services commissioning approach, but contains contributions from public health, housing, planning, health and others. This will be developed through the life of the delivery plan.

- c. All the actions outlined in this Plan are important in terms of transforming adult services. The Health and Wellbeing Board has, however, placed a particular emphasis on transforming services for older people. Actions that will specifically contribute towards this priority are flagged - 
- d. The delivery cards for each section are an essential aspect of the plan in providing clarity on the lead for each activity, being transparent about the funding required to deliver and the savings associated with particular activities. The plan does not include detailed action plans for each activity. These sit with the partners and officers designated to deliver each piece of work, and will be developed as priorities and activities change over time.
- e. The delivery cards continue to be developed and the detail of the delivery plans will continue to be amended during the life time of the plan.
- f. This is the first version of the Strategic Delivery plan and, while various Council services and NHS Herefordshire colleagues have been involved in the development, there will be wider engagement activity to inform future versions.
- g. A refinement already under consideration is about emphasising the roles of communities and localities in delivery in line with the vision for adults.

## **Key Considerations**

- 5 Councils nationally are facing significant challenge in respect of demographic increases and reducing budgets.
- 6 Continuing to deliver the same services in the same way to greater numbers of people is not sustainable. There is a need to transform services, make sure services are commissioned and delivered to maximum effect, and where appropriate decommission services.
- 7 Services for adults in Herefordshire are not the sole domain of adult social care and there is a need for a cross council approach, which includes partner agencies, to address all levels of need. The links with communities, partners, the health economy and services are critical to the effective transformation of service in Herefordshire and to achieving appropriate uses of funding.
- 8 There is also a need to be clear and transparent in informing citizens' expectations.
- 9 The government will shortly publish a white paper covering adult social care and this will necessarily require re-assessment of the plan and appropriate changes.

## **Community Impact**

- 10 The Service Delivery Plan focuses on what people and communities can do to support themselves and each other and highlights specific pieces of work to enable people to live as close to home as possible.

## **Equality and Human Rights**

- 11 Any changes to the way in which services are delivered e.g. the end of a contract, will be assessed through an equality impact assessment which considers the affect on service users and the provider. The results of these will be carefully considered alongside

statutory requirements, priorities and the resources available.

## **Financial Implications**

- 12 The Delivery Plan is shaped to delivery high quality, value for money services. The delivery cards outline the areas where the development of services and different ways of working will realise cost savings and also cost avoidance by making different arrangements which are more cost effective than current arrangements. Across the system there are significant budget pressures, particularly for health and social care budgets (which accounts for 35% of the council's budget) which need to be addressed through the fundamental transformation of services. The Delivery Plan establishes what will be done to address this.

## **Legal Implications**

- 13 The delivery plan supports the carrying out of statutory duties and responsibilities.

## **Risk Management**

- 14 Herefordshire's Health and Wellbeing Board has decided services for adults are a priority area. An Adults Forum is being established, chaired by the Director of People and involving senior representatives of partners to oversee the delivery of this plan. The lead member for health and wellbeing will produce an annual report for Herefordshire Council detailing the progress against the plan.

## **Consultees**

- 15 NHS Herefordshire, Herefordshire Public Services, Herefordshire Clinical Commissioning Group, Wye Valley NHS Trust and 2gether Foundation Trust, the Health and Wellbeing Board, the QIPP Board have been involved in the development of the plan. The vision and guiding principles have been made available for comment at provider forums and via the council's internet site for consultation. Once approved as a working document this will be shared and developed further with provider organisations, the third sector and user groups.

## **Appendices**

- 16 Strategic Delivery Plan for Transforming Adult Services 2012 -2015.

## **Background Papers**

- None identified.

# Strategic Delivery Plan for Transforming Adult Services 2012-2015

June 2012

Draft

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Draft

## 1. Introduction

In Herefordshire we want people to have fulfilling lives with control over what is important to them. When we have to provide care and support we want these services to be safe, to afford people dignity and to enable people to continue to be part of their own communities.

People are living longer and in Herefordshire we expect the numbers of people over 85 to double by 2026. People are also living longer with long term conditions such as dementia and disabilities.

National policy drivers are very much about empowering communities to take control. The focus is on preventative services, reducing dependencies on state provided services and ensuring people can remain in their own homes and communities for as long as possible, leading healthy lives.

Herefordshire faces similar challenges to those described nationally. In addition to the ageing population there is a need for lifestyle changes to tackle issues such as obesity and the need to engage with people to deliver the changes needed.

We need to have systems and services that are sustainable and offer value for money for local residents, while giving people in Herefordshire choice and control of their lives.

This involves everyone, and all services. Much is already done by individuals, families and communities themselves. The Council and partners provide support and enable people to make choices for themselves. Adult social care plays an important part of our local delivery and represents 35% of the total council budget. The challenge to councils' budgets is very serious as settlements from central Government continue to reduce.

To achieve this we need to shift from providing high cost services such as residential care to supporting people to live in their own homes and communities as far as possible. We need to work with partners and communities to develop and maintain services to be available when people need support.

We want to work with the people of Herefordshire to reduce dependency and to be clear about what they can expect from the Council. We want people to always have access to high quality services to support them to be independent and formal health and social care services when they are assessed as needing them.

Our Delivery Plan is therefore not fixed until 2015. It is in a constant state of refinement and development as more people and partners become involved, we reassess priorities and the effectiveness of what we achieve together.

It provides the single place that sets out what we are collectively going to do and achieve for adults in Herefordshire and we welcome your involvement.

*Need signatures from Jo and Cllr Morgan here*

## 2. Vision and guiding principles

In Herefordshire our vision for health and wellbeing is:

*'Working with people in Herefordshire to live independently and to be safe and well'*

*'We will do this by encouraging people, and their communities, to help themselves and, where necessary, ensure access to advice, care and support which is financially sustainable, of high quality, timely, accessible and innovative'*

We will deliver this vision by underpinning all our work with the following principles:

1. As people get older, or are less able, they can do things to help themselves stay independent and well throughout their life.
2. Most people can, and should, be helped and supported by their family, friends and local community.
3. Communities should be involved and encouraged to help those that need support.
4. People are responsible, and where able to, should organise and pay for their own help to remain as independent and well as they can.
5. The local authority and health community will ensure that people and their families are able to get advice about things they can do to help themselves, and to provide information about what help is available. People may have to pay for this help.
6. Where people are less able or become frail or ill, the local authority and the health community will ensure services are provided at home, or as close to home as possible, including using the resources that the person's family, friends and local community can provide
7. Services will protect people's safety and independence with the emphasis on preventing deterioration and/ or in ensuring a dignified and well-cared for end of life
8. Services for people are funded by the people themselves, or by all the tax payers of Herefordshire. Services will be arranged and funded so that they are sustainable and affordable in the short, medium and long term and of good quality
9. Local authority, health, private and voluntary sector services will work together so that people experience a unified, well run single set of services, even if they are provided by different organisations
10. People should require less treatment in hospital and less time in full time residential care through a well thought through community approach. Organisations and people in Herefordshire will work together to make this a reality.
11. If people do not remain at home we will work with them as far as possible to make choices and keep control of their lives.
12. Within three years, Herefordshire should be in the top quartile of authorities in terms of self-help; innovation; value for money; speed of assistance and safety

### 3. Herefordshire solutions

Herefordshire's Strategic Delivery Plan for Transforming Adult Services sets out the areas of work we will focus on for the next three years. Herefordshire Public Services and partners have been working on many of these areas for some time; however, this delivery plan is the mechanism for pulling them together into a coherent strategy focused on adults. This plan forms part of Herefordshire's approach to deliver the Health and Wellbeing Strategy and is an integral part of our joint work with the health sector, including the Clinical Commissioning Group. Importantly this delivery plan, along with the joint strategic needs assessment, enables others to think about what they can contribute and determine their own actions to enable adults to live independently for as long as possible, and to meet the needs of those that choose or require services and support. The solutions offered reflect national health and social care policy direction.

#### Localities

Herefordshire aims to coordinate and deliver services in partnership and on a locality basis. This delivery plan will enable localities to be at the heart of our collective approach. This may be through specific commissioning at a locality level, through the use of personalised budgets or local contracts. Where best value is achieved through commissioning at a larger scale, the delivery will wherever appropriate be at a local level. The plan is not set out with a section for each locality, as service delivery will vary according to local need and the plan establishes a whole county approach. However, specific initiatives will be taken forward at a locality level.

### 4. Definitions

The law relating to Adult Social Care dates back to the National Assistance Act 1948 and since then there has been a plethora of additional legislation leading to complexities both for those delivering the services in interpreting the law and for those who receive services to fully understand their entitlements.

The Law Commission was tasked in 2008 to undertake a review Adult Social Care and published its report in May 2011.

This includes a definition of Adult Social Care as it currently stands

*“Adult social care means the care and support provided by local social services authorities pursuant to their responsibilities towards adults who need extra support. This includes older people, people with learning disabilities, physically disabled people, people with mental health problems, drug and alcohol misusers and carers. Adult social care services include the provision by local authorities and others of *traditional services* such as care homes, day centres, equipment and adaptations, meals and home care. It can also extend to a range of so-called *non-traditional services* – such as gym membership, art therapy, life coaching, personal assistants, emotional support, and classes or courses. Adult social care also includes services that are provided to carers – such as help with travel expenses, respite care, and career advice. Finally, adult social care also includes the mechanisms for delivering services, such as assessment, personal budgets and direct payments.”*

The government has announced that it will introduce legislation in 2012 to implement many recommendations of the Law Commission which will simplify the statutory

framework and be based on the overarching principle that the purpose of adult social care is to: “promote or contribute to the well-being of the individual. In effect, individual well-being must be the basis for all decisions made and actions carried out under the statute.”

The recommendations cover areas such as:

- Assessments
- Eligibility
- Carers assessments and eligibility
- Provision of services
- Adult protection
- Ordinary residence
- Health and Social Care divide

## 5. National Drivers

With the emphasis on prevention and early intervention, *Putting People First* set out the shared agreement between Government, Local Government and their partners for the transformation of adult social care. This has now been further strengthened by Think Local Act Personal with broadly similar aims and goals. The agenda clearly set out change in a number of key areas:

- The extension of choice and control to all citizens with care or support needs;
- The importance of information and advice for citizens with care or support needs, regardless of whether they are state funded or using their own resources;
- The importance of services that promote independence and prevent people needing ongoing care or support where this can be avoided;
- The importance of “universal services” in the lives of all citizens, especially those with care and support needs;
- The importance of all stakeholders working together to shape communities, with the needs of citizens at the centre;
- The continued importance of ensuring the cost effective delivery of services.

*Use of Resources in Adult Social Care* October 2009 set out the challenge to Local Authorities of self assessing effective use of their Adult Social Care resources. It recognises that some of “...the interventions which will lead to transformational reform for adult social care will take a minimum of five years to deliver” and presents a series of key questions to commence this process.

It refers to local authorities falling into two groups Careland and Communityland – the highest and lowest share of spending on residential and nursing care respectively. It suggests that an “excellent” authority should have a balance of services available with not more than 40% of its overall adult social care budget being spent on residential care.

*A Vision for Adult Social Care* November 2010 outlined the vision for a modern Social Care System which is built on seven principles:

- Prevention
- Personalisation
- Partnership
- Plurality
- Protection
- Productivity

- People

The direction is to empower citizens and communities and those who use services to develop a range of preventative and other support which will help to reduce isolation, improve health and wellbeing and better manage the demand for formal health and care. The vision is clear that none of this can be achieved in isolation and very much depends on working closely with partners and, importantly, communities.

*Healthy Lives Healthy People* November 2010 looked to tackle the wider social determinants of health. The White Paper was seen to complement *A Vision for Adult Social Care* in “emphasising more personalised, preventative services that are focussed on delivering the best outcomes for citizens and that help to build the Big Society”. It refers to “designing communities for active ageing and sustainability” making active ageing the norm.

In 2011 Department of Health undertook a consultation exercise *Caring for our Future* bringing together the Law Commission Review and the Dilnot report which considered future funding arrangement for those who needed care.

The feedback from the consultation focussed on

- sharing responsibility for improving the system,
- move to an approach which focuses on building individual and community assets,
- empowering people with choice and control through a universal offer for information, advice and care navigation for citizens balancing national and local information,
- re-balancing the social care market to encourage innovative and preventative action,
- develop integrated and transformational leadership underpinned by a quality workforce,
- strengthen the social care quality framework,
- pilot direct payments in residential homes,
- mainstream housing and planning into care planning,
- develop shared outcome measures based on the user/carer experience,
- and striking an appropriate regulatory environment for financial products

The feedback from the engagement is being used to understand the immediate and longer term priorities for social care reform, with Department of Health continuing to work with stakeholders to develop the policy recommendations to help them decide the approach to the Care and Support White Paper and to progress the report on funding reform, legislating at the earliest opportunity including many of the recommendations from the Law Commission Report.

## 6. Herefordshire Profile

This Strategic Delivery Plan for Transforming Adult Services has been informed by the Joint Strategic Needs Assessment, which is refreshed throughout the year and published annually.

This Plan has also been informed by the findings and recommendations resulting from the 'Study of the Housing and Support needs of Older People in Herefordshire', January 2012 (Peter Fletcher Associates and arc4), commissioned by Herefordshire Public Services (HPS). The study identified a range of housing-related approaches at a strategic and operational level which would enable HPS and its partners to respond to the growing older population in the county.

Further detailed statistics are also available on the [Facts and Figures website](#). Some of the significant issues facing Herefordshire include:

- The population of Herefordshire is 177,800 of which 24% of the population is over retirement age (compared to 19% nationally)
- It is predicted that the number of older people with dementia in Herefordshire will rise from 2,821 to 5,572 in 2030 an increase of 92%.
- Life expectancy for men is 77.6 years (compared with 76.9 for England) and for women is 82.4 years (compared with 81.1 for England)
- In Herefordshire the number of people over 65 is expected to rise by 18% in the next five years, whilst the number of people under 65 is expected to fall
- The number of people aged 85+, who have by far the greatest needs for health and social care, is expected almost to double in Herefordshire, from 5,200 in 2008 to 10,200 in 2026
- The rate of physical disability and mental health ill health among the adult population under 65 is predicted to remain virtually the same. (stable prevalence, no population growth until 2030). However, there is an increasing complexity of need.
- The rate of learning disability will increase slightly in numbers until 2030. However, within this the population of clients, their carers will age significantly and younger clients joining the cohort have more intense needs. In addition their carers have more expectations for independent living.

Anyone with an apparent potential need for social services is entitled to receive a formal assessment ("Community Care Assessment"). Social care services are those provided following a Community Care Assessment to people who meet Herefordshire's eligibility criteria. Like most councils (79%) Herefordshire arranges social care services for adults whose needs are assessed "substantial" or "critical."

20% of referrals to adult social care in 2010-2011 were self referrals, 16% came from primary/community health services and 10% from family or friends. Of all the assessments completed for social care clients in Herefordshire, 38% of clients were aged 18-64 and 62% aged over 65. Herefordshire had a slightly higher percentage of 18-64s compared with the comparator group. Physical disability accounted for the highest percentage of completed assessments (58%). However, Herefordshire also had a large percentage defined as "other vulnerable group" (30%). This was the highest of all the comparator group and England.

62% of new clients waited less than or equal to two days for a completed assessment from first contact. This is significantly better than the comparator group and England. Just 2% of new clients waited more than 3 months for their assessment to be completed.

Of those social care clients in receipt of services, 65% were aged 65 and over. This is broadly similar to the comparator group and England. As with assessments, 61% of clients receiving services were physically disabled; 10% were in other vulnerable groups. Of the social care clients in receipt of community based services, 62% were aged 65 and over and 61% were physically disabled. Again, this is broadly similar to the comparator group and England. Of clients receiving community based services, 28% received home care, 20% day care, 6% meals, 2.8% short term residential care, 5% direct payments, 50% professional support (eg occupational therapists, psychologists etc), 27% equipment and adaptations and 6% other services.

90% of new clients in Herefordshire waited less than or equal to two weeks from their assessment to the receipt of all the services they required. This is better than the comparator group and England. Just 5% of clients waited more than 6 weeks for all their services.

In 2011, there was a small increase in the number of people receiving home care but a large increase in the amount of care that people receive. Similarly with residential care and nursing care, the numbers have stayed similar but length of stay and costs have increased significantly. The biggest increases have been in relation to older people and people with mental health difficulties. Compared with similar authorities, Herefordshire's overall unit cost for residential, nursing and intensive home care for 2010-11 ranked as 9<sup>th</sup> most expensive.

The majority of completed reviews in Herefordshire related to those aged 75 and over (58%). Herefordshire's performance in relation to completed reviews by age group is broadly similar to the comparator group and England.

In 2010-2011, 81.6% of older people achieved independence through rehabilitation/intermediate care following a spell in hospital. However, this is below the comparator group (85.2%) and England (83.1%).

According to the 2010 Adult Social Care survey, social care users report a higher level of satisfaction (scoring 19.2 out of a possible 24) with the services received than the comparator group (19) and England (18.6).

The percentage of social care clients receiving self-directed support – direct payments and individual budgets – is significantly below that of the comparator group and England. Just 5.9% of clients receive self-directed support compared with 30.2% for the comparator group and 30.1% for England. Herefordshire is the lowest in the comparator group.

Similarly, carers in Herefordshire receive fewer services than in the comparator group and England. 25.8% of carers received a needs assessment or review and a specific carer's service, advice or information, compared with 29.2% for the comparator group and 28.7% for England. The breakdown by age of the carers in Herefordshire in 2010-2011 was 55% aged 18-64, 10% aged 65-74 and 35% were 75 and over. The majority of carers are caring for people with a physical disability (75%).



In relation to learning disabilities, Herefordshire performs well ahead of the comparator group and England. 77.6% of people with learning disabilities are in settled accommodation, compared with 56.8% for the comparator group and 60.6% for England. 12.1% of adults with learning disabilities are in employment, compared with 9% for the comparator group and 7.1% for England.

