

## **COUNCIL**

TUESDAY, 25TH JULY 2017, 6.30 PM  
COUNCIL CHAMBER, TOWN HALL, CHORLEY

I am now able to enclose, for consideration at the above meeting of the Council, the following reports that were unavailable when the agenda was published.

<b>Agenda No</b>	<b>Item</b>	
5	<b>CHORLEY COUNCIL ANNUAL REPORT 2016/17</b>  To consider the attached report of the Director of Policy and Governance.  The report has been recirculated as there was a typographical error.	(Pages 253 - 272)
16	<b>AMENDMENT TO SCHEME OF DELEGATION FOR TAXI LICENSING</b>  An urgent item was considered at the Licensing and Public Safety Committee on 19 July 2017 relating to recent case law.  The report of the Director (Policy and Governance) is enclosed).	(Pages 273 - 280)

GARY HALL  
CHIEF EXECUTIVE

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Report of	Meeting	Date
Director Policy and Governance (Introduced by the Leader of the Council)	Council	25 <sup>th</sup> July 2017

## CHORLEY COUNCIL ANNUAL REPORT 2016/17

### PURPOSE OF REPORT

1. To provide a summary of the Council's achievements during 2016/17 as well as looking forward to the activity to be delivered over 2017/18 against the Council's corporate priorities.

### RECOMMENDATION(S)

2. That the report be noted.

### EXECUTIVE SUMMARY OF REPORT

3. Overall performance during 2016/17 has been strong and has seen the delivery of key projects and activities which have supported the Council's key priorities of:
  - a. Involving residents in improving their local area and equality of access for all
  - b. A strong local economy
  - c. Clean, safe and healthy communities
  - d. An ambitious council that does more to meet the needs of residents and the local area
4. The Council has continued to face challenges over 2016/17, however real and tangible steps have been made towards addressing these challenges with a particular focus on changing the way the Council works and developing innovative solutions to ensure that the organisation is in the best position to continue to deliver vital services for local communities.
5. Moving into 2017/18, the Corporate Strategy will drive forward plans to achieve sustainable local growth and reform the way that services are delivered to meet the challenges of future years and achieve better outcomes for Chorley.

<b>Confidential report</b> Please bold as appropriate	Yes	<b>No</b>
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<b>Key Decision?</b> Please bold as appropriate	Yes	<b>No</b>
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### REASONS FOR RECOMMENDATION(S)

(If the recommendations are accepted)

6. N/A

### ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

7. N/A

## CORPORATE PRIORITIES

8. This report relates to the following Strategic Objectives:

Involving residents in improving their local area and equality of access for all	✓	A strong local economy	✓
Clean, safe and healthy communities	✓	An ambitious council that does more to meet the needs of residents and the local area	✓

## BACKGROUND

9. The annual report is a key mechanism for presenting information about the Council's performance to residents, partners and key stakeholders. The report provides information regarding the key activities which have been delivered over the past 12 months to meet our vision and corporate priorities.
10. The report identifies some key challenges faced by the Council in order to meet residents' needs, and sets out a number of key initiatives for 2017/18 which we will be undertaking to ensure that our organisation remains in a position to meet these needs.

## SUMMARY OF THE REPORT

11. The Chorley Council Annual Report is attached to this paper as an appendix. The key headlines from the report include:

**a. Involving residents in improving their local area and equality of access for all**

This year has seen a continued commitment from the council to provide quality, accessible community facilities. Across the borough, community centres have been equipped with digital technology as part of ensuring all residents are able to connect with local services, supported by over 70 digital skills sessions. There has also been a strong focus on physical access to services for rural areas, maintaining vital transport links across the borough. Residents are taking a more active part in their local area through participating in volunteering opportunities with additional new members to the Time Credits scheme seeing a 63% increase in the number of volunteering hours earned this year. Over 68,000 residents and visitors enjoyed a range of events including Chorley Live, the Grand Prix and Chorley Flower Show highlighting all that Chorley has to offer and boosting the local economy through additional visitors to the area.