Performance in relation to adults in contact with secondary mental health services is less positive. 46.6% were in settled accommodation, compared with 66.5% for the comparator group and 66.7% for England. 10.6% of adults in contact with secondary mental health services were in employment, compared with 13.3% for the comparator group and 9.2% for England.

### **Charging for services**

No one in Herefordshire is expected to pay for social care services if they cannot afford to, because everyone is offered a financial assessment which takes into account income and assets in line with national guidance. There are a range of benefits which individuals may also be eligible for that can assist with paying for care. In Herefordshire approximately 50% of people receiving social care services do not pay for their service.

However, as is true across the country the way needs are met and the payment for this, is a significant issue for individuals and for the council and partners.

## 7. Performance Framework


A fundamental part of our approach is not to prescribe all the activities required to enable and support adults, but to present the key issues facing Herefordshire in an informed, accessible way and to be clear about what Herefordshire Public Services will do for its part.

It is important that, collectively, we focus on activity that has a strong track record of delivering change, whilst also enabling local innovation together. The Strategic Delivery and Transformation Plan can be used by local partnerships, private, voluntary and community organisations to think what they can do to take part enabling and supporting adults, to put thought into action and to pledge their involvement. We will collect these pledges and use them to assess how we are achieving our aims in Herefordshire. This plan is necessarily at a high level and will be supported by active engagement from other organisations, and by detailed action plans on the part of the council to deliver the areas of work.

Herefordshire's Health and Wellbeing Board has decided services for adults are a priority area. An Adults Forum is being established, chaired by the Director of People and involving senior representatives of partners to oversee the delivery of this plan. The lead member for health and wellbeing will produce an annual report for Herefordshire Council detailing the progress against the plan.

## 8. Key areas of work

The Strategic Delivery and Transformation Plan sets out the key areas of our work. Each section establishes what we are aiming to achieve, why it is important and what we will do.

The actions outlined in this Plan are important in terms of transforming adult services. The Health and Wellbeing Board has, however, placed a particular emphasis on transforming services for older people. Actions that will specifically contribute towards this priority are flagged -  Each section has a scorecard to enable progress to be measured in year. A revised score card will be developed for each year of the plan.

## **My life in my community**

### **What are we aiming to achieve by 2015?**

For adults in Herefordshire to be as independent as they can be for as long as they can be.

### **Why is this important?**

- National evidence suggests that people want to remain independent as long as possible.
- The costs of caring for people with complex social care and health care needs are set to rise and as our population ages, it is more important than ever that social care gives older people choice and control over services that help them to remain independent
- Adult Social Care Survey 2011 (Herefordshire) - over a third of respondents felt they could not or they had difficulty getting around the house and/or in and out of bed
- Adult Social Care Survey 2011 - 37% of respondents could get to all the places in their local area that they wanted, 45% found this difficult or were unable to go, and 18% did not leave their homes
- People know what choices are available to them locally , what they are entitled to, and who to contact when they need help.(measured by Adult Social Care Outcomes Framework (ASCOF) outcomes 3d)

### **What we will do?**

- Council departments, partner agencies, communities and stakeholders will work together positively to ensure adults in Herefordshire have access to high quality universal services only accessing specialist health and social care services when needed
- 🚩 Develop high quality information and advice services for people, whether or not they are eligible for services, signposting to these services at every opportunity.
- 🚩 Expand the availability of assistive technology, including telecare, to enable people to stay at home.
- 🚩 Work with housing providers to promote the use of the National First Stop housing advice service
- 🚩 Continue to develop and improve Home Improvement Agency related services, and increase awareness of and information about them.
- 🚩 Ensure efficient use of the Disabled Facilities Grant budget.
- Develop a new service model to replace the traditional day care provision
- Expand opportunities for supported living to enable people to live independently within their community.
- Develop increased capacity for handyperson services.
- Introduce universal, preventative support service for people who experience issues with their housing and maintaining their homes.
- 🚩 Support carers to maintain their caring role
- Continue to work on the new model of enablement helping people with a disability, including learning disabilities, to develop life skills for independent living that reduce dependency on the provision of social care

- To develop a pathway to employment for those with learning disabilities.

**Main partners for delivery:**

Herefordshire Public Services  
 Third Sector  
 Communities  
 Clinical Commissioning Group  
 Wye Valley NHS Trust  
 Housing providers

**My life in my community**

**By April 2013, adult services in Herefordshire will look like this:**

- People with learning disabilities and their families will have greater choice and control over where and how they live
- People with a learning disability and their families will know how to get housing advice and support and will have the opportunity to plan for their housing needs
- Planning for young people with a disability moving into adult services will be improved with the aim to reduce dependency on long term support
- People will have access to good information to enable them to make choices
- Assistive technology will keep more people in their own homes.

**To achieve this, we will do the following:**

<i>Activity</i>	<i>Timescale</i>	<i>Lead</i>
Seek approval for and implement the Learning Disability Housing Strategy 2012 – 2016	By October 2012	Commissioning Lead Learning Disability
The range of accommodation and housing needs will be extended to meet the housing needs in particular of: <ul style="list-style-type: none"> <li>• Young adults with learning disabilities and other complex/physical disabilities</li> <li>• Older adults with learning disabilities who are becoming frail and/or developing other physical/health needs.</li> <li>• Adults with learning disabilities who need wheelchair accessible housing</li> <li>• Adults with autism or complex health needs</li> <li>• Young people under 30 who require shared supported accommodation</li> </ul>	By April 2014	Commissioning Lead – Learning Disability
<ul style="list-style-type: none"> <li>• Procure an enablement service based on a new model of enablement helping</li> </ul>	October 2012	Commissioning Lead Learning

people with a disability, including learning disabilities, to develop life skills for independent living that reduce dependency on the provision of social care.		Disability
Increase the offer for assistive technology through a tender process.	October 2012	Commissioning Lead Older People/Physical Disability
Further develop information website and catalogue.	September 2012	Commissioning Lead Personalisation

<b>We will use this money:</b>	
<i>Amount</i>	<i>Funding source</i>
£90 k over a 2 year period (£45k per annum)	DH Passported monies
£250k to increase offer of assistive technologies	DH Passported Monies/Council
<b>And realise these savings and/or avoid these costs:</b>	
£358k. Re-designing residential care packages where appropriate into shared care supported living. This includes more effective use of existing block contracts for those supported accommodation providers.	
£1.2m cost avoidance through use of assistive technologies	

## **My support close to home and in my control**

### **What are we aiming to achieve by 2015?**

For every adult in Herefordshire to be able to access support that meets their needs as close to home as possible and to manage their own support as much as they wish.

### **Why is this important?**

- To delay and reduce the need for care and support (Adult Social Care Outcomes Framework (ASCOF) outcome 2)
- People manage their own support as much as they wish, so that they are in control of what, how and when support is delivered to match their needs (ASCOF outcome 1b-c)
- Carers can balance their caring roles and maintain their desired quality of life (ASCOF outcome 1d)
- Adult Social Care Survey 2011 (Herefordshire) Around 60% of respondents indicated that care and support services help them have control over their daily lives.

### **What we will do?**

- 🚩 Continue to offer a personal budget to all people eligible for services either following review or following assessment.
- 🚩 Develop robust reablement services to help people maintain, or regain, independent living skills.
- 🚩 Work with partners to develop an action plan to deliver the Carers Strategy in particular to increase the flexibility of short breaks and to provide a comprehensive carers service
- 🚩 Continue to promote a more flexible model of sheltered housing based on floating support
- 🚩 Assess the potential of some sheltered housing to shift to a supported housing model
- 🚩 Explore the feasibility of developing a virtual extra care at home model, including for people with dementia
- Re shape day and respite opportunities, providing people with the opportunity to gain skills for independent living and employment where appropriate.
- 🚩 Enable people to manage their own Long Term care as much as possible and engage them and their carers in planning when services are required.
- 🚩 Support people, and their carers, to enable them to die in their preferred place at the end of life
- 🚩 Develop and implement a social model of dementia care
- 🚩 Challenge inequality so people are not excluded from communities due to stigma.
- 🚩 Engage with GP Commissioning groups on new approaches to funding 'virtual' extra care and other low level support.

**Main partners for delivery:**

Herefordshire Public Services  
 Wye Valley Trust  
 2gether Foundation Trust  
 Third Sector  
 Independent Providers  
 Housing Providers  
 Clinical Commissioning Group

**My support close to home and in my control****By April 2013, adult services in Herefordshire will look like this:**

- Day services for adults of a working age who have a physical or learning disability will begin a programme of transformation and modernisation which will have at its foundation that people with disability should be living, working, learning and participating in the community alongside other community members.
- Fewer people of working age with a physical disability will enter and remain in residential care. Through the development of an enablement programme and utilization of personal budgets people with varying levels of physical disability will be able to live as independently as possible, ideally in the community.
- A period of reablement will be the norm for all new service users and for those in longer-term care who will benefit from it.
- All service users will receive a personal budget which is maximised for benefit and efficient support.
- The rate of hospital stay and residential care placements will have reduced

**To achieve this, we will do the following:**

<i>Activity</i>	<i>Timescale</i>	<i>Lead</i>
Seek agreement for the 'Community Lives' strategy that will undertake to remodel traditional Day Services		Commissioning Lead Learning Disability
Work with Wye Valley Trust and others to implement a 3 year modernisation programme to implement the strategy	3 tiers commencing April 2012	Commissioning Lead Learning Disability
Develop a universal, preventative support service	March 2013	Commissioning Lead Older people/Physical Disability
Develop and introduce a personalised process for carers	September 2012	Commissioning Lead Carers
Develop the market to encourage providers to deliver person centred care and support	March 2013	Commissioning Lead Personalisation
Review and develop efficient processes for	September 2012	Commissioning

management of direct payments		Lead Personalisation
Enhance the case/care coordination and reablement capacity	September 2012	Commissioning Lead Reablement
<b>We will use this money:</b>		
<i>Amount</i>	<i>Funding source</i>	
£474k Re-ablement team	DH Passported transformation	monies/ Council
£ Additional funding support to enhance re-ablement function to be agreed		
£		
<b>And realise these savings and/or avoid these costs:</b>		
<i>£82k through effective commissioning of carers breaks and carers support</i>		
<i>£379k in 12/13 (part year effect), £1,099k in 13/14 and £1,014k in 14/15 due to impact of reablement and the reduction in long-term support. **</i>		
<i>60k Through the re-design of a more cost effective carers service.</i>		
<i>£150k With effective enablement programme by using intensive support to gain greater independence.**</i>		
<i>** The amounts Savings stated above do not include the impact on the NHS due to reduction in hospital stay and reduction in recurrent admissions to hospital.</i>		



## **My dignity and safety**

### **What are we aiming to achieve by 2015?**

For all adults in Herefordshire to benefit from services that respect them as individuals, work with them with dignity and ensure their safety

### **Why is this important?**

- Enhance the quality of life for people with care and support needs (Adult Social Care Outcome Framework ( ASCOF) outcome 1a)
- Safeguard people whose circumstances make them vulnerable and protect them from avoidable harm (ASCOF outcome 4a)
- For people who use adult social care services: - Everyone enjoys physical safety and feels secure. People are free from physical and emotional abuse, harassment, neglect and self-harm. People are protected as far as possible from avoidable harm, disease and injury people are supported to plan ahead and have the freedom to manage the risks the way that they wish. (ASCOF outcomes 4b)
- People who use social care and their carers are satisfied with their experience of care and support services (ASCOF outcome 3a-b)
- Carers feel that they are respected as equal partners throughout the care process (ASCOF outcome 3c)

### **What we will do?**

- 🚩 For each commissioned service, specify a relevant mix of outcomes, outputs and processes to deliver quality, and agree appropriate monitoring arrangements
- 🚩 Support adults and their communities to manage risks to safety before they become an issue
- 🚩 Continue to work proactively with Care Quality Commission where services are causing concern
- 🚩 Develop Adult Safeguarding Board membership to ensure robust multi agency procedures and governance.
- 🚩 Introduce a programme of quality assurance for adult safeguarding cases.
  - Identify at year 9 young people who will require support as adults and ensure a safe transition.
- 🚩 Continue to develop robust policies, procedures and training to protect adults who are unable to make decisions for themselves and are unable to move freely from care homes or hospitals.

### **Main partners for delivery:**

*Independent Providers*  
*Herefordshire People's Services ( Children's)*  
*Care Quality Commission*  
*Multi Agency Adult Safeguarding Board*  
*Herefordshire Public Services – Children's Services*  
*Wye Valley Trust*  
*2gether Foundation trust.*

## My dignity and safety

### By April 2013, adult services in Herefordshire will look like this:

- People have the information, advice and support they need, to empower them to remain safe, and improve their perception of feeling safe, in their local community
- People receiving services in Herefordshire are treated with respect and dignity regardless of their culture, ethnicity or sexual orientation
- Staff are supported in their caring role so that the risk of abuse is minimised
- People are reassured that the services they use are safe e.g. hospital/care homes/personal assistants
- People are assured that agencies will work together to keep people safe and will only share information where appropriate

### To achieve this, we will do the following:

<i>Activity</i>	<i>Timescale</i>	<i>Lead</i>
Systematically review quality of services with providers, including feedback from users	Through 2012/13	Head of Quality and Review
Review quality of services through evaluation of reviews of users	Through 2012/13	Head of Quality and Review
Continue to develop the membership, governance and effectiveness of Safeguarding Board	Through 2012/13	Head of Quality and Review/ Independent Chair

### We will use this money:

<i>Amount</i>	<i>Funding source</i>
£70k Improved contract monitoring	DH Passported monies

£

### And realise these savings and/or avoid these costs:

£44k use of voids (increase usage to 90%) within existing contracts. This will include the reduction in transfer costs incurred if providers have safeguarding issues.

## **Joined up services and making the best use of money**

### **What are we aiming to achieve by 2015?**

Local authority, health, private and voluntary sector services will work together so that people experience an integrated, well run single set of services, even if they are provided by different organisations.

Effective use of funding available by maximising the value from contracts

### **Why is this important?**

- Improve the continuum of care and support by removing organisational barriers.
- Services need to be arranged and funded so that they are of good quality, sustainable and affordable in the short, medium and long term.
- Funding available is under more and more pressure. Public money must be used in the most effective way to deliver the vision and guiding principles for adults

### **What we will do?**

- 🚩 Use Herefordshire's joint commissioning and provider structures to plan and deliver joined up services for health and care and broader support needs
- 🚩 Develop care pathways across health and care boundaries to address the needs of frail older people, stroke survivors, and people with long-term health conditions, identifying those who would benefit from preventative services.
- 🚩 Agree approaches to continuing health care and its support using personal health budgets
- 🚩 Improve transition arrangements between children and adults services
- 🚩 Renegotiate and reduce the cost of contracted services

### **Main partners for delivery:**

*Clinical Commissioning Group*

*WVT*

*2gether*

*Hoople*

*Council Services*

*Third sector*

*Provider services*

**Joined up services and making the best use of money.**

**By April 2013, adult services in Herefordshire will look like this:**

- There will be clear pathways, systems and processes for those needing care and support

**To achieve this, we will do the following:**

<i>Activity</i>	<i>Timescale</i>	<i>Lead</i>
Commission frail older person care pathway	March 2013	Commissioning Leads
Work with providers to make neighbourhood teams effective providers of joined up health and social care.	March 2013	Head of Commissioning Adults
Establish clear processes for joint funding, Continuing Health Care and personal health budgets	December 2012	Head of Commissioning Adults
Fully implement the care funding calculator approach to appropriately achieve value for money placement costs	From April 2012	Head of Commissioning (Adults)/Wye Valley Provider services
Renegotiate inflation and contract values	Through 2012/14	Commissioning Leads
Recommission third sector provision	Through 2012/14	Commissioning Leads
Introduce appropriate charging in line with Council policy	September 2012	Head of Commissioning (Adults)
Programme of reviews to ensure provision is appropriate to needs	Through 2013 to April	Commissioning Leads /Wye Valley/2gether
Improve information flows and planning between services, and work with young people and families to address needs and expectations	Through 2013 to April	Commissioning Lead Learning Disability

**We will use this money:**

*Amount*

£70k Brokerage Support  
£383k Review Team

*Funding source*

DH Passported Monies  
DH Passported Monies DH Passported Monies

**And realise these savings and/or avoid these costs:**

£1.065m through contracts

£350k through the care funding calculator

£70k through effective transition arrangements

£50k from the review of those with mental health difficulties

£335k in 12/13 and £420k in 13/14 through the re-design of the homecare market.

£360k through programme of regular and timely reviews

£363 through more effective commissioning of the third sector

Draft

## **My health and wellbeing**

### **What are we aiming to achieve by 2015?**

For all adults we are aiming to achieve:

- an increase in healthy life expectancy;
- a reduction in differences in life expectancy and healthy life expectancy between communities.

In addition, in relation to older adults (65 years+) we are aiming to achieve:




- a reduction in falls and falls-related hospital admissions;
- a reduction in the incidence of hip fracture;
- an increase in early diagnosis and intervention for dementia enabling people with dementia to stay safe and healthy and to maintain as much
- a reduction in excess winter deaths;
- a reduction in the incidence of preventable loss of sight;
- an increase in wellbeing.

Why is this important?

- Within Herefordshire there are high levels of preventable chronic disease and potentially avoidable premature death despite overall levels of health being relatively good compared to the rest of England.
- Marked social gradients in life expectancy and disability-free life expectancy are seen within the county – in other words poorer people tend to die at a younger age and to spend more of their shorter lives in ill health compared to more affluent people.
- Coronary heart disease, stroke and cancer are the top causes of chronic ill health and premature death, and account for 51% of all deaths in Herefordshire.
- Lifestyle risk factors are the main contributory factors to poor health, disability and premature death. In Herefordshire smoking, physical activity and alcohol harm reduction have been identified as the highest priorities for adults. Falls prevention has also been identified as a particular priority for older adults.
- Herefordshire has a higher proportion of older people compared to England as a whole and the number of older people is expected to increase:
  - 24% of Herefordshire's population is over retirement age compared to 19% nationally;
  - The number of over 65s is expected to increase by 18% over the next five years and the number of under 65 year olds expected to decrease;
  - People aged over 85 have by the far the greatest levels of need for health and social care. In Herefordshire the number of over 85 year olds is expected to increase to 10,200 by 2026 – almost double the number in 2008 (5,200).

- Falls and dementia amongst older people have been identified as particular priorities in Herefordshire.
- Falls are the commonest cause of accident-related hospital admission and the third most common cause of accidental death in Herefordshire.
  - The overall trend shows an increase in the number of falls-related hospital admissions over recent years;
  - Every year around 35% of over 65 year olds fall at least once, amongst over 80 year olds living in the community this figure rises to 45% and amongst people living in care homes it increases to 60%.
  - Over 60% of the falls that lead to hospital admission in Herefordshire are in over 65 year olds;
  - Over 50% of falls occur in the home;
  - In the over 85 year old age group twice as many women are admitted to hospital because of a fall compared to men;
  - The primary prevention of falls (ie preventing falls from happening in the first place) has great potential to reduce premature deaths and to make significant savings on health and social care expenditure.
- Hip fracture is one of the most serious physical consequences of falls:
  - There are around 200 cases of hip fracture per year in Herefordshire;
  - However, there are many other debilitating consequences including other fractures or physical injury, loss of confidence and independence and social isolation impacting on mental health and wellbeing.
- The number of older people with dementia in Herefordshire is predicted to almost double by 2030, rising from over 2,800 to around 5,600.
- Across the health and social care system there is an increase in expectations, and need. Current service and budget arrangements mean that the present pattern of spending and service delivery is unsustainable.

### **What will we do?**

-  Work with partners to ensure that appropriate and effective services are in place for older people based on the outcomes of the integrated needs assessments and strategies for falls and dementia – where necessary discontinuing any ineffective services so that funding can be reinvested in effective interventions.
-  Reduce the incidence of falls, the number of falls-related hospital admissions and the associated health and social care costs by implementing cost-effective, evidence-based interventions such as home assessment and improvement services building on Herefordshire's existing Home Improvement Agency/Handyperson services.
-  Support adults and their communities to manage risks safely before they become an issue. In relation to the prevention of falls this means:
  - improving systems for the identification of those at risk at an early stage;
  - improving signposting/referral to home assessment and improvement services;
  - increasing access to/uptake of physical activity by older people – in

particular exercise/activity which builds strength and balance as this has been shown to reduce the risk of falls;

- working with partners to ensure that appropriate exercise programmes are available for older people across the county and in different settings (such as care homes, sheltered housing, community settings) and of different types (such as chair-based exercises, “over 60s” exercise classes in the community, tailored home-based programmes);
- increasing access/uptake of vision checks and medication reviews by older people.

- 🚩 Improve the way that dementia is diagnosed and that patients and their carers are supported in communities
- 🚩 Work with communities to develop local services to encourage positive ageing.
- 🚩 Further development of volunteer befriending to address social isolation.
- 🚩 Improve care pathways for frail/older people so that emergency admissions are reduced and people are enabled to successfully either remain at home or return home.
- 🚩 Promote access to universal services for those who are vulnerable and in “hard to reach” groups so that they are enabled to live life as normally as possible.
- 🚩 Work positively to ensure adults in Herefordshire have access to high quality universal services which help them to help themselves. This means people will only access specialist health and social care services when needed.
- 🚩 Develop approaches to housing which encourage investment in Herefordshire and meet the aspirations of local people to live in their own homes in older age.
- 🚩 Roll out assistive technology that will help more people to stay in their own homes.
- 🚩 Provide housing options for people with dementia, including housing based and virtual extra care models.
- 🚩 Promote initiatives to tackle fuel poverty and improve housing conditions which impact on healthy life expectancy.

### **Main partners for delivery:**

*Herefordshire Public Services - People’s Services Directorate (including Public Health) and Place and Communities Directorate (including housing and leisure)*

*Wye Valley NHS Trust*

*2Gether Foundation NHS Trust*

*Herefordshire Healthcare Clinical Commissioning Group*

*West Mercia PCT Cluster and successor organisations*

*GPs and other independent contractors*

*Parish Councils*

*Service providers who are in contact with older people and their carers including:*

- *Registered social landlords and private developers;*
- *Independent third sector partners;*
- *Community and voluntary organisations including carer organisations;*
- *Private sector organisations including providers and staff of housing, sheltered housing and care home services.*



## My health and wellbeing

### By April 2013, adult services in Herefordshire will look like this:

Integrated, preventively-focussed services across the range of providers which form part of a care-pathway approach and which positively contribute to increasing healthy life expectancy and reducing differences in life expectancy and healthy life expectancy between communities.

### To achieve this, we will do the following:

<i>Activity</i>	<i>Timescale</i>	<i>Lead</i>
Complete an integrated needs assessment for falls in older people to encompass a review of the existing falls prevention services in Herefordshire along with an assessment of the "size of the problem" and a review of the evidence of effectiveness of relevant interventions.	May 2012	Herefordshire Public Services
Develop a falls prevention strategy as part of the Health and Wellbeing Strategy with an emphasis on the primary prevention of falls in older people. The strategy will incorporate actions to prevent falls in the following areas: <ul style="list-style-type: none"> <li>➤ strength and balance training;</li> <li>➤ assessment of hazards in the home;</li> <li>➤ assessment of vision;</li> <li>➤ medication review.</li> </ul>	June 2012	Herefordshire Public Services
Complete an integrated needs assessment for dementia;	May 2012	Herefordshire Public Services
Establish an Adult Services subgroup of the Health and Wellbeing Board.	July 2012	Director of People Services
Build falls prevention interventions into contracts with appropriate providers e.g. providers of retirement, sheltered, extra-care and residential care and housing	Through 2012/13	Herefordshire Public Services

### We will use this money:

<i>Amount</i>	<i>Funding source</i>
£ within existing	within existing
£	

£

**And realise these savings and/or avoid these costs:**

Estimates for the average cost of each hip fracture vary from £11,700 to the NHS and over £3,800 over two years to the local authority for social care to over £28,000 for combined health and social care costs. Whatever the true total cost of each hip fracture, it is clear that this far exceeds the much more modest costs of preventative interventions such as simple home adaptations and exercise programmes.

Draft

## The money in my pocket

### What are we aiming to achieve by 2015?

Adults in Herefordshire who receive a financial assessment for social care and/or housing services have their benefits maximised and those who fund their own care have access to independent financial advice.

### Why is this important?

- Maximising people's income helps them to remain independent and feel in control.

### What we will do?

- ✚ Through undertaking financial assessments for care and/or housing services, ensure adults have access to all of the welfare benefits to which they are entitled.
- ✚ Signpost – work with housing providers to promote benefit take up and income maximisation
- ✚ Refer people who fund their own care to access independent financial advice to maximise their income.
- ✚ Continue to ensure that the vulnerable access housing grants to improve insulation and reduce those in fuel poverty.

### Main partners for delivery:

Wye Valley Trust  
First Stop  
Social housing providers  
Housing support staff

## The money in my pocket

### By April 2013, adult services in Herefordshire will look like this:

- Charges in place for those who can afford to pay diverting resources for care to those less off.
- Improve provision for self-funders to allow them to maximise capital increasing the resource available for care fees.

### To achieve this, we will do the following:

<i>Activity</i>	<i>Timescale</i>	<i>Lead</i>
Consult on charging proposals	May – August 2012	Head of Commissioning Adults
Launch My Care My Home in Herefordshire	June 2012	Head of Commissioning Adults.

### We will use this money:

<i>Amount</i>	<i>Funding source</i>
Existing resources	

**And realise these savings and/or avoid these costs:**

£148k By providing a financial advice service allowing those going into residential care to benefit from income to supplement care home fees.

Draft

## **The people who support me**

### **What are we aiming to achieve by 2015?**

That people in Herefordshire are supported by a skilled and effective 'community workforce' that can deliver seamless and sustainable health, care and support for the people of Herefordshire.

- Skilled – experience, knowledge and competence
- Effective – appropriate services in the right place at the right time
- Seamless – working together to best meet people's needs
- Sustainable – transforming the workforce to meet local priorities in the most affordable way
- Resilient – In a challenging environment being responsive to the changing needs of individuals

### **Why is this important?**

- To ensure that people who need help get the right support, in the right place, at the right time.
- To maximise the contribution of the community in supporting people to remain at home and to lead independent and fulfilling lives.
- To make optimum use of scarce resources.

### **What we will do?**

- 🚩 Engage with partners and stakeholders to develop an action plan to implement a comprehensive workforce strategy
- 🚩 Use nationally recognised tools to assess the competency and capacity of the workforce in Herefordshire to deliver high quality services.
- 🚩 Enable redesign of services and associated workforce to broaden the market of services, meet the personalisation agenda.
- 🚩 Enable reconfiguration of the workforce through improved modelling and planning.
- 🚩 Enable an increase in supply and support for the Personal Assistant workforce.
- 🚩 Enable identification, recognition and support for carers.
- 🚩 Enable an increase in the contribution of volunteers to support the prevention agenda.
- 🚩 Enable awareness and support to maximise contribution from universal and commercial (non-care) sectors.
- 🚩 Enable greater self-care through promotion of and support for healthier lifestyles to reduce the need for health and social care interventions.
- 🚩 Secure support from Economic Development to enable new providers to emerge in the market place with new legal vehicles such as social enterprises
- 🚩 Support professional development and learning
- 🚩 Actively encourage older adults to engage in voluntary and paid work in the care sector.

### **Main partners for delivery:**

- *NHS staff .*
- *Council Adult Social Care staff .*
- *Private, Independent and Voluntary (PIV) sector.*
- *Personal Assistants*

- Carers.
- Volunteers.
- Other public sector.
- Universal services
- Commercial sector.
- Hoople

## The people who support me

### By April 2013, adult services in Herefordshire will look like this:

- Implementation of a local integrated workforce strategy which harnesses the potential of the community, including statutory agencies, private, independent and voluntary sector and universal services

### To achieve this, we will do the following:

<i>Activity</i>	<i>Timescale</i>	<i>Lead</i>
Promote the "Ageing Well" initiative across localities Need activities and amounts here	2012/13	Assistant Director People Services/Assistant Director Places and Communities
Implement the action plan to deliver the local integrated workforce strategy	2012-2015	Workforce Development Commissioning Manager
Implement the outcome of the Social Work Reform Board health check	2012-2013	Service Manager, Wye Valley NHS Trust
Provide one place on a Social Work Scholarship programme and provide high quality practice placements	2012-2015	Workforce Development Commissioning Manager
Provide specialist training sessions and qualifications to support the Adult Social Work workforce development needs and statutory requirements	2012-2015	Hoople

### We will use this money:

<i>Amount</i>	<i>Funding source</i>
£0	Investment of management, staff and workforce development time
£130,000	Skills for Care Transition Fund, NQSW funding and placement fees

**And realise these savings and/or avoid these costs:**

Reduce costs associated with recruiting and employing new staff by improving retention

Reduce absence rates due to sickness by improving the well being of staff,

Draft

## **My housing**

### **What are we aiming to achieve by 2015?**

That people across all tenures in Herefordshire are able to live in accommodation appropriate to them and their needs.

### **Why is this important?**

- To promote independent living
- To move away from bed based hospital and long-term care and towards an emphasis on services that promote prevention and re-ablement
- To diversify the housing market to meet the needs of an ageing population

### **What we will do?**

- ✚ Adopt a market approach to development across all tenures
- ✚ Use specific planning policies, either in the Core Strategy or through Supplementary Planning Documents, that highlight the importance of older people in the housing market in Herefordshire.
- ✚ Develop a planning framework that will ensure that sites are available, some of which are earmarked for housing for older people, to ensure developers can compete with general needs housing developers.
- ✚ Consider where opportunities exist to provide free or subsidised sites to support Strategic Housing priorities.
- ✚ Review Social Housing providers and better understand the current offer
- ✚ Proactively seek partners to develop extra care for sale and mixed tenure.
- ✚ Develop a model specification for extra care that will aid developers as they consider the option to develop in Herefordshire.
- ✚ Develop non-specialist general needs 2 and 3 bedroom houses, flats and bungalows for rent and sale that meet lifetime homes standards, across all areas of the county.
- ✚ Encourage mixed developments to balance the market, meet the needs of older people and create genuine lifetime communities.
- ✚ Market the new housing opportunities to older people across all tenures to encourage people who are under occupying to free up family housing through the development of housing for older people.
- ✚ Consider the development of a charged for 'Home Moving' service to support older people who might wish to move but who are daunted by the practicalities of moving
- ✚ Consider the needs of older people within development briefs for Section 106 commitments and the provision of other forms of cross subsidy
- ✚ Ensure that new properties are 'future proofed' to take account of the ageing population.
- ✚ Work with sheltered accommodation providers to agree minimum accommodation standards
- ✚ Decisions by social housing providers on closing , re-modelling or change of use for any existing sheltered housing provision should be taken on a scheme by scheme basis according to location and demand in the local market and the quality and



accessibility of individual schemes to older people

- Re-think the future role of sheltered housing, based on a floating support model, or other self-funding service model
- Consider the potential of sheltered housing playing a wider community role
- Work with private developers to promote the development of c. 100 units of sheltered housing for rent or shared ownership and up to 3377 units of retirement housing for sale by 2025
- Investigate the feasibility of more enhanced sheltered housing, through Assisted Living scheme pilots. Promote the development of additional enhanced sheltered housing such as Assisted Living (up to 648 units half rent and half sale by 2025, starting with 3 pilots), and Extra Care housing ( up to 1315 units one third rent and two thirds sale by 2025, with an initial target of 300 units in the next 5 years).
- Develop up to 128 housing based units for people with dementia by 2015 starting with one close care and one supported housing pilot
- Re-use existing provision, such as sheltered housing, extra care, and ex sheltered warden flats for people with learning disability living into older age

**Main partners for delivery:**

**My housing**

By April 2013, adult services in Herefordshire will have a programme of housing-related projects underway to deliver the recommendations of the Study into the Housing and Support Needs of Older People. This will include both short and long term actions/strategies which will extend beyond the period of this Delivery Plan.

**To achieve this, we will do the following:**

<i>Activity</i>	<i>Timescale</i>	<i>Lead</i>
Establish Cross Directorate Steering Group	April 2012	Assistant Director Homes and Communities
Develop an overarching work plan	June 2012	
Establish Task & Finish groups and take forward the key individual projects	August 2012	
LDF will contain provisions which support housing market transformation to support the obligations of the Adult Strategic Delivery Plan	Spring 2013	

**We will use this money:**

*Initial scoping work will be funded from existing resources and budgets. Costed plans will be developed, utilising transformation funding where possible.*

**And realise these savings and/or avoid these costs:**

Longer term savings will be calculated by individual Task & Finish groups.

## **9. Gap analysis**

Implementation of the Delivery Plan and the associated monitoring of progress will identify gaps where there is currently limited or no provision in place to address them. Where gaps are identified, Herefordshire Public Services and partners will work together to address them.

## **10. Resources**

The Delivery Plan encompasses the approach in Herefordshire across the full range of personal to organisational response. The following indicate the broad areas of resource available in Herefordshire to positively deliver our vision and guiding principles:

- People's own resources, skills and support networks
- Universal services, and the third sector
- Housing
- Adult social care budget
- Health budgets

## **11. Monitoring Arrangements**

Progress against the achievement of the strategy and identification of gaps will be assessed through the following ways:

- Reviewing progress monthly as part of Herefordshire Public Services performance management arrangements
- Reporting bi-monthly by Herefordshire Public Services through the Joint Corporate Plan and to the Health and Wellbeing Board.
- Reporting against a range of indicators in the annual report for Adult Social Care.
- Running a series of workshops with partners at Herefordshire's Provider forum focusing on case studies in each of the key areas of work
- Updating the Joint Strategic Needs Assessment. Then updating the Strategic Delivery Plan to ensure effective progress.

**Strategic links – list of related strategies and reports**

- NHS cluster System Plan
- Director of Public Health's Annual Report
- Herefordshire Sustainable Community Strategy
- Economic Development Strategy
- Housing In Herefordshire Strategy Action Plan 2011-2012
- Joint Herefordshire and Shropshire Housing Strategy (currently out for consultation)
- Healthy Housing Strategy (draft at present)
- Affordable Warmth Strategy
- Homelessness Strategy
- Empty Properties Strategy
- Herefordshire Public Services Corporate plan.
- "Yes We Can" Plan 2011-2015
- Child Poverty Strategy

Draft



<b>MEETING:</b>	<b>CABINET</b>
<b>DATE:</b>	<b>12 JULY 2012</b>
<b>TITLE OF REPORT:</b>	<b>UPDATE ON THE IMPLEMENTATION OF THE PUBLIC HEALTH TRANSITION PLAN</b>
<b>PORTFOLIO AREA:</b>	<b>HEALTH AND WELLBEING</b>

**CLASSIFICATION:** Open

### **Wards Affected**

County-wide

### **Purpose**

The purpose of this report is to provide Cabinet with assurance that the Public Health Transition Project is on course to achieve the safe transfer of legal responsibility for Public Health from Herefordshire Primary Care Trust to Herefordshire Council in April 2013, and to inform Cabinet about the scope of those new legal responsibilities and the opportunity they give the Council to improve the health and wellbeing of the people in Herefordshire.

### **Key Decision**

This is not a key decision.