**b. A strong local economy**

This year, work has continued on developments in and around the town centre which will see areas of the borough transformed and will enhance Chorley's profile as a place to live, work and invest. Work on the Market Walk extension has progressed into the construction phase to deliver new facilities to boost the local retail offer, create jobs and enhance Chorley's local economy. Support has also continued for both new and existing businesses in the borough, with 87 new business start-ups this year, boosting the local economy and job creation.

Council employment schemes have supported people into work and enabled them to access education opportunities. A number of projects have been delivered to promote community and the local economy in Chorley, encouraging people to spend their money where it will benefit the local community.

**c. Clean, safe and healthy communities**

Plans to implement new ways of working with partners have been developed through the Integrated Community Wellbeing team which aims to bring together functions from Chorley and Lancashire Care Foundation Trust to work more effectively and better use resources to deliver positive outcomes for those who access our services. This year has also seen significant achievements in terms of encouraging residents to get active and continue to be active. Over 24,000 young people have been encouraged to take part in our Get Up and Go activities and over 3,000 have attended free swimming sessions. Work has continued towards providing access to good quality, affordable housing including developing plans in order to meet future housing needs. A full upgrade to the CCTV system and closer partnership working with the Police has supported clean and safe places, alongside reducing the amount of empty homes in the borough by 8% over the year. The building of the Primrose Gardens Retirement Village has also now commenced which will allow access to housing for residents who require support for additional needs.

**d. An ambitious council that does more to meet the needs of residents and the local area**

The Council continue to be ambitious in our aspirations for change to ensure it is working in the most cost effective way possible to meet the needs of local residents. Innovative new ways of working with partners have been progressed through the Public Service Reform Partnership, supporting 41 vulnerable individuals with complex cases as part of a joined up multi agency approach and over 100 residents experiencing better health and wellbeing outcomes through pioneering pilot work with Primary Care. Customer satisfaction has remained a key priority and final levels for this year are at 18.3%, which is better than target. A number of changes to the way the organisation operates have been implemented organisation as outlined in the Transformation Strategy with a new management structure in place which better reflects future challenges and plans.

**e. Council spending**

In 2016/17 the Council committed to new revenue and capital investments totalling £3.167m that benefitted the Council's four main priority areas. This investment went towards priorities identified by local residents including:

- Providing support to community organisations, promoting volunteering and delivery of projects to enhance local neighbourhoods
- Supporting new and existing businesses, delivering employment schemes and investing in events for the borough to raise the profile of the local area.
- Supporting community safety initiatives, mediation services and drop in services for young people including work to reduce the number of empty homes in Chorley
- Working to integrate public services with our partners and delivering health and wellbeing schemes for our staff

**f. Looking forward to 2017/18 the focus will remain on delivering positive outcomes for residents against the Council's corporate priorities, this will include activity such as:**

- Working to empower communities with the tools and support to create thriving local spaces and places
- Implementing the Integrated Community Wellbeing Team
- Continuing work to strengthen the local economy, boost local provision and support the local job market
- Developing solutions to meet the financial challenges ahead

**IMPLICATIONS OF REPORT**

12. This report has implications in the following areas and the relevant Directors' comments are included:

Finance		Customer Services	
Human Resources		Equality and Diversity	
Legal		Integrated Impact Assessment required?	
No significant implications in this area	✓	Policy and Communications	

CHRIS SINNOTT  
DIRECTOR (POLICY AND GOVERNANCE)

Report Author	Ext	Date	Doc ID
Kieron Power	5035	17/07/17	Annual report 2016_17 covering report

# **Chorley Council Annual Report** 2016/17



## Welcome to Chorley Council's annual report

This report presents Chorley Council's annual report for 2016/17. It provides an overview of activities and achievements over the last year, outlining the key steps that we have taken to ensure that we continue to deliver our vision and priorities as outlined below:

### **Our vision:**

A proactive community leader, supporting the borough and all its residents to reach their full potential through working in partnership to deliver services that achieve the best outcome and protect vulnerable people



**Involving residents in improving their local area and equality of access for all**



**Clean, safe and healthy communities**



**A strong local economy**



**An ambitious council that does more to meet the needs of residents and the local area**

## The challenges in 2016/17

A growing population, reductions in government funding and policy changes at both a local and national level continue to present huge challenges for Chorley. However, this year we've made real and tangible steps towards addressing these challenges with a focus on changing the way that we work and developing innovative solutions to ensure that we are in the best position to continue to provide vital services for our local communities. Our achievements outlined within this report demonstrate how we have worked to deliver our corporate vision and priorities in 2016/17.



## Overview of 2016/17

This year we have done even more to deliver on our promises and ensure that we face challenges head on. We've had to make some difficult decisions but our priority continues to be to maintain vital services for the people of Chorley and their families.

I've been pleased to see a number of our plans for large scale developments being finalised and put into place, with the physical evidence of this change now visible in and around the town centre. These developments will boost the local economy and provide better facilities for local residents, encourage visitors and promote Chorley as a place where people want to live, work and invest.

Beyond the town centre and across the borough we have developed new community amenities such as the Lancaster Way community centre and made plans for better sports facilities on the Westway site. Local parks and play grounds have been improved to provide access to quality outdoor spaces and our events programme has delivered even more for residents, families and visitors to enjoy in 2016. We have also worked hard to secure the continuation of much needed local services such as libraries and bus services.

We want residents to be empowered to shape improvements in their own areas and for them to be rewarded for giving their time. More people are now signed up to the Chorley Time Credits scheme which exchanges volunteer hours for access to an enormous range of attractions and benefits. By working together with residents we have been able to address the issues that matter most for local neighbourhoods to create cleaner, more attractive spaces and develop longer term plans that will see communities thrive.

We've got big challenges but equally big ambitions that will make Chorley a place where everyone can reach their full potential.

**CLlr Alistair Bradley, Leader of Chorley Council and Executive Member for Economic Development and Public Service Reform**



In a year of constant change both politically and economically I'm pleased to report that Chorley Council has sustained positive performance and strong levels of customer satisfaction.

Our corporate strategy identified 16 key projects to be progressed during 2016 which included a number of large schemes such as the Market Walk extension, Primrose Gardens retirement village and a new Youth Zone. Alongside this, we also set out to change the way that we operate as an organisation, setting up new ways of working with our partners and making services easier to access for residents.

Overall performance has been strong, with the majority of projects on track at the end of the year and progressing as planned. Measures of success also show high levels of performance, with over 70% of Indicators performing on or above target at the end of the year. We continue to take robust action to address areas of underperformance and have made positive improvements in levels of volunteering, access to digital services and more efficient processing of service requests such as planning applications and benefits.

As we move into 2017/18, our corporate strategy will drive forward plans to achieve sustainable local growth and reform in the way we deliver services in order to meet the challenges of future years and ensure that we achieve better outcomes for Chorley.

**Cllr Peter Wilson, Deputy Executive Leader, Executive Member for Resources**





## Involving residents in improving their local area and equality of access for all

### Long term outcomes

- Residents who take pride in where they live and their achievements
- All residents are able to take an active part in their community
- Easy access to high quality public service

### What have we done this year to achieve this?

This year has seen a continued commitment from the council to provide quality, accessible community facilities with a new community centre on Lancaster Way at Buckshaw Village and the opening of Buttermere community centre. We've set our centres up with digital equipment as part of ensuring all residents are able to connect with local services, supported by over 70 digital skills sessions. We've also focussed on physical access to services for rural areas, maintaining vital transport links.

Residents are taking a more active part in their local area through participating in volunteering opportunities, with more new members joining the Time Credits scheme seeing an increase in volunteering hours this year. Residents and visitors enjoyed a range of events including Chorley Live, the Grand Prix and Chorley Flower Show highlighting all that Chorley has to offer.