### **Recommendation(s)**

**THAT the Cabinet Notes:**

- a) **the Public Health Transition Project is on course to achieve the safe transfer of legal responsibility for Public Health from Herefordshire Primary Care Trust to Herefordshire Council in April 2013,**
- b) **the scope of the public health responsibilities that are transferring to Local Authorities in April 2013 creating new opportunities for improving the health and wellbeing of people in Herefordshire,**
- c) **the intention to present a further report to Cabinet seeking agreement of Herefordshire Council's Vision for Public Health and to provide an update on progress of the Public Health Transition Project.**

### **Key Points Summary**

- The Health and Social Care Bill that received Royal Assent on 27 March 2012 introduces wide-ranging NHS reforms and establishes a new public health system in England;
- The Act will result in the disestablishment of Primary Care Trusts and Strategic Health Authorities, and the establishment of Health and Wellbeing Boards, Clinical Commissioning

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Further information on the subject of this report is available from  
Alison Merry on Tel: (01432) 344344 or Alan Holmes, on (01432) 383898

Groups, the NHS Commissioning Board, Commissioning Support Organisations, Healthwatch and Public Health England;

- Under the Act, and with effect from 01 April 2013, local authorities will have a range of new responsibilities for public health, including a set of mandatory public health services. The public health functions currently undertaken by Primary Care Trusts will transfer, along with their associated budgets and staff, to local authorities and to other legacy organisations;
- The transfer of public health to Herefordshire Council provides exciting new opportunities for councillors, council officers and public health specialists to improve the health and wellbeing of people of all ages in Herefordshire;
- A comprehensive Herefordshire Public Health Transition Plan has been developed using Prince2 methodology and is on track to ensure the safe transfer of Public Health responsibilities from Herefordshire Primary Care Trust to Herefordshire Council and other legacy organisations;
- The Council will receive a ring-fenced public health grant to support it in carrying out its new public health functions based on historical spend on the services transferring. The Department of Health have indicated that the allocation for Herefordshire will be no less than £6.657million based on the PCT's 2010/11 accounts. The PCT's 2011/12 accounts more accurately reflect the cost of the NHS Health Checks programme, and the Council and PCT have jointly requested the final allocation for 2013/14 should be based on a submission of the PCT's 2011/12 accounts.
- A Director of Public Health has been jointly appointed by Herefordshire Primary Care Trust and Herefordshire Council who will provide leadership and expertise to develop the new public health system in Herefordshire.

## Reasons for Recommendations

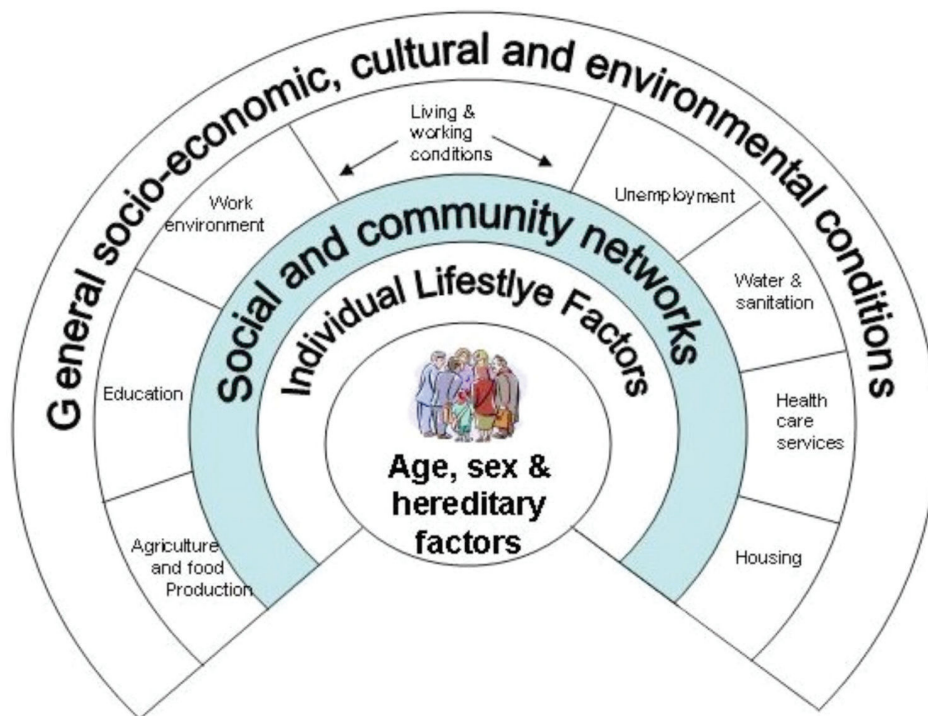
To provide assurance to Cabinet about the safe transfer of responsibility for public health from Herefordshire Primary Care Trust to Herefordshire Council in April 2013, and to inform Cabinet about the scope of those new responsibilities and the opportunity they create to improve the health and wellbeing of people in Herefordshire.

## Introduction and Background

1. The Health and Social Care Act (2012) introduces a series of NHS reforms and establishes a new public health system in England including new public health responsibilities for local authorities.
2. From 01 April 2013 Herefordshire Council will have a range of new public health duties which will include:
  - a. promoting the health of the local population by taking "such steps as it considers appropriate for improving the health of the people in its area";
  - b. specific responsibility for commissioning or providing a range of mandatory public health and health improvement services including:
    - i. ensuring appropriate access to sexual health services;
    - ii. the NHS Health Checks programme;
    - iii. the National Child Measurement Programme;
    - iv. providing public health advice to NHS commissioners (the "core offer"), and ;
    - v. ensuring that robust plans are in place to protect the health of the public including immunisation and screening plans;

- c. appointing a Director of Public Health who will have a central role in ensuring that the public's health and wellbeing is reflected in local authority policies and decisions and who will be responsible for preparing an annual report on the health of the people in the local authority area which the local authority will be required to publish;
  - d. leading on the development of the Joint Strategic Needs Assessment (JSNA) and the Joint Health and Wellbeing Strategy;
  - e. ensuring a community-wide approach to the public's health and wellbeing.
3. Apart from their new mandatory public health services, local authorities will be largely free to determine their own Public Health priorities and services in line with local needs and local priorities. This will allow them to build on local knowledge and experience to tackle the wider determinants of healthy and differences in healthy life expectancy (Figure 1).

**Figure 1 The wider determinants of health (from Whitehead and Dahlgren, 1991)**



4. The transfer of public health to local government provides new opportunities for councillors, council officers and public health specialists to improve the health and wellbeing of people of all ages in Herefordshire through addressing the wider determinants of health by:
- a. embedding a systematic approach to health and wellbeing which spans the whole of the work of the council;
  - b. realising the synergies between the local authority's existing functions and its new public health responsibilities;
  - c. transforming the delivery of public health services; and
  - d. providing leadership to make improving health and wellbeing everybody's business.

5. A ring-fenced public health grant will support local authorities in carrying out their new public health functions.
6. A new national executive agency, Public Health England, will deliver some public health services (health protection, health information and intelligence, healthy lifestyle marketing campaigns), provide national public health leadership and support the development of the specialist and wider public health workforce.
7. The NHS will have a new legal duty to play its part in improving healthy life expectancy and reducing difference in healthy life expectancy.

## Key Considerations

1. The transfer of public health functions, staff, budgets and contracts from the PCT to the LA and other legacy organisations is a complex process.
2. A Herefordshire Public Health Transition Plan has been developed using Price 2 methodology in accordance with Department of Health national guidance, has been agreed by the Chief Executives of Herefordshire Public Services and West Mercia Cluster of PCTs, and has been rated 'green' by the Department of Health. The plan is being implemented through the Herefordshire Public Health Transition Project which has achieved all the project milestones to date.
3. The objectives of Herefordshire's Public Health Transition Plan are to:
  - a. establish a new public health system in Herefordshire in line with national NHS and public health reforms and to ensure a seamless transition to this new system. This will include identifying and implementing those actions required for Herefordshire Council to assume a range of statutory responsibilities for public health and for the transfer of public health responsibilities from NHS Herefordshire to Herefordshire Council, the NHS Commissioning Board (NHSCB) and Public Health England (PHE);
  - b. to develop a Public Health Vision for Herefordshire. A vision and set of principles has been agreed for the Health and Wellbeing Board. This will inform the development of Herefordshire Council's vision for Public Health. The Health and Wellbeing Board's vision is that:
 

*"Herefordshire residents are resilient; lead fulfilling lives; are emotionally and physically healthy and feel safe and secure, with the overall outcome to reduce the difference in healthy life expectancy in Herefordshire".*
  - c. produce a public health leadership development programme linked to the Health and Wellbeing Board (HWB) development programme;
  - d. produce an operating model for each of the 'domains' of the new public health system locally including:
    - i. health improvement;
    - ii. health protection (including screening, immunisation and emergency preparedness, resilience and response);
    - iii. population healthcare advice to NHS Commissioners;
    - iv. health Intelligence;
    - v. dental public health;
    - vi. other health and wellbeing services falling within scope in Herefordshire;



- e. identify priorities and outcomes for 2013/14 in line with the Public Health Outcomes Framework and current performance trajectories;
  - f. identify and address all issues to be resolved;
  - g. identify the agencies involved in the delivery and the respective roles and responsibilities;
  - h. identify governance and partnership arrangements;
  - i. transfer of funding and contracts for public health services to legacy organisations including the Council and the NHS Commissioning Board and Public Health England;
  - j. transfer public health staff to legacy organisations including: incorporation of public health staff into the People's Services Directorate within the Council, and as appropriate, transfer of staff to the NHSCB and/or Public Health England;
  - k. ensure comprehensive handover from NHS Herefordshire to legacy organisations including publication of a legacy document and identification of potential liabilities including legal liabilities/litigation;
  - l. sustain delivery of public health responsibilities during the transition period.
4. All key milestones of the public health transition project have been achieved to date.

## **Community Impact**

22. The Department of Health's vision is to build on local government's long history of public health leadership, and for local authorities to use their new responsibilities and resources to put health and wellbeing at the heart of everything they do, thereby helping people to lead healthier lives, both mentally and physically. This means:
- a. including health in all policies so that each decision seeks the most health benefit for the investment, and asking key questions such as "what will this do for the health and wellbeing of the population?" and "will this reduce health inequalities locally?";
  - b. investing the new ring-fenced grant in high-quality public health services;
  - c. encouraging health promoting environments, for example, access to green spaces and transport and reducing exposure to environmental pollutants;
  - d. supporting local communities - promoting community renewal and engagement, development of social networks for young families and isolated elderly people;
  - e. tailoring services to individual needs – taking a holistic approach, focusing on wellness services that address multiple needs rather than single issue services, and using new technologies to develop services that are easier and more convenient for users;
  - f. making effective and sustainable use of all resources, using evidence to help ensure these are appropriately directed to areas and groups of greatest need and represent the best possible value for money for local citizens.
23. To do this successfully will require a willingness to use all the tools at local authorities' disposal in a new way and not just rely on commissioning traditional services. Local authorities will need to work with a wide range of partners across civil society, not least the third sector, including through their leadership of Health and Wellbeing Boards. They will be supported in this by Healthwatch which through its seat on the local Health and Wellbeing Board will better enable people to help shape and improve health and social care services.
24. Local authorities already do this up and down the country. From 2013, with their new powers

resources they will be ideally placed to go further in creating healthier communities.

25. The Public Health Transition Plan will ensure that key public health functions, including health improvement, health protection and healthcare public health are maintained and protected throughout the transition period and into the future.

## **Financial Implications**

26. The Council will receive a ring-fenced public health grant to support it in carrying out its new public health functions based on historical spend on the services transferring. The Department of Health has indicated that the 2013/14 allocation for Herefordshire will be no less than £6.657million calculated by the Department of Health from a submission based on the PCT's 2010/11 accounts. A joint resubmission by the Council and PCT based on the PCT's 2011/12 accounts more accurately reflects the cost of the NHS Health Checks programme which had not started in 2010/11. It is anticipated that the Department of Health will confirm the Public Health Grant budget by December 2012.
27. The Financial implications are addressed within the plan and include the transfer of budgets and contracts. The Public Health Transition Plan includes the establishment of a Finance and Resources work stream which will identify and address any issues.

## **Legal Implications**

28. A review is underway to determine the legal implications for Herefordshire Council of the Health and Social Care Bill and associated Regulations.

## **Risk Management**

29. A risk analysis has been done and is regularly reviewed. The key risks can be summarised as:
  - a. Actions to transfer staff, contracts, pensions and finances don't happen in time to transfer by the deadline;
  - b. Insufficient financial resources to cover Public Health responsibilities;
  - c. Herefordshire Council fails to understand the new duties and doesn't prepare itself sufficiently;
  - d. Insufficient capacity to both maintain key public health functions during the transition period and to implement the Public Health Transition Plan;
  - e. Performance concerns or urgent/additional public health work divert staff from necessary transition work.
  - f. Insufficient assurance in relation to functions transferring to other legacy organisations, for example screening and immunisation programmes and EPRR.

## **Alternative Options**

30. There are no alternative options as the changes come about as a result of the Health and Social Care Act (2012).

## **Consultees**

31. A comprehensive Communications and Engagement Strategy and supporting 90 Day Action

Plan has been developed which the Department of Health has reviewed and rated as green describing it as “A very comprehensive strategy and plan”.

## **Appendices**

32. None

## **Background Papers**

### **Public Health in Local Government – Department of Health Factsheets (Dec 2011)**

[www.dh.gov.uk/prod\\_consum\\_dh/groups/dh\\_digitalassets/documents/digitalasset/dh\\_131904.pdf](http://www.dh.gov.uk/prod_consum_dh/groups/dh_digitalassets/documents/digitalasset/dh_131904.pdf)

- Local government leading for public health
- Local Government’s new public health functions
- The role of the Director of Public Health
- Commissioning responsibilities
- Public health advice to NHS commissioners
- Professional appraisal and support, and capacity building



<b>MEETING:</b>	<b>CABINET</b>
<b>DATE:</b>	<b>12 JULY 2012</b>
<b>TITLE OF REPORT:</b>	<b>REVIEW OF HACKNEY CARRIAGE AND PRIVATE HIRE (TAXI) POLICY</b>
<b>PORTFOLIO AREA:</b>	<b>HEALTH AND WELLBEING</b>

**CLASSIFICATION:** Open

### **Wards Affected**

County-wide

### **Key Decision**

This is not a Key Decision.

### **Purpose**

For Cabinet to approve the revised policy for private hire and hackney carriage licensing.

### **Recommendation(s)**

**THAT: the proposed policy and its supporting documents be approved.**

### **Key Points Summary**

- The policy acts as a single overarching document incorporating all conditions and other procedures and protocols relating to taxis.
- The policy has been updated, extensively reviewed and consulted upon.
- A spoken language and numeracy test has been included in a revised knowledge test.
- A new code of good conduct and a new dress code guide have also been included in the policy
- The policy updates the vehicle conditions to require that CCTV will be installed in new hackney carriages and phased in over three years for existing.
- Safeguarding requirements have been strengthened.

### **Alternative Options**

- a) The policy not to be adopted as presented in this report**

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Further information on the subject of this report is available from  
Marc Willimont on (01432) 261986

Advantages: It allows any further views of the trade to be taken into an even fuller account, if considered appropriate and legal.

Disadvantages: Not all the proposals put forward by the Association and some independent trade members could be accepted, as they were not considered to be legally acceptable and/or may not follow best practice.

The current draft already follows a consultation process and this option will delay the release of the new policy further.

This option would delay the decision process and in doing so will incur further costs.

**b) To defer the decision again, in order to get more information**

This will allow further information to be considered and enable additional advice to be received, whether legal or technical.

Advantages: Gives the opportunity for further information to be sought.

Disadvantages: This would delay the decision process and in doing so will incur further costs as mentioned in (a) above.

**c) To reach some other decision**

Advantages: This leaves other options that may arise.

Disadvantages: There are no clear directions in respect to alternatives.

## **Reasons for Recommendations**

Policies are an integral part of the decision making process and provide a valuable aid to consistent decision making. Each case will continue to be judged on its own merits and, as this policy acts as a guide, it does not bind the local authority to an inflexible decision insofar as a person's 'fit and proper' status.

## **Introduction and Background**

This policy document sets out the policies that the Council will apply when making decisions upon applications received for:

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

## **Key Considerations**

1. The policy assists officers and members in arriving at decisions on applications, complaints or incidents. The policy document also provides clarity for applicants and other persons interested in or users of the Taxi/Private Hire service within Herefordshire

2. The policy was reviewed following full consultation with the trade and its Association in late 2011 / early 2012. Amendments have been made where necessary and communicated back to those parties who made the responses.
3. A spoken language and numeracy test has been added to an existing 'knowledge test'. Similarly, the policy incorporates dress code and driver conduct guides.
4. A further change relates to drivers being considered by an officer panel in the case where a suspension notice is withdrawn after a police investigation and the investigation is subsequently dropped for whatever reason.
5. To ensure that the policy fully embraces both the children's and adult's safeguarding obligations of the council, this revised version of the policy now confirms the safeguarding duties of the council and how taxi licensing will complement this important function (see section 16 of policy).
6. The policy includes the requirement to make CCTV in all hackney carriages mandatory. The trade are generally supportive of this as they believed it to be the inevitable way forward. Some taxi operators have already installed CCTV in all their fleet vehicles. Condition 23 of the vehicle conditions (in Appendix 8 to the Policy) therefore requires all new hackney carriages to have approved CCTV cameras and recording equipment installed and for the existing fleet to have them phased in over three years after 12<sup>th</sup> July 2012.
7. Following a successful trial in December 2011, the Council's Licensing Team are currently investigating how to implement taxi marshalling in the vicinity of Commercial Road in Hereford at weekends. Although the Taxi Association and the trade were generally very supportive of the trial, there was clear opposition to the cost of providing such an initiative being put on the trade by way of increased fees. Therefore alternative sources of funding are being researched.
8. The revised protocol in Appendix 12 to the policy now reduces a burden on the taxi trade by removing the necessity for licensed taxi drivers to also hold the Council's 'County Transport Badge' for school contracts and for vulnerable children and adult transport/escorts. This has streamlined the process and removed duplication and costs for the trade.

## **Community Impact**

9. The revised and updated policy will enable the council to regulate and licence its taxis and their operators / drivers more effectively and in doing so, better protect the community it serves.
10. This policy will have only a minor impact on the community as a whole, as it relates specifically to the taxi trade. As mentioned above, the taxi trade and its Association have been fully involved in the drafting of this revised policy and are generally supportive of improved standards, particularly for new drivers.

## **Equality and Human Rights**

11. This report has paid due regard to our public sector equality duty in coming to its recommendation to adopt this revised policy. An equalities impact assessment has also been undertaken and has shown that no further work was required, the driver community not being a 'key target group'.