- **63% increase in the number of volunteering hours earned**
- **Increased the number of digital access points across the Borough by 44%**
- **Over 68,000 people attended our events across the year**

### Community facilities

Enhancing community provision and facilities is a key priority for the Council and this year has seen the development of new facilities and further plans for development of existing facilities. A new community centre 'Lancaster Way' has been built in Buckshaw Village. The community centre complements the village in providing a facility for local residents with state of the art sports facilities, a large hall and smaller meeting room available for hire, all for the benefit and use of the local residents. The Westway project also aims to enhance current facilities for the community and this year has seen the continued development of plans to upgrade the sporting facilities in the area.

Following Lancashire County Council's budget cuts and subsequent re-modelling of service provision, we stepped in to fund the continuation of full library services at Adlington,

Eccleston and Coppull Libraries and have been working closely with community groups to develop sustainable models for delivering these services for communities.

### **Improving connectivity**

We are continuing work to deliver improved and efficient digital services and increase customer engagement with the council via these channels in line with our digital strategy. We have increased the number of digital access points across the borough by 44% this year, exceeding the target of 11%, meaning there are now more places for people to get online and do more online across the borough. To ensure people have the confidence and skills to use online services we have continued to provide our digital access sessions and a total of 73 digital skills sessions have been delivered across a number of locations this year.

Following cuts to local public transport, we have stepped in to fund bus routes across the borough. This has allowed for much needed local bus services to continue to run, ensuring that residents are able to access these services when needed and providing access into Chorley town centre and surrounding areas.

### **Time Credits**

The Chorley Time Credits programme continues to grow, supporting residents to volunteer and providing much needed volunteer capacity within communities. This year, 87 additional community groups have been engaged in time banking to bring the total up to 435 groups. A total of 1,980 new members were recruited this year, giving 64,763 hours of their time, and increasing volunteering hours by 42% compared to last year.

### **Neighbourhood Working**

Neighbourhood working priorities were identified at neighbourhood area meetings for delivery in 2016/17 to improve and enhance community spaces. The work undertaken this year and some key outcomes have included:

- Chorley Town East: Improvements to footpaths have not only ensured the safety of residents when walking, but also improved the overall look and feel of the area.
- Whittle-le-Woods: Provision of bus shelters, has allowed residents a safe place when boarding and alighting from public transport.
- South East Parishes: A targeted road safety campaign has been delivered with the aim of promoting road safety, with a focus on the enforcement of a 20mph speed limit on Rawlinson Lane, and Babylon Lane at school times only. In partnership with Lancashire County Council road safety team, this project has ensured that all actions have been completed and made residents aware of the importance of road safety.

## Events programme

We have delivered various events across the year, which have allowed us to engage with local residents, raise the profile of Chorley as a destination and encourage visitors from further afield. All of which improves the local economy and community with events such as the Grand Prix 2016, which has encouraged more spend in the town centre, averaging at around £20 per person.

- The Chorley Flower Show returned for the second time in 2016, building on the success of last year, with 13,000 visitors enjoying the beautiful displays and entertainment with many commenting on their enjoyment of this fantastic show.
- Over 29,500 people attended various Christmas attractions in 2016.
- Thousands of people lined the streets to see the Chorley Grand Prix this year. The event was a great success and received great feedback from local residents and visitors alike
- Thousands of people enjoyed a weekend of live entertainment in Chorley as the fourth Chorley Live proved to be the best yet, with local performers playing at cafes, pubs, restaurants and shops. Seeing more than 240 live performances across 30 venues.

## Grants and Commissioning

We provide funding to commission vital services for local residents of Chorley and this year saw these services being re-commissioned to ensure that the funding continues to be targeted to the areas of greatest need in Chorley. The services will provide vital support for families, vulnerable adults, older people, young people and community safety.

Additional funding was also awarded this year through our small community funding process. The funding went to a number of local VCFS organisations including Girl Guides Luncheon clubs, local sports clubs and family centred services to help them to deliver a number of different community based projects.

## Disabled GO

We have worked in partnership with Disabled Go, a national disability organisation, to create a new accessibility checker for people with disabilities, dementia and their carers, friends and family so that they can find out the accessibility of places they would like to visit. The free online access guide, which was launched in April, provides information on over 200 venues across the borough including information about parking, walking distances and toilet facilities.



## A strong local economy

### Long term outcomes

- A vibrant town centre and villages
- A strong and expanding business sector
- Access to high quality employment and education opportunities

### What have we done this year to achieve this?

This year, work has continued on developments in and around the town centre as well as supporting businesses across the borough. This work will see areas of the borough transformed and will enhance Chorley's profile as a place to live, work and invest. Work on the Market Walk extension has progressed to the construction phase to deliver new facilities to boost the local retail offer, create jobs and enhance Chorley's local economy. We have also continued to assist both new and existing businesses in the borough, boosting the local economy and job creation.

Our employment schemes have supported people into work and enabled them to access education opportunities. We have been working on a number of projects to promote community and the local economy within Chorley, encouraging people to spend their money where it will benefit the local community.

- **87 new business start-ups delivered through our business grant schemes**
- **The overall employment rate in Chorley is 74.8%, this is better than the North West average of (73.1%)**
- **Over 400 people attending our Choose Chorley for Business events**

### Market Walk extension

The Market Walk project will improve the retail and leisure offer in the town centre providing benefits attracting national retailers and more visitors to Chorley. This will create growth and opportunities for the future, enabling the town centre to thrive over the coming years. Work this year has included progressing tenancy interest in the scheme and the enabling works. The coming year will see the beginning of the build of the scheme, which is planned for completion in 2018.

## **Inward Investment**

Attracting investment and new business to Chorley is critical if we are to create new and more highly paid jobs that will sustain the local economy and enable better outcomes for all residents of Chorley. This year we have continued our work to help the Chorley business sector to strive through our business grants and loans and our ever successful Choose Chorley for business events. Our Chorley BIG grants have seen a total of £478,257 private sector investment, with a total of 55 jobs forecasted and one company has relocated to Chorley via our choose Chorley grant, bringing with it a total of 25 jobs. Our business start-up grants have supported the creation of 87 new businesses in the borough.

## **Young people, volunteering and training opportunities**

The council continues to support young people on their way to employment and learning new skills and by working in conjunction with Runshaw College to support young people into apprenticeships by reducing some of the barriers they might experience. Through the scheme, 37 young people have been supported, with 15 of these young people not in education, employment or training (NEET). The fund has been used to help towards costs additional to wages such as equipment, travel, work clothes and training fees.

## **Check Out Chorley**

The 'Check Out Chorley' website, developed by the council in 2015/16, aims to showcase the local area and show what Chorley has to offer to people of all ages. Over the year, there has been significant development and promotion of the website, to improve access to information regarding Chorley as a visitor destination. So far, the site has proven to be popular and had over 62,634 page views over the year, allowing the people of Chorley and potential visitors to gain access to great events and organisations.



## Clean, Safe and Healthy Communities

### Long term outcomes

- Clean and safe streets
- Reduced health inequalities
- A wide range of quality recreational activities
- High quality affordable and suitable housing
- High quality play areas, parks and open spaces

### What have we done this year to achieve this?

We have developed plans to implement new ways of working with our partners through the Integrated Community Wellbeing team which aims to bring together selected functions from Chorley Council and Lancashire Care Foundation Trust to work more effectively and better use resources to deliver positive outcomes for those who access our services.

This year has also seen significant achievements in terms of encouraging residents to get active and continue to be active. Young people have been encouraged to take part in our Get Up and Go activities and free swimming sessions across a number of our leisure centres, encouraging them to be active and engage with physical activity. We have continued to work towards providing access to good quality, affordable housing including developing plans in order to meet future housing needs. In addition to this, we have continued to work to make sure that our open spaces and streets are clean and safe alongside reducing the amount of empty homes in the borough. We have also commenced the building of the Primrose Gardens Retirement Village which will allow access to housing for residents who require support for additional needs.