## Financial Implications

12. This policy will not incur any additional fees and charges (a separate matter). Instead, it is designed to improve the standards required of vehicles, operators and drivers.
13. However, it is incumbent upon the Council to make sure that it is helping to keep the cost to the taxi trade as low as possible. For this reason the Health & Wellbeing Service are investigating how driver medical costs can be reduced and how the team's 'support service costs' can be kept to a minimum. A marked reduction in support service costs were noted when the revised taxi fees and charges were set at Regulatory Committee in May 2012.
14. As tighter requirements concerning drivers may arguably reduce the number of successful applications, this could in turn reduce the income to the council, although this is not expected to be particularly significant. The revised policy should therefore have little or no impact on the finances of the service.

## Legal Implications

15. The Council is empowered to amend its taxi conditions and policies under the powers vested upon it by the Local Government (Miscellaneous Provisions) Act 1976 and the Police and Town Clauses Act 1847.
16. In amending the policy this council has had regard to:
  - i. 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,
  - ii. Best practice draft guidance on Taxis and Private Hire Vehicles and the Hackney Carriage and Private Hire Steering Group.
  - iii. 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.
  - iv. 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 policy, and the Anti-social Behaviour Act 2003.

## Risk Management

17. The Council currently has a taxi driver policy dating back to 2007 which was considered to meet the standards of best practice when originally drafted. The policy is getting out of date and the taxi trade and its association have requested that it is updated to bring it in line with current expectations.
18. Although there is no statutory requirement to have a policy nor any statutory requirement to update it at any given interval, there is an expectation that there should be one and the local authority therefore has a power to make a policy by which it will regulate and license its taxi trade. If the Council were not to update this policy, the Council could be subjected to increasing reputational risk should an incident occur involving a vehicle, operator or driver 2012 expectations as opposed to the lower standards and expectations of 2007 when the policy was first drafted.



## Consultees

19. The public / stakeholders who were consulted include:

- The taxi trade
- The Herefordshire Hackney Carriage and Private Hire Association.
- Public via website
- The police
- Other council departments (including Diversity and Safeguarding)
- Local disability interest groups
- Taxi user groups
- Other users / rank owners

These consultations took the form of a letter / email being sent to each respective organisation and the responses being formally considered and logged.

20. Consultation was made directly to the trade via written correspondence. The ex chairman of the Association (Mr John Jones) was appointed by the Association to help review this document and as a result both he and Licensing Team have meticulously gone through the document and all reasonable comments possible were incorporated.

21. The draft policy was made publicly available by placing it on the Council's consultation web page.

22. Provided the report and the policy is approved, the policy will be placed on the council's website with other taxi policy documents and forms. All drivers and operators will then be formally advised of the new policy, with the offer that it can be emailed or posted to them, should they not wish to download it off the council's website.

23. All taxi licensing and enforcement will have regard to the new policy once approved.

## Appendices

Appendix 1 – Policy including Appendices

## Background Papers

Responses following consultation



## **APPENDIX 1 TO REPORT**

**HEREFORDSHIRE COUNCIL**

**HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY**

**DRAFT**

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## HEREFORDSHIRE COUNCIL

### HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY

#### 1. Introduction and Overview

- 1.1 Herefordshire Council (hereinafter “the Council”) 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 Council will apply when making decisions upon applications received for:
- a. Dual Driver Licences (hackney carriage and private hire)
  - b. Operator Licences
  - c. Vehicle Licences (hackney carriage and private hire)

The policy will be reviewed every three years or sooner if deemed necessary, and minor changes will be made following consultation with elected groups representing the taxi and private hire trade. More significant changes may need to be referred to the Council’s Regulatory Committee.

- 1.2 This Council will have regard to 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, the Best Practice Guidance on Taxis and Private Hire Vehicles and elected groups representing the taxi and private hire trade. 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 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 original policy was made after full consultation with:

- a. The Chief Officer of Police;
- b. Local disability interest groups
- c. Bodies representing local holders of Dual Drivers licences;
- d. Bodies representing local holders of Operator licences;
- e. Bodies representing local holders of Vehicle licences
- f. Bodies representing users of the service.
- g. Departments within the Herefordshire Council (e.g. Planning, Highways, Parking Enforcement, Diversity, Legal and Safeguarding).
- h. Representative of Hereford Railway Station Private Rank.

- 1.4 The purpose of this policy document is to assist both officers and Members 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 Council 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 Criminal Record

Bureau Check (CRB), Medical report, DVLA return, vehicle compliance tests, knowledge test, and the information supplied by the applicant, and any other representations.

- 1.5 It is the Council's wish to facilitate well-run and well-managed licence holders and businesses, enabling the County's residents and visitors to benefit from the service provided by the 'Taxi and Private Hire Trade'.

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 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 Herefordshire Council operates full de-regulation in accordance with Government Guidance and Best Practice. This policy takes into account Government guidance and the issue of demand and supply for the travelling public. Prior to any change, full consultation and an unmet demand survey will be undertaken.

## **3. Enforcement**

- 3.1 The Council 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 [Appendix 1](#) and statutory instruments;
  - Police powers to enforce the law;
  - Highways Management, including civilian Parking Enforcement Officers;
  - Vehicle Inspectorate (VOSA);
- 3.2 Enforcement will be carried out to prevent/identify breaches of conditions or associated legislation. Any enforcement action will be determined on a risk basis by council officers and its partner agencies and resources will be concentrated on areas perceived as having the greatest need.
- 3.3 Inspections will include the vehicle, operator and driver. The driver inspections may include the use of breath testing equipment to detect excess alcohol and standard drugs testing. Breath and other illegal substance testing will be carried out by the police.
- 3.4 All enforcement actions and decisions will be in line with the Council's Enforcement Policy,, Enforcement Concordat and the Code for Crown Prosecutors.

#### **4. Enforcement Action**

4.1 The following enforcement actions may be taken.

- a) Take no action
- b) Take informal action ie, 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) Prosecute

#### **5. Scheme of Delegated Functions**

5.1 All applications received that fall outside the Council's standard conditions and policy will be referred to the Regulatory or Sub-Regulatory Committee and will incur additional costs unless waived by Committee Members. In the case of determining an applicant's 'fit and proper' status the application will be referred to the Officer Panel.

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

<b>Matter to be dealt with</b>	<b>Officer Panel</b>	<b>Regulatory/Sub Committee</b>	<b>Officers</b>
Appeals following Officer Panel Decisions		All Cases	
Application for dual driver			If no representation is received from an enhanced CRB check, DVLA or medical report, and the knowledge test is successfully completed.
Application for dual driver licence with unspent cautions/convictions	All cases		
Application for dual driver/operator licence with spent cautions/convictions not of sexual, violent or similar nature			Licensing Manager/Officer
Application for dual driver/operator licence with spent cautions/convictions of a sexual, violent or similar nature. If the offence is a single offence at the lower end of the scale and is more than 10 years old, Officers have discretion not to refer and to determine.			Head of Service or Team Manager and Licensing Officer (may refer to committee)

Application for dual driver/operator licence where the applicant is listed on a national offenders register	All cases		
Application for operator licence			If no representation is received from a standard CRB check.
Application for operator licence with unspent convictions/cautions	All cases		
Application for vehicle licence which complies fully with licence conditions and policy			Licensing Officer
Application for vehicle licence, which does not comply with licence conditions and policy.		All cases	
Request to transfer vehicle licence			Licensing Officer
Request to change vehicle on plate within standard conditions			Licensing Officer
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.			Head of Service or Team Manager and Licensing Officer (may refer to committee)
Application with cautions/convictions for major traffic offences. Except if the offence is a single offence at the lower end of the scale and is more than 10 years old, Officers have discretion not to refer and to determine.			Head of Service or Team Manager and Licensing Officer (may refer to officer panel)
Application with cautions/convictions for driving without insurance	All cases		
Application with cautions/convictions for drink driving. If it is a single offence and is more than 10 years old, Officers have discretion not to refer and to determine.			Head of Service or Team Manager and Licensing Officer (may refer to officer panel)
Offences/allegations committed during the term of the licence			Immediate suspension issued



involving sexual offences, violence or public order offences.			by Licensing Manager/Officer to be reviewed at the next available Officer Panel
Offences/allegations committed during the term of the licence not involving violence or public order offences.			Head of Service or Team Manager and Licensing Officer (may refer to officer panel)
Suspension of the dual driver licence			Any of the following:- Chief Executive, Corporate Director, Assistant Director of Health and Wellbeing following a request by the Licensing Manager Officer or Licensing Assistant, to be reviewed by at next Officer Panel.
Review of suspension of a dual driver licence	All cases		
Review of suspension to consider re-instatement of dual driver licence	All cases		
Revocation of the dual driver licence		All cases	
Complaints			Licensing Officer/Manager/Licensing Assistant
Persistent /serious complaints			Team Manager and or Licensing Officer (may refer to officer panel or Regulatory/Sub Committee)
Applications with unsatisfactory medical report from GP or other medical advisor i.e. Council's Doctor			Team Manager and or Licensing Officer
Issue of Penalty Points			Authorised Officers of Herefordshire Council. Officers will carry identification and authorisations can be checked during normal office hours.
Exceeding maximum permitted penalty points or persistent	All cases		

offences/complaints of a similar nature			
New applicant barred on the ISA Register			Refusal by Licensing Manager
Notification of ISA barring during term of the licence	All cases		Immediate suspension issued, to be reviewed at the next available Officer Panel.
Appeals following Officer Panel refusal, suspension or revocation of licence		All cases	

## **6. Panel and Committee Hearings and Decisions**

6.1 Officer Panel hearings are arranged to determine any applications that Officers have brought to the attention of the Panel and which therefore cannot be dealt with under delegated powers. 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 Authority will give appropriate weight to:

- The Legislation
- The information provided by all parties to the hearing
- Available guidance
- This Policy Statement
- Consideration of convictions Policy

[Appendix 2](#) details the hearing processes

6.2 Hearings will be held at set dates throughout the year and will be at least monthly. The Panel will conduct a quasi-judicial consideration of the application based upon the evidence presented. 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.

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 Applicants will be informed of the decision of the Panel in writing within 5 working days of the hearing. The decision determined by the Panel will be accompanied with reasons for the decision.

6.6 To make a fair decision it is important that that the Panel is aware of all of the facts relating to any given case. Accordingly, the Panel will need to understand why the applicant feels that they should be granted a licence in the face of the matters brought to the Panel's attention. Therefore, the applicant will be given every opportunity to present suitable and sufficient evidence to support their case that they be granted a licence.

- 6.7 Any appeal following an Officer Panel recommendation must be referred to the Regulatory Sub-Committee. Appeals must be made to the Licensing Section within 14 days of the Officer Panel decision notice.
- 6.8 Any appeal following a Sub-Committee decision must be made to the Magistrates Court within 21 days of the decision, appeal rights will be notified to the applicant in writing.
- 6.9 The full terms of reference for this Panel is presented in Appendix 12, which now excludes the requirement for a licensed taxi driver to hold a dual driver badge if he/she holds a valid dual driver (taxi) licence. This demonstrates partnership working between council service areas and results in reduced burden on the trade.

## **7. Applications**

- 7.1 Applications must be submitted in the prescribed manner to include the full fee. Any application received not in the prescribed manner will not be determined until all relevant information is received. The application and fee must be submitted by post to the Licensing Office, or in person to one of the Council's Customer Service Centres. No plate and badge can be issued until received by Licensing Staff therefore, a minimum of 5 working days is required for the application to be completed. No refunds will be considered if the application is refused unless refunded by Regulatory Committee Members.
- 7.2 In the case of renewals the application and fee must be received before the expiry date, if it is received after the expiry date a new application will be required. Supporting documentation can be submitted at a later date, but the plate/badge/licence will not be issued until all necessary documentation is received.

## **8. Driver Applications**

- 8.1 To obtain a 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 and has immediate access to the applicant's full medical records. The medical fitness standard adopted by Herefordshire Council 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. Upon reaching 65 years of age or upon medical advice, the medical will be required annually.
  - b) The Licensing unit will refer the medical report to the Council's medical practitioner for approval. The additional cost will be met by the applicant.
  - c) When deemed necessary the applicant may be required to undergo a medical examination by the Council's Medical practitioner or other medical expert at the expense of the applicant.
  - d) An enhanced Criminal Record Bureau check must be carried out by Herefordshire Council in order that the information can assist the Council to determine from the result if the applicant is a 'fit and proper' person to have a dual drivers licence issued. This will be required on initial application and thereafter every three years. If the applicant is a European Union or other overseas applicant, or has lived abroad for more than 6 months, a certificate of good conduct will be required from the relevant Embassy.
  - e) A knowledge test set by the Council must be successfully completed before a new dual badge can be issued.
  - f) A DVLA declaration must be signed upon application or renewal, in order that the Council 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 may apply depending on the Country of issue.

- g) The applicant must be aged 21 years or over, and hold a driving licence granted under Part 111 of the Road Traffic Act 1988 for at least 12 months.
- h) If the applicant is not a British or European Union citizen evidence of eligibility to work will be requested.
- i) The dual driver conditions can be found at [Appendix 3](#)
- j) Herefordshire Council has a Policy to enable dual driver applications to be determined, the Consideration of Convictions Policy can be found at [Appendix 4](#)
- k) The drivers Code of Good Conduct can be found at [Appendix 5](#) and the Drivers Dress Code at [Appendix 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; this will incur a fee.

## **9. Operator Applications**

9.1 Before a person is first licensed as an Operator the following requirements shall be met:

- a) A Basic Criminal Record Bureau check must be carried out in order for the Council to determine from the result if the applicant is a 'fit and proper' person to have an Operator licence issued. This will only apply to applicants who do not undertake Enhanced Criminal Record Bureau checks as part of a Dual Drivers or County Transport Badge application.
- b) A satisfactory reference, covering the applicant's financial record.
- c) 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.
- b) A Basic Criminal Record Bureau check must be carried out in order the Council can determine from the result if the applicant is a 'fit and proper' person to have vehicle proprietor's licence issued. This will only apply to applicants who do not undertake Enhanced Criminal Record Bureau 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.
- b) New Hackney Carriage licences will only be issued on 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 when plying for hire.
- c) The vehicle licence conditions can be found at [Appendix 8](#)
- d) Details of vehicle damage and how it will be assessed can be found at [Appendix 9](#)
- e) The seating configuration of MPV vehicles can be found at [Appendix 10](#)

## **11. Fares**

11.1 The Council may review fares annually in accordance with Section 65 of the Local Government (Miscellaneous Provisions) Act 1976. The notice will be advertised and a copy of the Notice will be open to public inspection without payment during normal office hours.

Any objections to the proposed increases should be made in writing to the Council stating the reason.

If no objections are made or if all objections so made are withdrawn, the proposed increases shall come into operation on or as near to the 1<sup>st</sup> November as practicable, or at the date of withdrawal of the last objection, whichever is the later, subject to approval of elected members.

If objections are duly made and not withdrawn, Herefordshire Council 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 Herefordshire Council's Regulatory Committee after consideration of any objections.

## **12. Fees**

- 12.1 Fees in respect of all licences will be reviewed as deemed necessary by the Council and where appropriate made available for public inspection and comment.
- 12.2 Subject to the provisions of the Local Government (miscellaneous Provisions) Act 1976, this Council may recover the full costs of administration of its licences.
- 12.3 The Council will not issue any licence until the appropriate prescribed fee in respect of the same has been paid to the Council.
- 12.4 If an annual fee is required without the need to apply for another licence and that fee is not paid the Council will take action to recover this fee as a civil debt through the County Court and/or suspend the licence the fee relates to.
- 12.5 If existing drivers fail to comply with or are late supplying Medical, Annual Self Declaration or CRB information, and have had two written reminders, the licence will be suspended until the required information is received.

## **13. Complaints**

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

## **14. Further Information**

For more information regarding Taxi licensing contact:

Telephone :- 01432 260105

Address :- Licensing Team, Bath Street Offices, PO Box 233, Bath Street, Hereford, HR1 2ZF

E-mail :- [Taxi-Licensing@herefordshire.gov.uk](mailto:Taxi-Licensing@herefordshire.gov.uk)

Fax:- 01432 383142

## **15. 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

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

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

#### **1. Statement**

1.1 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 Council. 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.

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

1.3 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 - maybe through stresses at home or at work, illness and excess alcohol.

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

2.1 The Licensing Authority will seek to ensure that those involved in delivering its services understand what action is taken if they have concerns about the safety or welfare of a child or vulnerable person. The Licensing Authority licenses Taxi/Private Hire Drivers. On first application, all Drivers are required to undertake a Criminal Records Bureau (Enhanced CRB) check, and every 3 years thereafter on renewal applications. The Licensing Authority has in force a Taxi/Private Hire Policy that determines their principles on dealing with applications who have a negative CRB disclosure. Any applicants who have do not hold a British Passport will be required to submit a 'Code of Good Conduct' from the Country or Countries where they have resided.

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

#### **3. Managing Individuals Who Pose A Risk Of Harm**

3.1 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.

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 shall issue a precautionary suspension.

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

Each case, however, will be dealt with on its own merit.

#### **4. Review and Evaluation**

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

#### **17. Data Protection Statement**

##### **Data Protection Act 1998**

This policy covers the treatment of personal data that Herefordshire Council may collect when you e-mail us, complete an application form, or when you complete and submit an online form on our web site.

When completing forms you may be asked for personal information such as name, address, postcode etc. It is only when you supply this type of information that you can be personally identified.

Herefordshire Council is registered with the Data Protection Act 1998 for the purpose of processing personal data in the performance of its legitimate business. Any information held by the Council will be processed in compliance with the principles set out in the Act.

This authority is under a duty to protect the public funds it administers, and to this end may use the information you have provided for the prevention and detection of fraud. It may also share this information with other bodies responsible for auditing or administering public funds for these purposes.

Further information relating to the Data Protection Act 1998 can be sent to you on request. If you have concerns about the processing of your personal data by the Council you may contact the Council's Data Protection Officer:

Data Protection Officer,  
County Secretary and Solicitor  
Herefordshire Council  
Brockington  
35 Hafod Road  
Hereford HR1 1SH

# Appendix 1

**DRAFT**

**HEREFORDSHIRE COUNCIL**

**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**

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## 1. Penalty Points Scheme

- 1.1 This scheme will be used where appropriate. The penalty points will be run in accordance with the Council's enforcement policy. The penalty points 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 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.
- 1.4 The details of how the scheme will be operated are as follows:
- Penalty points will be applied by Authorised Officers of the Council either immediately or upon completion of investigation of relevant breaches of the Council's hackney carriage and private hire conditions.
  - 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.
  - The number of penalty points issued will be in accordance with the attached tariff. (Appendix 1).
  - 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.
  - The imposition of penalty points against a driver who is an employee will not necessarily result in additional imposition of points to his/her employer or operator.
  - 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.
  - There is no financial penalty associated with the system, and the licensee may continue to work. However, the licensee will be asked to attend a Licensing Committee 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	12 Points
Hackney Carriage Vehicle	12 Points
Private Hire Vehicle	12 Points
Private Hire Operator	24 Points

- h) If there are three repeat identical contraventions within a 6-month period the offender will automatically be referred to the Regulatory Committee.

## **2. Recommendations**

- 2.1 On appearing before the Licensing Committee the following recommendations will generally be made by Officers.
- 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 his/her 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.
  - On the accumulations of 24 or more penalty points in a 12 month period an operator will be subject to a recommendation to suspend his/her licence for a period of 1 month.
  - 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 Licensing Committee. The Committee 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 does not fetter the discretion of the Regulatory Committee 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.

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

<b><u>Condition number</u></b>	<b><u>Offence</u></b>	<b><u>Max penalty for prosecution</u></b>	<b><u>Code</u></b>	<b><u>Points</u></b>
1.10	Failure to supply 6 monthly MOT test when vehicle is over six/twelve years of age		<b>V1</b>	<b>4</b>
5.3	Failure to have or maintain illuminated markings at entrances and exits		<b>V2</b>	<b>2</b>
6.4	Failure to have/maintain grab handles		<b>V3</b>	<b>2</b>
6.7	Failure to have a means of loading wheelchairs into the vehicle, available at all times.		<b>V4</b>	<b>2</b>
6.8	Failure to supply a mechanical tail lift safety certificate to the Council annually		<b>V5</b>	<b>4</b>
6.9	Failure to keep a wheelchair access vehicle available without modification at all times		<b>V6</b>	<b>2</b>
7.2	Failure to provide an annual LPG safety compliance Certificate		<b>V7</b>	<b>4</b>

8.1	Failure to maintain seat belts in a safe condition		<b>V8</b>	<b>4</b>
9.1	Undertaking alterations to equipment, dimensions or other specification to a licensed vehicle without consent		<b>V9</b>	<b>4</b>
10.1 (a)	Failure to display approved roof sign		<b>V10</b>	<b>4</b>
10.1	Failure to maintain roof sign in working order		<b>V10</b>	<b>2</b>
10.1 (b)	Failure to display roof sign on the front part of the roof		<b>V11</b>	<b>2</b>
10.1 (c)	Failure to display front door signs.		<b>V12</b>	<b>4</b>
10.1 (c)	Displaying incorrect signs ie, wrong wording or magnetic		<b>V12</b>	<b>2</b>
10.1 (e)	Private hire vehicles advertising incorrectly		<b>V13</b>	<b>2</b>
10.2	Failure to display two or more "no smoking" signs in the vehicle		<b>V14</b>	<b>2</b>
11.1	Incorrectly displaying licence plate		<b>V15</b>	<b>2</b>
11.2	Failure to return plate on expiry of licence if requested to do so by Licensing Staff		<b>V16</b>	<b>2</b>
11.3	Failure to report loss or damage of a vehicle plate, following discovery of loss or damage.		<b>V17</b>	<b>2</b>
11.4	Failure to surrender vehicle licence and plate if proprietor does not wish to retain vehicle licence		<b>V18</b>	<b>2</b>
12.1	Advertising on vehicle without written authorisation from the LA		<b>V19</b>	<b>2</b>
13.1	Failure to submit taximeter for testing when requested to do so by LA		<b>V20</b>	<b>2</b>
13.2	Tampering or allowing an unauthorised person to tamper with taximeter		<b>V21</b>	<b>2</b>
13.3	Failure to display a statement of fares inside the HC		<b>V22</b>	<b>2</b>
13.4	Wilfully or neglectfully causing letters or figures in the statement to be obscured		<b>V23</b>	<b>2</b>
13.5	Failure to deposit copy of statement of fares which differ from the approved fares		<b>V24</b>	<b>2</b>
14.1 + 15.1	Failure to notify Licensing of		<b>V25</b>	<b>4</b>

	accidents or damage affecting the safety, performance or appearance of the vehicle			
15.2	Failure to supply steering geometry and alignment reports following an accident if required		<b>V26</b>	<b>4</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>V27</b>	<b>2</b>
16.1	Failure to have insurance on the licensed vehicle		<b>V28</b>	<b>12</b>
16.2	Failure to produce insurance certificate for the vehicle		<b>V29</b>	<b>4</b>
16.3	Failure to keep copy of insurance/cover note in the vehicle		<b>V30</b>	<b>2</b>
16.4	Failure to notify Council of change of insurer or particulars within 2 working days.		<b>V31</b>	<b>2</b>
17.1	Failure to produce details to the Council of drivers permitted to drive		<b>V32</b>	<b>2</b>
17.2	Failure to notify Council of any permanent changes to the list of drivers.		<b>V33</b>	<b>2</b>
17.3	Failure to notify Council of change of address		<b>V34</b>	<b>2</b>
18.1	Failure to carry a suitably approved fire extinguisher within the vehicle		<b>V35</b>	<b>2</b>
18.2	Failure to carry first aid equipment as specified in conditions		<b>V36</b>	<b>2</b>
19.1	Failure to obtain written permission to use trailers on Licensed vehicles		<b>V37</b>	<b>2</b>
20.1	Failure to present vehicle and trailer for inspection		<b>V38</b>	<b>4</b>
21.1	Failure to maintain radio equipment in safe condition which poses a risk of injury to passengers		<b>V39</b>	<b>2</b>
22.1	Proprietor/Driver of vehicle allowing a greater number of persons to be conveyed than is specified on the licence		<b>V40</b>	<b>12</b>
22.2	Failure to maintain a reasonable standard of behaviour		<b>V41</b>	<b>3</b>
22.3	Failure to provide information		<b>V42</b>	<b>4</b>

	requested by an Authorised Officer			
23.1	Using CCTV equipment not in accordance with the provisions of the conditions and the data protection act		V43	2
24.4	Providing alcoholic drinks not in accordance with the sale or supply of alcohol legislation		V44	2

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

<b><u>Condition number</u></b>	<b><u>Offence</u></b>	<b><u>Max penalty for prosecution</u></b>	<b><u>Code</u></b>	<b><u>Points</u></b>
1.2	Driver not clean and respectable in their dress		D1	2
1.2	Driver not complying with the Dual Drivers Dress Code		D2	2
1.2	Driver not behaving in a civil and orderly manner		D3	3
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		D4	2
1.4	Driver smoking whilst in the vehicle		D5	2
1.5	PH drivers parking in a position or location which gives the appearance of being for hire, whilst not on a pre-booking		D6	3
1.6	PH driver plying for hire		D7	4
1.7	PH driver calling out or influencing person to travel in the vehicle for gain without a prior appointment		D8	3
2.1	Not wearing badge whilst on duty		D9	2
2.2	Not displaying second badge or not visible to passengers being conveyed in the vehicle		D10	2
2.3	Failure to surrender drivers badge to the Licensing Authority upon expiry, revocation or suspension of their licence when requested by Licensing Staff		D11	2
2.5	Failure to supply annual self-declaration and fee			2

3.1	Failure to carry evidence of insurance cover, this can be a cover note, in the vehicle whilst on duty		<b>D12</b>	<b>2</b>
4.1	Carrying greater number of persons than the number specified on the licence		<b>D13</b>	<b>12</b>
4.2	Carrying other persons in the vehicle without the consent of the hirer		<b>D14</b>	<b>2</b>
4.3 a)	Failing to ensure safety of passenger luggage		<b>D15</b>	<b>4</b>
4.3 b)	Failing to offer reasonable assistance with luggage		<b>D16</b>	<b>2</b>
4.3 c)	Failing to take steps to ensure passenger safety		<b>D17</b>	<b>2</b>
5.1	Fail to search vehicle after journey		<b>D18</b>	<b>2</b>
6.2	Charging more than the metered fare		<b>D19</b>	<b>4</b>
6.3	Tampering or allowing tampering of a taximeter		<b>D20</b>	<b>4</b>
6.4	Cancelling the fare or concealing the fare on meter before the hirer has agreed the fare		<b>D21</b>	<b>2</b>
6.5	Demanding more than the previously agreed fare		<b>D22</b>	<b>4</b>
6.6	Demanding more than the fare shown on the taxi meter		<b>D23</b>	<b>4</b>
6.7	Starting the fare before the hirer enters the vehicle without prior agreement		<b>D24</b>	<b>4</b>
7.1	Failure to notify proprietor of complaints made by the passengers		<b>D25</b>	<b>2</b>
7.2	Failure to notify passengers of their right to refer their complaint to the Council		<b>D26</b>	<b>2</b>
8.1	Failure to attend at appointed time or place without sufficient cause		<b>D27</b>	<b>2</b>
8.2	Unnecessarily prolonging journey in distance or time		<b>D28</b>	<b>4</b>
9.1	Failure to provide copy of dual drivers licence to operator		<b>D29</b>	<b>2</b>
9.2	Failure to ensure insurance cover for them to drive vehicle		<b>D30</b>	<b>2</b>
9.3	Failure to ensure vehicle is licensed by Council for the purpose used		<b>D31</b>	<b>2</b>

10.1	Failure to notify Council of change of address/telephone number within 7 days		<b>D32</b>	<b>4</b>
10.2	Failure to notify Council of motoring or criminal convictions during the period of licence		<b>D33</b>	<b>12</b>
10.3	Failure to notify Council of involvement in incidents which the Police are involved and may lead to a caution/conviction		<b>D34</b>	<b>12</b>
10.4	Failure to notify Council in writing within 7 days of serious injury or illness affecting fitness to drive		<b>D35</b>	<b>12</b>
11.1	Failure to carry assistance dog without exemption		<b>D36</b>	<b>2</b>
11.2	Making additional charge for carrying assistance dog		<b>D37</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>D38</b>	<b>2</b>
13.2	Failure to keep vehicle reasonably clean		<b>D39</b>	<b>2</b>
13.3	Failure to notify Council of serious vehicle damage within 72 hours or present vehicle if requested to do so		<b>D40</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>D41</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>D42</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>D43</b>	<b>2</b>
15.1	Failure to comply the regulations governing the wearing of seat belts		<b>D44</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>Max penalty for prosecution</u></b>	<b><u>Code</u></b>	<b><u>Points</u></b>
1.3	Operating more vehicles than stated on licence		O1	2
2.1	Failure to obtain and maintain insurance on vehicle		O2	12
2.1	Failure to produce evidence of insurance cover to the Council		O3	4
2.3	Failure to notify Council of change of insurer within 2 days		O4	2
3.1	Failure to operate the business in a manner which does not cause nuisance to the public or to persons in nearby premises		O5	2
3.2	Failure to provide a prompt, efficient or reliable service		O6	2
3.3	Failure to attend a booking at appointed time or place without sufficient cause		O7	2
3.4	Knowingly allowing a greater number of persons in the licensed vehicle than is prescribed on the licence		O8	12
4.1	Operating the business from a premises outside the County of Herefordshire		O9	12
4.2	Failure to keep booking or waiting areas which the public have access, clean, adequately heated, ventilated and lit		O10	2
4.3	Failure to provide seating facilities in waiting areas		O11	2
6.1	Failure to supply written confirmation within seven days of changes to the particulars shown on the application form relating to the licence		O12	4
7.1	Failure to notify the Council within seven days of any convictions imposed on him/her, during the period of the licence		O13	12
8.1	Failure to keep proper records for a period of not less than six months		O14	3

8.2	Failure to keep proper records		O15	2
8.7	Using the words taxi or cab in company advertising without having at least 70% of the fleet licensed as hackney carriages.		O16	2
8.7	Displaying the word Taxi or Cab on a private hire vehicle		O17	2
8.8	Failure to keep records of all drivers employed or failure to produce details of the drivers		O18	2
8.9	Failure to notify Council within seven days of the particulars of any driver who is no longer employed by the operator		O19	2
9.1	Failure to maintain telephone or radio equipment in sound condition or failure to repair defects promptly		O20	2
9.2	Failure to have or produce evidence of a Licence issued by the Department of Trade and Industry licence for all radio equipment		O21	2
10.1	Using unlicensed drivers to drive a Herefordshire Council licensed vehicle		O22	12
11.1	Failure to keep a written record of all complaints or failure to make available to the Council		O23	2

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

<b><u>Byelaw number</u></b>	<b><u>Offence</u></b>	<b><u>Max penalty for prosecution</u></b>	<b><u>Code</u></b>	<b><u>Points</u></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.		<b>B5</b>	<b>2</b>
6.	Driver or proprietor tampering with meter or permitting any unauthorised person to tamper with meter		<b>B6</b>	<b>4</b>
7. (b)	Failure to proceed to another rank when at the time of arrival rank is full		<b>B7</b>	<b>2</b>
7. (c) (d)	Failure to station or move the carriage immediately behind the carriage or carriages in front on the rank		<b>B8</b>	<b>2</b>
8.	A proprietor or driver using the services of a person to importune a person to hire the vehicle		<b>B9</b>	<b>2</b>
10.	Failure by driver to take reasonable precautions to ensure the safety of passengers		<b>B10</b>	<b>4</b>
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 deposit lost property to the offices 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 COMMITTEE HEARING PROCEDURE

1. The Chairman will open the hearing and introduce the members of the Sub- Committee or Panel and other members present.
2. The Chairman will ask the Applicant and his/her representative present to introduce themselves.
3. The Chairman will inform all those present that the meeting is not open to the public.
4. The Chairman will remind the Applicant that he/she can be represented by a legal representative at his/her own expense.
5. The Licensing Officer will present the report and call any witnesses.
6. The Chairman will invite members of the Sub-Committee or Panel and the Applicant to ask any relevant questions of the Licensing Officer or the witnesses.
7. The Chairman will invite the Applicant or his/her representative to present the Applicant's case and to call any witnesses on behalf of the Applicant.
8. The Chairman will invite members of the Sub-Committee or panel to put questions to the Applicant and/or his/her representative and/or witnesses.
9. The Chairman will invite the Applicant and/or his/her legal representative to sum up.
10. The Chairman will ask the Applicant to confirm that he/she has said all he/she wishes to.
11. The Chairman will ask the Sub-Committee or 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 Sub-Committee or Panel can reach its decision in private.
13. When the Sub-Committee or Panel has reached its decision the Applicant and his/her representative will be invited to return to the meeting room. The Chairman will relay the decision and the reason(s) for the decision to the Applicant.
14. The Chairman will inform the Applicant of the date on which the decision will take effect and of any right of appeal to Magistrate Court or referral to the Sub-Regulatory Committee.

*An appeal to the Magistrates' Court against the Sub-Committee'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

HEREFORDSHIRE COUNCIL

PRIVATE HIRE/HACKNEY CARRIAGE DRIVERS CONDITIONS

DRAFT

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## CONDITIONS ATTACHED TO PRIVATE HIRE/HACKNEY CARRIAGE DRIVERS

Herefordshire Council 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 were approved by the Herefordshire Council's Regulatory Committee these conditions will replace all previous conditions and will remain in place until such time the Regulatory Committee approve any amendments or review the conditions.

**All applications received which fall outside the Licensing Authorities Conditions or Policy will be referred to Regulatory Committee for determination and may incur additional costs to be paid by the applicant. Money will only be refunded in exceptional circumstances if the Committee Members instruct a refund.**

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

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

### 1.0 CONDUCT OF THE DRIVER

- 1.1 The driver of a hackney carriage or private hire vehicle licensed by Herefordshire Council shall hold a current dual drivers badge and licence from Herefordshire Council. Drivers of private hire vehicles must be aware that the driver, vehicle and Operator must all have licences issued by Herefordshire Council.
- 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 is not permitted by law to smoke 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 in their vehicle but shall drive the vehicle for hire only by prior appointment.
- 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 on duty, the driver shall wear the badge on the upper front of the body plainly and distinctly visible.
- 2.2 The second badge issue by the Council shall be displayed to be plainly and distinctly in the front of the vehicle.
- 2.3 The driver will return their drivers badge to the Licensing Unit upon the expiry, revocation or suspension of their licence if requested to do so by the Licensing Authority.
- 2.4 After the expiry date, shown on any drivers licence, that licence is no longer valid and any badge must be returned to the Licensing Unit if requested to do so by the Licensing Authority. (Insurance may be invalid if the dual drivers licence has expired.)
- 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.

### **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.

### **4.0 PASSENGERS/LUGGAGE**

- 4.1 The driver shall not carry or permit to be carried in his vehicle any greater number of persons than the number specified in the licence issued to that particular vehicle.
- 4.2 The driver shall not, without the consent of the hirer, carry any other person in the vehicle.
- 4.3 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 he/she 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, when practicable after journeys 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 given to the police or handed in to one of the Council Info Centres or to the Licensing Office.
- 5.3 Be entitled to receive from any person to whom the property shall be 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. 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. If the journey is undertaken through a service contract or out of the county and the fee is quoted to be less than the metered fare the hackney carriage would not be required to use the taximeter.
- 6.2 The driver shall not charge more than the metered fare or the additional fees permitted by the agreed tariffs.
- 6.3 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.
- 6.4 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.
- 6.5 The driver shall not demand from the hirer a fare in excess of any previously agreed fare for that hiring between the hirer and the operator or, if the vehicle is fitted with a taxi meter, the fare shown on the face of the taximeter.
- 6.6 The driver of a hackney carriage undertaking, for any hirer, a journey ending outside Herefordshire and in respect of which no fare and no rate was agreed before the hiring was effected, shall not require for such journey a fare greater than that indicated on the taxi meter with which the hackney carriage is equipped.
- 6.7 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.
- 7.2 The driver shall advise passengers of their right to refer the complaint to the Council 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 Council for that purpose.
- 9.4 The issue of a dual driver licence will be subject to satisfactory CRB, Medical, DVLA returns when appropriate, and for new applications the applicant must pass the Herefordshire Council Knowledge Test. In some circumstances a code of good conduct will be required in addition to the CRB.
- 9.5 Prior to the expiry of a licence a reminder will be sent to drivers. Only one reminder will be sent. Renewal paperwork must be submitted without delay, as no licence will be issued until the appropriate satisfactory checks are received, including CRB and Medical if required. Late renewals will be referred to Regulatory Committee for determination and the cost will be paid by the applicant.
- 9.6 All drivers applying for a new dual driver licence after 1<sup>st</sup> November 2005 or other drivers directed by the Regulatory Committee shall undertake and pass a knowledge test.