- **Development of the Primrose Gardens Retirement Village, to allow residents with additional needs access to the right accommodation**
- **Promotion of leisure centres, with an increase of 7% junior attendances, promoting an active and healthy lifestyle**
- **3,099 young people attended free swimming sessions this year**



### **Integrated Community Wellbeing**

One of Chorley Council's key aims is to be at the forefront of change and working to create sustainable, effective public services and this year has seen the creation of new initiatives such as the Integrated Community Wellbeing Team. The service was introduced in April 2017 and will bring together teams from across the Council and Lancashire Care Foundation Trust to work together from the same location, allowing the organisations to work to improve focus on prevention and early intervention and better public services. This will mean the teams are working effectively to tackle issues for local residents at an early stage, ensuring that all needs are taken into account and situations are resolved as quickly as possible, resulting in a better experience for service users.

### **Primrose Gardens Retirement Living Scheme**

We are delivering a scheme for Chorley which will increase and improve the affordable housing offer in the borough. Construction is now underway on the scheme and the development will be crucial in delivering specialist housing that promotes greater choice and ensures independence is maintained for local residents, which is something that is particularly important as demand for care services continues to grow.

### **Housing and Affordable Homes**

Chorley Council is committed to providing affordable homes across the borough, ensuring that residents have access to high quality, low cost, and suitable housing options. This year we delivered 87 affordable homes which means that over a four year period, a total of 466 affordable homes have been delivered.

We provide housing support to those who need it most and this year the council has provided 659 homeless preventions and reliefs, helping people who present as homeless or potentially homeless.

### **Getting Active**

We aim to provide a range of healthy activities and opportunities for people to engage with to get active, keep fit and have fun.

**Leisure Centres** - Our leisure centres play a big role in getting people healthy, active and staying active. This year our leisure centres had over 1 million visits.

**Get Up and Go!** -24,856 young people took part in Get Up and Go activities in 2016.

**Free swimming** -3,099 young people participated in free swimming activity this year. The scheme aims to provide healthy activities for young people, encouraging them to be active

and healthy and providing a positive activity for them to undertake during the school holidays.

### **Parks and Open Spaces**

We take great pride in our parks and open spaces in Chorley and our teams work every day to ensure that they are well maintained and a pleasure to visit. The Play, Open Space and Playing Pitch Strategy (2013-2018) outlines a five year action plan to protect, manage, and enhance our open space provision in Chorley. The third year of this plan has seen further developments with some highlights, including improvements to eight play areas across the borough:

**Amber Drive play area** in Chorley has been refurbished and improved and has received positive feedback from local people and the site is being well used.

**Wymottt Park Play Area** has seen developments which have included refurbishment of the toddler play area, with additional equipment being installed and new safety surfacing being provided. This has ensured a safe and fun play area for all.

**Buttermere Green** has seen the Installation of a new toddler play area, providing new facilities for the benefit of young children and their families.

### **Community Safety**

Chorley has a crime rate below the average for Lancashire and over 2016/17 we have continued to work closely with our partners to provide services to ensure that our residents stay safe and feel safe. We have reduced the number of long term empty properties by 8% over the last year, completed a project to improve CCTV provision across the borough and working with Police Community Support Officers to deliver a number of initiatives to provide beneficial interventions at an early stage and preventing escalations into more serious situations. Antisocial behaviour incidences have seen a decrease this year at 9.67 per thousand population (43.83 in 2015/16). Again, this is lower than the Lancashire average which is 54.47.



## An ambitious Council that does more to meet the needs of local residents and the local area

### Long term outcomes

- A council that consults and engages with residents
- An ambitious council that continually strives to improve
- Cohesive communities and around underlying areas

### What have we done this year to achieve this?

We continue to be ambitious in our aspirations for change to ensure that we are working in the most cost effective way possible to meet the needs of local residents. We have progressed innovative new ways of working with partners through the Public Service Reform Partnership to transform the way public services are delivered locally.