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

- 10.1 The driver shall notify the Council in writing of any change of their address and/or telephone number within 7 days of such change.
- 10.2 The driver shall immediately, disclose to the Taxi Licensing Unit in writing, details of any conviction/caution imposed on him/her during the period of the licence, motoring or criminal. Failure to do this could result in immediate suspension of the dual driver licence or referral to Regulatory Committee for determination, the cost of referral will be paid by the applicant, unless this fee is waived by the Committee members.
- 10.3 The driver shall immediately, disclose to the Taxi Licensing Unit in writing, details of any involvement in incident/s which may lead to caution/conviction. Failure to do this could result in immediate suspension of the dual driver licence or referral to Regulatory Committee for determination and the cost will be paid by the applicant, unless this fee is waived by the Committee members.
- 10.4 The driver or person nominated by them shall notify the Council 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 or referral to Regulatory Committee for determination and the cost will be paid by the applicant, unless this fee is waived by the Committee members.

## **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 him 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 and has obtained an exemption notice from Herefordshire Council. The notice of exemption shall be exhibited in a prominent position.

## **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.

## **13.0 GENERAL CONDITIONS**

- 13.1 The holder of this 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 Office.
- 13.2 The driver is to ensure reasonable cleanliness of the vehicle inside and out.
- 13.3 The driver is to inform the Council's Licensing Section 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.
- 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 Council, 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 cms 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 Taxi and PHV Licensing Consideration of Criminal Convictions' Policy

#### 1. Introduction

- 1.1 The purpose of this policy is to provide guidance on the criteria taken into account by Herefordshire council when determining whether or not an applicant or an existing licence holder is a fit and proper person to hold a hackney carriage and/or private hire driver or operator 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 young 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 drivers' licences
  - Existing licensed drivers whose licences are being reviewed
  - Licensing officers
  - Members of the licensing committee/ panel (or other relevant decision making body)
  - Magistrates hearing appeals against local authority decisions
- 1.4 Where licensing officers 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 licensing committee/panel. Whilst officers and the committee/panel 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 committee/officer 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 propensity to offend or 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 he or she is 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 he or she is 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 allow the licensing authority to suspend, revoke or refuse to renew a licence if the application/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 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 hackney carriage and/or a private hire vehicle drivers' licence and/or private hire vehicle operators 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 a driving licence endorsement, 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 a register.
- 5.3 Applicants can discuss further what effect a caution/conviction may have on any application by contacting the licensing officer in confidence for advice, contact details are at the end of this policy.
- 5.4 The licensing authority conducts enhanced disclosures from the Criminal Records Bureau (CRB) of any applicant for a driver licence. The licensing authority follows the CRB's Code of Practice on the fair use of disclosure information. A copy is available on request.
- 5.5 Applicants applying for the grant or a renewal of a drivers' licence will be required to obtain an enhanced disclosure at their expense. The licensing authority abides by the CRB's Policy on the secure storage, handling, use, retention and disposal of disclosure information, which is available on request.
- 5.6 More information about the CRB can be found on their website at [www.disclosure.gov.uk](http://www.disclosure.gov.uk).
- 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, 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 particular 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.

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

- 6.1 Licensed drivers have close regular contact with the public. A firm line is to be taken with those who have convictions for offences involving violence. An application will normally be refused if the applicant has a conviction for an offence that involved the loss of life.
- 6.2 In other cases anyone of a violent disposition will normally be refused to be licensed until at least 5 years free of such conviction. 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
- Or any similar offences (including attempted or conspiracy to commit) offences 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 which is racially aggravated
- Actual bodily harm which is racially aggravated
- Grievous bodily harm with intent
- Robbery
- Possession of firearm
- Riot
- Assault of a Police Officer
- Common assault with racially aggravated
- Violent disorder
- Resisting arrest
- Or any similar offences (including attempted or conspiracy to commit) offences 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 5 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 3 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



should 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 conviction for 3 years (or at least 3 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 5 years) free of conviction for such offences before a licence will be granted.
- 8.2 (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 adults
  - Or any similar offences (including attempted or conspiracy to commit) offences which replace the above
- 8.3 (b) Before an application is considered, an applicant should be free of conviction for at least 10 years (or at least 3 years must have passed since the completion of the sentence, whichever is longer), if he/she has 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
- 8.4 (c) Before a licence is considered, an applicant should be free of conviction for at least 3 years (or at least 3 years must have passed since the completion of the sentence, whichever is longer), if he/she has 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
- 8.5 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.
- 8.6 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 PHV or taxi 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. PHV drivers 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.

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.

9.2 In general, a minimum period of 3 years free of conviction or at least 3 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) offences 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 5 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 5 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 3-5 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 5 years free from drug taking after detoxification treatment.

## **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.

A licence will not normally be granted unless the applicant is free of conviction for 7 years or (or at least 3 years must have passed since the completion of the sentence, whichever is longer) if he has 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

- 11.2 Before a licence is granted, an applicant should be free of conviction for 3 years (or at least 3 years must have passed since the completion of the sentence, whichever is longer), if he has 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 his DVLA driving licence but he should be warned as to the significant risk to his 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 3 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.

## **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 at the Officer Panel.

- 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 licensing officer 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 he 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 Officers or Members, as the individual accepted a caution as an admission of guilt.

#### **16. Licensing offences**

- 16.1 Certain offences under taxi legislation such as illegally plying for hire, overcharging and refusing to carry disabled persons and driving without a dual driver licence would normally prevent a licence being granted or renewed until a period of 3 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 he/she has been free of conviction for 3 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 three 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 his 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 six continuous months or more overseas the licensing authority will expect to see evidence of a criminal

record check 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 3 to 10 years, according to circumstances, before an application can be considered. However, there may be occasions when an application can be allowed before 3 years free from conviction have elapsed.
- 20.3 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 March 2011).

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 Appropriate
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.

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# Appendix 5

## **CODE OF GOOD CONDUCT FOR LICENSED 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 disciplinary 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***..

### **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.

### **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.

### **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
- (f) at private hire offices:
  - (i) not undertake servicing or repairs of vehicles, unless 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.

## **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 whilst driving;
- (d) obey all Traffic Regulation Orders and directions at all time;
- (e) not smoke 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 while having misused legal or illegal drugs;
- (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 to take breaks or go shopping

## **Disciplinary Hearings**

Drivers should be aware of the powers the Council 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 Council' 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.
- (iii) there is a breach of condition of this code

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.

### 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.

### 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.

### 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 hoods 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**

**HEREFORDSHIRE COUNCIL**

**OPERATORS' LICENCE CONDITIONS**

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## **OPERATORS' LICENCE CONDITIONS**

Herefordshire Council licenses 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 were approved by the Herefordshire Council's Regulatory Committee on 20<sup>th</sup> March 2007 these conditions will replace all previous conditions and will remain in place until such time the Regulatory Committee approve any amendments or review the conditions.

**All applications received which fall outside the Licensing Authorities Conditions or Policy will be referred to Regulatory Committee for determination and will incur additional costs to be paid by the applicant.**

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

### **1.0 LICENCE**

- 1.1 Granting 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.

### **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 Section for inspection.
- 2.2 On the expiry of the insurance the original cover note or original Certificate of Insurance renewing cover must be produced to the Council prior to or on the day of expiry of the previous certificate. Faxed copies will only be accepted if received from the Insurance Company/Broker direct.
- 2.3 The licence holder shall notify the Council 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 he keeps 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 Council 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. Including exemptions where they apply.

5.2 The Operator shall ensure the number of vehicles used at the premises comply with any Planning Permission 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 he operates or otherwise conducts his 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 him/her (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 The licensed Operator who wishes to operate a computer booking system must have permission from the Council.

8.5 Where a computer system has been agreed 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.

8.6 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 of vehicle.
- (e) Private Hire vehicle plate number.
- (f) A copy of a suitable policy of insurance.

8.7 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 even if it forms part of the Company name.

8.8 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.

8.9 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 a 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 Herefordshire Council 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.

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# APPENDIX 8

HEREFORDSHIRE COUNCIL

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

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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 licenses 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 were approved by Herefordshire Council's Regulatory Committee on **9<sup>th</sup> March 2010**. They replace all previous conditions and will remain in place until such time as the Council approve any amendments or review the conditions.

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

Note: although the fee must be paid before committee, the committee has the ability to waiver the fee if appropriate after the hearing

*(Herefordshire Council will use government guidance 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 licenses 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 an enhanced VOSA Single Vehicle Approval (SVA) test and the applicant has provided a written self-declaration that no changes have taken place to that vehicle since the SVA test was passed.
- 1.4 A vehicle of Category N1 will be considered if it complies with 1.5 below.
- 1.5 Vehicles which have been manufactured or adapted by a manufacturer or installer approved by Herefordshire Council can be licensed, provided that supporting documentation has been supplied to prove this, as well as a written self-declaration declaring that the vehicle has not been altered since its initial manufacture or adaptation.
- 1.6 Where a vehicle is not manufactured by an approved manufacturer, an enhanced VOSA Single Vehicle Approval Pass Certificate must be provided which includes category P for non-wheelchair access vehicles and categories P and D if the vehicle is wheelchair accessible. A written self-declaration shall also be provided, declaring that the vehicle has not been altered since initial manufacture/ conversion.
- 1.7 All vehicles must meet the criteria as laid out in Section 4.
- 1.8 New/replacement vehicles shall not be permitted if they were registered prior to the year 2000.
- 1.9 The licence shall not be transferred until the vehicle reaches five years of age.
- 1.10 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.

- 1.11 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.
- 1.12 A non-wheelchair access vehicle may be replaced with any vehicle which complies with the requirements contained in Section 4.
- 1.13 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 five 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.
- 2.3 The vehicle licence shall not be transferred to another vehicle until the vehicle reaches five years of age and then only to another wheelchair accessible vehicle.
- 2.4 The vehicle licence can be transferred if the vehicle is written off or it is on a temporary transfer basis following breakdown or damage, in which case it shall be replaced in accordance with section 15 or section 2.1 if the vehicle is being replaced on a permanent basis.

### **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.
- 3.3 The licence cannot be transferred to another vehicle until the vehicle reaches five years of age, for a wheelchair accessible, or two years of age for any other. It can, however, be transferred if the vehicle is written off or it is on a temporary transfer basis following breakdown or damage, in which case it shall be replaced in accordance with section 15 or section 3.1 if the vehicle is being replaced on a permanent basis.

### **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 four seated passengers and a maximum of eight.
  - d) A minimum of four doors

- e) Either a separate luggage compartment or 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.
- f) A serviceable spare tyre, or run flat type tyre, jacking equipment and wheel brace.
- 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 with at least 41 cm seating space per passenger.
- l) A suitable boot able to carry passenger luggage in all saloons and estate vehicles. This must be capable of carrying three suitcases of size 70 x 46 x 32 cm.
- m) No bull bars or similar attached.
- n) The clear height for the top of the doorway not less than 1.2 metres.
- o) Unobstructed access to all emergency doors or exits. (Seats must be located to facilitate this).

## **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 taxis.
- 5.2 All doors must be capable of being opened from the inside.
  - i. The vehicle must have at least two doors to the rear of the driver for the exclusive unobstructed use of passengers.
  - ii. 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.
  - iii. All emergency doors must be clearly identifiable to passengers and shall be clearly marked "Emergency Exit" in 5cm letters.
- 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) Intermediate steps shall be fitted every 9ins (228mm) from road 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 Restraints for the wheel chair 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.
- 6.3 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 90 degrees (i.e. perpendicular to the vehicle).

- 6.4 Grab handles shall be placed at door entrances to assist the elderly and disabled.
- 6.5 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 when the vehicle is unladen. The outer edge of the floor at each entrance shall be fitted with non-slip treads.
- 6.6 The vertical distance between the highest part of the floor and roof in the passenger compartment shall not be less than 1.3m.
- 6.7 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 when not in use.
- 6.8 All vehicles fitted with a mechanical tail lift shall supply a tail lift safety certificate to the Council annually. This shall be supplied to the Licensing Section upon renewal of the vehicle licence.
- 6.9 Wheelchair accessible hackney carriages shall be capable of being used as such immediately and without modification.
- 6.10 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.
- 6.11 All passenger rear doors to be hinged vertically or sliding.

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

- 7.1 LPG installations shall comply with the LPG Gas Association's code of practice 2. A valid certificate confirming its compliance shall be given to the Licensing Section for photocopying when the installation is new.
- 7.2 No licence shall be renewed until a valid certificate is produced to the Council confirming that a safety check has taken place and that the vehicle is safe. This shall be provided annually.

#### **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 consent of an Authorised Officer of the Licensing Section.
- 9.2 For the avoidance of doubt, alterations include both additions to and the removal of any existing equipment in, or on, the Licensed Vehicles.



## **Section 10 - SIGNS**

10.1 The Licensed Vehicle shall be of such a design or appearance or bare such distinguishing marks as the Council 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 60cm, 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 at all times. 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.
- b) The roof sign shall be displayed 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 and then only with the written authority of the Licensing Section. 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, 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 7.5 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

10.2 Two or more notices shall be displayed within the vehicle, in a conspicuous location, 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.

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

11.1 For all licensed vehicles, the council 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. No council licence plate shall be fitted on any other area, including the rear window.

11.2 The licence plate shall remain the property of the Council and shall be returned to Herefordshire Council upon expiry, suspension or revocation. All licence plates shall be

returned within 5 working days of the issue of the new plate and can be returned to any of the Info Centres within Herefordshire.

- 11.3 The loss of, damage to or illegibility of a plate or badge shall be reported to the Council 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 or purporting to transfer any interest in the licensed vehicle. 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 Council. 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 renewal applications received after the date of expiry shall be treated as grants and not renewals and the appropriate conditions and fees shall apply.
- 11.6 However, the Licensing Officer has the authority to renew the plate in the 7 day period following expiry. The plate shall only be renewed until the sitting of the next Regulatory Committee (or equivalent panel) who will consider whether to continue to allow the plate renewal. At the time of drafting these conditions, the fee for the referral is £150 and is payable before the committee hearing. This fee may be revised by the Council from time to time.
- 11.7 Any application received prior to the expiry date of the existing licence shall be treated as a renewal. However no plate or badge shall be issued until such time as all the required documents have been received and accepted by Herefordshire Council's Licensing Section.

Note: In such cases there shall be no need to go in front of the Regulatory Committee.

#### **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 Section 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

#### **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 Herefordshire Council's area and shall be subject to further tests as and when required by the Licensing Section.
- 13.2 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.
- 13.3 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.

- 13.4 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.
- 13.5 The proprietor of a licensed vehicle shall deposit with the Licensing Section 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 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 Section within 24 hours or, when the office is closed, within 24 hours of it re-opening. Where considered necessary, arrangements shall be made for the Licensing Section to inspect the vehicle. If following inspection and considered necessary by an Officer of the Council, written consent must be received 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 Section 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 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.
- 15.3 Vehicles which replace a licensed vehicle on a temporary basis shall meet the requirements contained within the standard vehicle licence conditions
- 15.4 All licensed vehicles including wheelchair accessible 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.
- 15.5 A temporary transfer will be valid for a 2 week maximum period unless authorised by the Licensing Section due to extenuating circumstances.
- 15.6 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.
- 15.7 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 - INSURANCE**

- 16.1 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 Section for inspection. The policy must show that the vehicles are suitably insured for 'hire and reward' purposes.
- 16.2 On the expiry of the insurance, a cover note or 'Certificate of Insurance' renewing cover must be produced to the Licensing Section prior to or on the day of expiry of the previous

certificate. Photocopies of the original can only be made by Council staff and faxed copies shall only be accepted if received from the Insurance Company/Broker direct.

- 16.3 The proprietor shall ensure that a copy of the Certificate of Insurance is kept in the vehicle at all times, and this shall include details of drivers authorised under the policy to drive the vehicle.
- 16.4 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 Council of these alterations within two working days of such a change.

**Section 17 - NOTIFICATIONS**

- 17.1 The proprietor of a licence shall produce details of drivers licensed by Herefordshire Council permitted to drive by him/her to the Licensing Section.
- 17.2 The proprietor shall notify the Council of any change in the list of drivers within seven days of the change.
- 17.3 The licence holder shall, within seven days, notify the Council in writing of any change of address and produce the vehicle licence to the Licensing Section so that the new address may be endorsed there.

**Section 18 - SAFETY EQUIPMENT**

- 18.1 The vehicle shall be equipped with and carry at all times a British Safety Approved fire extinguisher, which is serviceable. It shall be suitable for use on vehicle fires and shall be located in a position for use by the driver. This must be permanently marked with the vehicle's Hackney Carriage or Private Hire licence number.
- 18.2 The vehicle shall be fitted with first aid equipment. 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. It shall contain as a minimum the following items in Table 18.3 below as prescribed in the Public Service Vehicles (Condition of Fitness, Equipment, Use and Certification) (Amendment No.2) Regulations 1986. This equipment shall be permanently marked with the vehicle's Hackney Carriage or Private Hire licence number.

<b>Table 18.3</b>	<b>Item</b>	<b>Quantity</b>
	Suitable container in which to carry first aid items. Permanently marked with the vehicle plate number	1
	Basic instruction card covering expired air respiration, external cardiac compression, treatment of shock, recovery position and treatment for bleeding control	1
	Triangular bandages	2
	Large sterile unmedicated dressing (not less than 15.0 cm x 20.0 cm)	3
	Individually wrapped sterile adhesive dressings	24
	Safety pins	12
	Disposable gloves	1 pair
	Antiseptic wipes	10
	Disposable bandage (not less than 7.5 cm)	1
	Sterile eye pads with attachments	2
	Tuff-Kut scissors	1 pair

## Section 19 - TRAILERS

- 19.1 Written permission shall be obtained from the Licensing Section to use trailers.
- 19.2 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 20 - VEHICLE INSPECTION (see appendices 1 & 2)

- 20.1 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 Licensing Officer, the frequency of these tests can be increased to three per year.
- 20.2 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

- 20.3 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.
- 20.4 Should a vehicle fail to pass an inspection on a major failure, the vehicle inspector or authorised officer of the Council will notify the licensee that the licence has been suspended, if this is deemed necessary. The vehicle shall then be required to be

resubmitted to the depot within seven calendar days and a re-test fee shall be applicable. This seven-day limit shall also apply to any instruction issued for a vehicle to be presented for inspection. 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.

- 20.5 An authorised officer, an officer nominated by the Council 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 21 - RADIOS**

- 21.1 All telephone facilities and radio 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 Council access to inspect all equipment and D.T.I licenses.
- 21.2 All telephone facilities and radio equipment provided shall not interfere with any other radio or telecommunication equipment.
- 21.3 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.

#### **Section 22 - GENERAL CONDITIONS**

- 22.1 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.
- 22.2 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 Council.
- 22.3 The proprietor or driver of a licensed vehicle licensed by the Council 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.
- 22.4 The proprietor or driver of a licensed vehicle licensed by the Council 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.
- 22.5 The authorised officer shall show their authorisation if required.

#### **Section 23 - CCTV**

- 23.1 All new hackney carriage vehicles will have council approved CCTV installed before they are allowed to ply for trade or hire. All existing hackney carriage vehicles shall have council approved CCTV installed before 12<sup>th</sup> July 2015 (i.e. three years from the date of the revised policy being ratified by Cabinet).
- 23.2 All such recording CCTV equipment shall be fitted only with the written consent of the Council. Where CCTV equipment is fitted, an approved sign shall be displayed in the vehicle warning customers that camera surveillance equipment may be in operation. Any image captured by the camera shall only be viewed by an authorised officer of the Council, by the Police, or by the dedicated System Operator. The dedicated system operator must have a valid CRB enhanced certificate, the details of the operator and compliance with the Data Protection Act must be notified in writing to the Council.

## Section 24 - STRETCHED LIMOUSINES

- 24.1 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).
- 24.2 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
- 24.3 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.
- 24.4 Alcoholic drinks provided in the vehicle shall be under the terms of an appropriate licence relating to the sale or supply of alcohol.
- 24.5 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.
- 24.6 The fee shall be the same as for a private hire licence.
- 24.7 No licence issued to a stretched limousine shall be transferred to any other type of vehicle.

## APPENDIX A

### HEREFORDSHIRE COUNCIL

#### 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 chaffed 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

### 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 Unit.

## **8.0 First Aid Kits**

First Aid kits shall be available to PSV standard. The kit shall be marked with the number of the licence when granted, in a manner acceptable to Officers of the Licensing Unit.

## **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 may be sealed by the Inspecting Officer, as he/she considers necessary.

## **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 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 Council 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 Top Light**

The top light where fitted must be capable of being illuminated. 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.

## **14.0 Vehicle failure**

Where in the opinion of the Inspecting Officer the vehicle fails to reach the standard required by the Council 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(s) or nominee will then be given the choice of: -

Removing the vehicle from the test garage for the defects to be rectified and returning the vehicle within 7 days and/or 200 miles (where the vehicle is normally kept within 10 miles of the testing station), or within 7 days and/or 300 miles (where the vehicle is normally kept more than 10 miles from the testing station). The applicant or nominee shall also pay the appropriate re-test fee if required.

If the vehicle is not returned for re-test within 7 days the applicant or his/her nominee shall inform the Licensing Unit of the reasons why and any proposed further actions to be taken in respect of the vehicle. Re-tests after 7 days may incur full application fees.

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

# Appendix 9

## Vehicle damage – Herefordshire Council

If in the opinion of the council's nominated tester or authorised examiner, 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 may be applied between tests for breach of conditions or suspension/revocation notices.

### General

The 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.

### 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 manufacturers 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

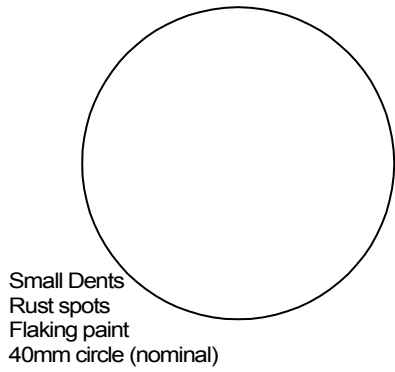
is involved in a major accident must be reported to the licensing section within the prescribed time as laid down in the conditions of use.

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.

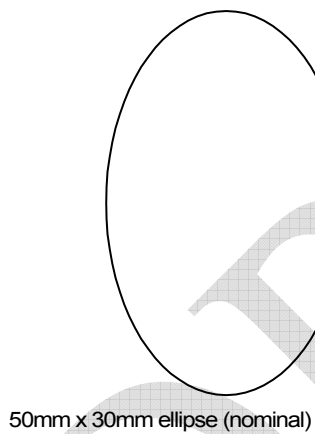
### **Assessment**

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.

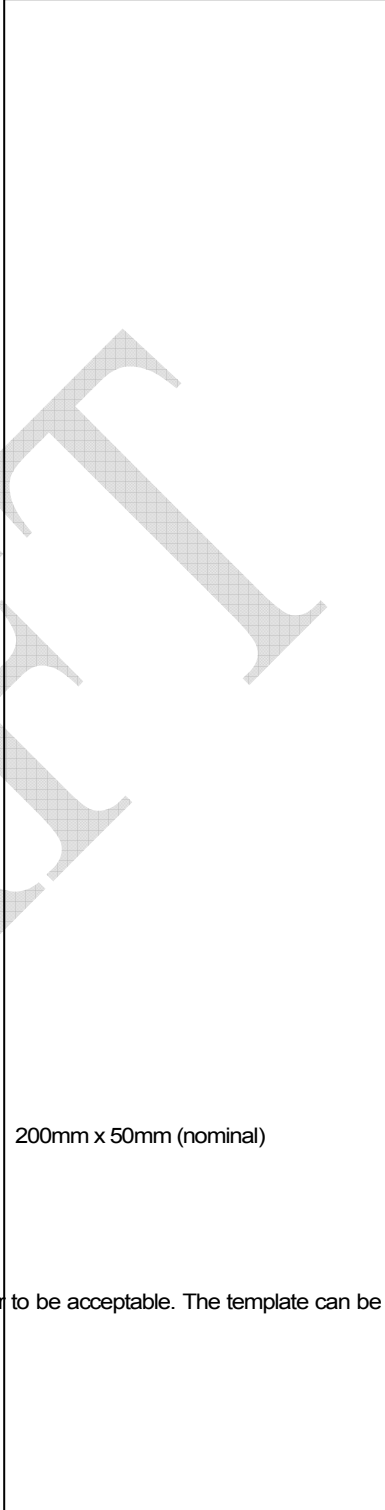
DRAFT



or



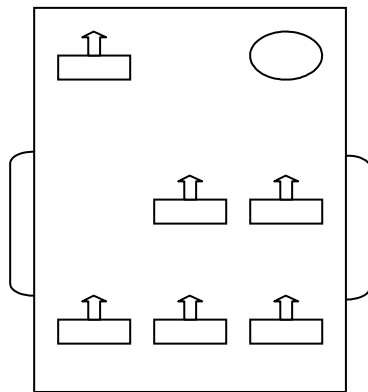
Scratches only



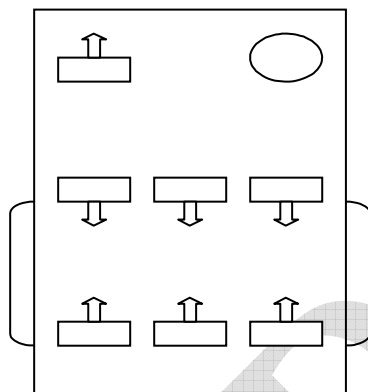
Damage must fit completely within the lines of the appropriate template in order to be acceptable. The template can be aligned to be most advantageous to the proprietor.

# APPENDIX 10

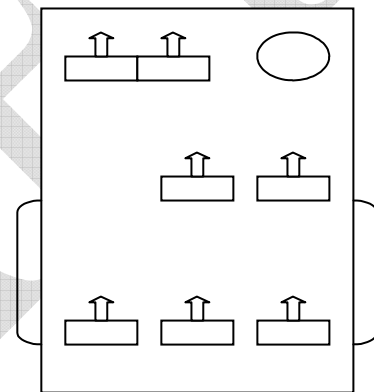
## SEATING CONFIGURATIONS IN MULTI-PASSENGER VEHICLES



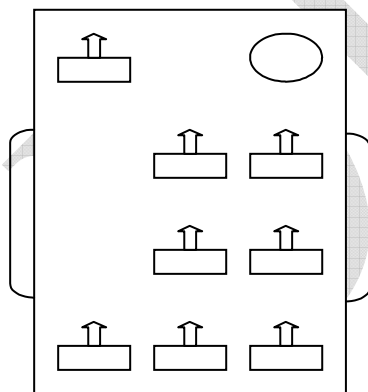
Six-seater  
vehicle



Seven-seater  
vehicle



Eight-seater  
vehicle



# Appendix 11

## Passenger complaints procedure – Herefordshire Council

It is a common misconception that the Council employs licensed drivers. This is not the case. Hackney Carriage and Private Hire licences allow holders to run what is considered to be 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 if it is a Hackney Carriage which is not attached to an operator.

All complaints which are pursued by the Council 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. This can be submitted by email, fax or letter - using the contact details below.

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

*Licensing Teamt  
Bath Street Offices  
Bath Street  
Hereford  
HR1 2ZF*

*Tel 01432 260105  
E-mail – [licensing@herefordshire.gov.uk](mailto:licensing@herefordshire.gov.uk)  
Fax – 01432 383142*

## Trade member complaints procedure

### Making Experiences Count: Compliments, Comments and Complaints

We are committed to providing high quality services across NHS Herefordshire and 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 NHS Herefordshire or 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 NHS Herefordshire or 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:

### TAXI AND COUNTY TRANSPORT BADGE OFFICER PANEL

#### 1 Introduction

Herefordshire Council receives and administers applications, renewals and referrals for dual-driver licences (i.e. drivers of both hackney carriage and private hire vehicles) in accordance with the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976. This system is administered by the Licensing Team who are part of the Environmental Health & Trading Standards Division (a part of the People's Services 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 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 part of the People's Directorate.

#### 1.1 Issues

There is a tension in the system: taxi drivers who do not hold a CTB can transport children/vulnerable people by virtue of their taxi driver's licence so long as it is not 'council business'. Conversely, a bus driver or escort who has a CTB (through the school or adult social care contract system) can transport or escort children/vulnerable people without the need to hold a taxi driver's licence. In practice, however, many possess both a taxi licence and a CTB.

As the Director of People's Services has a 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'.

Recently, it has been highlighted that the Licensing Team and the Admissions and Transport Team have historically 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 driver/escort. 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 Taxi and County Transport Officer Panel - Terms of Reference

### 2.1 Formation

On 19<sup>th</sup> November 2010, constitutional changes were agreed by the Council. Part of the change was a revision of the role and functions of the Regulatory Committee and Regulatory Sub Committee. It was also agreed that the Chief Executive establish an officer review panel to review certain regulatory decisions made by officers, namely in connection with certain types of licences, particularly taxi licences.

Whilst the Regulatory Committee has the authority to consider dual-driver licence applications that fall outside the criteria laid down in the Taxi Licensing Policy<sup>1</sup>, Regulatory Committee has now given authority to an officer panel to be known as the 'Taxi and County Transport Badge Panel' to deal with such applications in the first instance.

These constitutional changes were agreed to come into effect after 1<sup>st</sup> February 2011. After this date this panel shall therefore make all the initial decisions in relation to the 'fit and proper' status of all dual-driver applicants having regard to the Council's Taxi Licensing Policy and the relevant taxi case law.

For taxi drivers, the definition of what is a fit and proper person is not set in law. However, the generally accepted test is to ask yourself the following question:

*"Would you allow your son, daughter, mother, spouse or other person you care about get into this vehicle with this person alone?"*

Additionally, this test can be expanded following the 1998 High Court case of *McColl v Rushcliffe BC*, Lord Chief Justice Bingham said *"one must...ensure so far as possible that those licensed to drive private hire vehicles are suitable persons to do so, namely that they are safe drivers with a good driving record and adequate experience, sober, mentally and physically fit, honest and not persons who would take advantage of their employment to abuse or assault passengers"*. This was followed in the more recent 2002 case of *Leeds CC v Hussain*.<sup>3</sup>

The officer panel shall also consider applications for 'County Transport Badges' for applicants who fall outside of the acceptance criteria laid down by the People's Services Directorate in their guideline policy entitled 'Obtaining a County Transport Badge'<sup>2</sup>. To determine the 'fit & proper' status of an applicant for a CTB, the taxi definitions above shall also be used, although the Council reserves the right to apply these in the most precautionary manner.

Once the 2012 version of the revised taxi policy is signed off by Cabinet, a CTB shall no longer be required for applicants possessing a valid dual-driver's (taxi) licence.

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<sup>1</sup> Taxi Licensing Policy – Latest version being 2007 and amended version 2012

<sup>2</sup> 'Obtaining a County Transport Badge' – Flow chart from CYPD, 2010.

<sup>3</sup> James Button, "Button on Taxis", pages 401 to 414 inc, 3<sup>rd</sup> Edition

## **2.2 Membership**

The membership of the Taxi and County Transport Officer Panel shall be made up of the following:

- The service/key manager with responsibility for taxi licensing (currently the Head of Environmental Protection & Licensing – EHTS, Health & Wellbeing Service)
- Head of Service – Looked After Children – People’s Services Directorate
- A representative from the Taxi Licensing Team
- A representative from the Schools Admission & Transport Team (County Transport badges)
- A representative from Human Resources Service (Recruitment and CRB Team)
- A representative from Adult Social Care
- A representative from the West Mercia Police
- A representative from the Council’s legal advisors
- Secretariat support (currently an officer in the Democratic Services team).

If a member of this panel is not available, a deputy should be sent where at all possible. For the panel, to be quorate, it must have at least one representative from the Licensing Team (when a dual driver’s badge is in question), one representative from Safeguarding (either Children’s or Adult’s), one representative from the Schools Admission & Transport Team (when a CTB is in question), a legal advisor and secretariat support (i.e. 4 or 5 members).

The chair shall rotate between the Head of Service for Licensing and the Head of Service for Looked After Children, although this role can be deputised where appropriate.

Where appropriate, others may be invited to join the Panel if considered necessary when dealing with a particular application or issue.

Meetings will normally be held monthly, although they can also be scheduled on an ad-hoc basis according to need. Minutes of each meeting will be taken and signed off by the Chair. These minutes will be confidential and released only to appropriate and authorised officers of the Council, members of the Regulatory Committee and the Police.

## **2.3 Process**

The applicant shall normally be invited to attend the officer panel hearing and he/she will be entitled to have legal representation there. 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 his/her representative(s) will be requested to leave the room when the case is discussed by the panel and a decision is made. The panel shall then make a decision based on the evidence available to it at that time. If further evidence is sought, it has the ability to defer a decision to a later date.

Full consensus will be sought by the Chair regarding an application. Where any Panel member is of the opinion that an application should be refused, or that a licence be revoked, then that will be the decision of the Panel. The applicant will be informed in writing of such a decision and provided with appropriate and sufficient detail.

## **2.4 Appeals**

The applicant will be given the right to appeal the decision of the officer Panel at no cost.

For a dual driver's licence, such an appeal will be referred to the Council's Regulatory Sub Committee, which will take the format of three elected members who will be trained in this area of work. It is expected that the Panel member(s) who recommend refusal or revocation will attend (or be represented at) any appeal hearing of the Regulatory Sub Committee to present the relevant details to members.

All recommendations for the revocation of an existing dual driver's licence shall be automatically referred to the Regulatory Sub Committee for ratification, as only the Regulatory Committee or its sub committee can actually revoke an existing dual-driver's licence. Refusals for a grant of a dual driver's badge need not automatically pass to the Regulatory Sub Committee, as this is required only on if an appeal is lodged.

However, revocations of, or refusals for, a County Transport Badge will not be referred to committee but instead to the Assistant Director (Children & Young People Provider Services). 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's statutory rights of appeal with respect to application refusals or licence revocations are triggered only on the outcome of the Council's Regulatory Sub Committee's decision, i.e. for dual-driver licences. The 21 day appeal period during which an appeal may be made to the Magistrates' Court, does not commence upon the date of the Panel decision but on the date of the Council's Regulatory Sub Committee's decision.

There is no right of appeal to the Magistrates Court for refusal to grant, or the revocation of, a County Transport Badge.

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 School Admission & 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.

Where at all possible, this will include the shared use of a CRB return for a period of at least 6 months after being obtained as well as information sharing between the two teams, including immediate notification of any positive CRB disclosures.

**4 Approval of the Protocol:**

Approved by:

Assistant Director (Law & Governance), acting on behalf of the Chief Executive:

Signed ..... Chris Chapman,  
Assistant Director – Law & Governance

Date .....

---

Interim Director of Public Health, on behalf of the Licensing Team and the Health & Wellbeing Service:

Signed ..... Sarah Aitken,  
Interim Director of Public Health

Date .....

---

Assistant Director (Children & Young People Provider Services), on behalf of the Council's children's safeguarding function and county transport badge function:

Signed ..... Kathy O'Mahony,  
Assistant Director (Children & Young People  
Provider Services),

Date .....

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Head of Service (Adult Social Care), on behalf of the Council adult's safeguarding function:

Signed ..... Sara Keetly,  
Head of Service (Adult Social Care)

Date .....