We have implemented a number of changes to the way we work as an organisation and now have a new management structure in place which better reflects our plans for the future and will support us to achieve them.

- **Our website continues to develop and improve access to services - and has achieved over 1.2 million page views**
- **41 vulnerable residents have been better supported through work bringing partners together to work from the same location**
- **Delivered better health and wellbeing outcomes for over 100 residents through the pioneering work of the Public Service Reform Partnership**
- **18.3% customers dissatisfied, which is better than our target of 20%**

### Changing the way we work

This year has seen the implementation of the key actions within the Council's Transformation Strategy to ensure that our organisation is best placed to meet future financial and organisational challenges, including effective leadership and governance structures. This has included work to support the development governance of the Integrated Community Wellbeing service, implementing a changed senior management structure, development of a new organisational development plan and progression of the Transformation Strategy projects identified to provide the outcomes needed to transform the way we work as an organisation.

### Chorley Public Service Reform

The Chorley Public Service Reform partnership looks to drive transformation in the way that public services are delivered locally and to explore public service integration. In its second year, the partnership has formalised innovative new ways of working together to achieve better outcomes with a focus on better connectivity between services and earlier intervention for vulnerable residents. This year key achievements have included:

- Planning and implementing a co-located service hub based at Chorley fire station with 6 services working together to respond collectively to the needs of vulnerable or complex cases.
- Extended work with primary care colleagues to launch a pioneering joint pilot project that will support better outcomes for frequent attenders to primary care across four GP practices in Chorley.
- Intensive work in Chorley to engage with residents and assess community potential, commissioned by the Partnership and completed by SPICE, resulting in recommendations to shape new ways of working towards more resilient places.
- Ongoing work with frontline service delivery partners to strengthen service connectivity, supporting practitioners to develop networks including testing out new ways of using technology.
- Development of governance and information sharing arrangements to support new ways of working

### Chorley Youth Zone


The Youth Zone will provide a purpose built facility for Chorley's young people aged 8-19 years and up to the age of 25 with disabilities. The Zone will be a safe environment where young people can raise their aspirations, grow in confidence and engage in healthy activities. There are over 15,000 young people aged 8-19 years who live in Chorley whom this development will benefit. The Youth Zone project has progressed significantly over the last year, with the scheme now fully developed and funded and demolition works have commenced on site.

### Customer Satisfaction

Customer satisfaction levels are one way in which we monitor how well we are doing and how happy our customers are with the service they have received from us. Final dissatisfaction figures available for 2016/17 showed an outcome of 18.3% against a target of 20%, meaning that we performed above the target set. To address any dissatisfaction, a number of initiatives have been introduced to sustain performance including ensuring that customers are responded to in a timely manner and working with our contractors to ensure that they are meeting customer expectations.

## Council Spending over 2016/17

In 2016/17 the Council committed to new revenue and capital investments totalling £3.167m that benefitted the Council’s four main priority areas as follows:



**£190k** Involving residents in improving their local area and equality of access for all



**£592k** A strong local economy



**£2.256m** Clean, Safe and Healthy Communities



**£129k** An ambitious Council that does more to meet the needs of local residents and the local area

This investment went towards priorities as identified by local residents including:

Providing support to community organisations, promoting volunteering and delivery of projects to enhance local neighbourhoods

Supporting new and existing businesses, delivering employment schemes and investing in events for the borough to raise the profile of the local area

Supporting community safety initiatives, mediation services and drop in services for young people including work to reduce the number of empty homes in Chorley

Working to integrate public services with our partners and delivering health and wellbeing schemes for our staff

## Looking ahead to 2017/18

Looking forward to 2017/18, we will continue to focus on delivering positive outcomes for residents against our corporate priorities, this will include the following:

### Involving residents in improving the local area and equality of access for all

Working to empower communities with the tools and support to creating thriving local spaces and places

Delivery of new strategies to enhance our digital and online services and make sure that customer can contact us through the channels that are best for them

### Clean, safe and healthy communities

Delivery of the Primrose Gardens Extra Care Scheme

Implementing the Integrated Community Wellbeing Team

Continuing our work to support people into work experience and employment

### A strong local economy

Continuing work to strengthen the local economy, boost local provision and support the local job market

Improve the town centre and extend Market Walk

Promoting Chorley as a visitor destination and delivery of high profile events such as the Chorley Grand Prix and Flower Show

### An ambitious council that does more to meet the needs of residents and the local area

Working with our partners to bring together public services and make them sustainable.

Delivery of new facilities for young people in the borough

Developing solutions to meet the financial challenges ahead



Report of	Meeting	Date
Director (Policy and Governance)	Council	25 July 2017

## **AMENDMENT TO SCHEME OF DELEGATION FOR TAXI LICENSING**

### **PURPOSE OF REPORT**

1. For the members of the Council to approve the amendment to the scheme of delegation for taxi licensing functions following unanimous resolution by the Licensing and Public Safety Committee on 19 July 2017, subject to a minor amendment inserted by officers.

### **RECOMMENDATION(S)**

2. That the Head of Legal, Democratic and HR Services is authorised to amend the current Responsibility for Functions section in the Constitution i.e. the scheme of delegation to allow the following decisions to be made by Officers:

Delegated power to the Director of Early Intervention and Support (or another senior officer in the event that the Director is not available) in consultation with Chair or Vice Chair of Licensing & Public Safety Committee to revoke a hackney carriage driver licence or private hire driver licence with or without immediate effect under Section 61[2B] of the Local Government (Miscellaneous Provisions) Act 1976.

<b>Confidential report</b> Please bold as appropriate	Yes	<b>No</b>
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### **SCHEME OF DELEGATION**

3. On receipt of an allegation of serious, usually criminal misconduct by a taxi driver (for example an assault on a passenger) licensing officers have for some years exercised the power delegated to the Director of Early Intervention and Support to suspend the driver licence with immediate effect under Section 61[2B] of the Local Government Miscellaneous Provisions Act 1976. The driver may not drive a taxi as soon as he receives notice of the suspension. However he enjoys a statutory right of appeal to the magistrates' court against the suspension. It has also been the practice to convene at short notice a meeting of the General Licensing Sub-Committee to hear more of the allegation. Typically the driver has refused to be drawn about the incident often on legal advice as there are pending criminal proceedings. This is his right and should not be criticised. However because members having nothing before them to persuade them that the allegation is not true and the driver not therefore fit and proper the driver licences have remained suspended with immediate affect and the driver cannot drive a taxi. The usual decision has been that the licences will be reviewed once the criminal proceedings are completed or withdrawn. In the light of a conviction this would lead to revocation or if the driver were exonerated it could lead to the suspension being lifted. If a driver were acquitted or the prosecution discontinued because witnesses did not wish to testify this would not of course automatically mean he was fit and proper for the purposes of the taxi legislation and members might still decide to revoke the licence. The practice of suspending with immediate effect under officer delegated powers with a subsequent review by General Licensing Sub-Committee was also used when it had

come to light that taxi drivers licensed by Council were suffering from a medical complaint (e.g. diabetes) which might mean they did not meet the enhanced medical fitness required of taxi drivers (similar to that of drivers of heavy goods vehicles). If on receipt of further information from the Council's Medical Adviser that the condition could be managed with medication then sub-committee would lift the suspension but with additional requirements that the driver undergo monitoring of his health recommended by the council's medical adviser e.g. blood tests at six monthly intervals.

4. This process was fair to the driver because it preserved the licence when a serious but unproven allegation had been made. The driver might either be in custody and unable to taxi in any case or if bailed might be subject to a bail condition not to drive a taxi. So the taxi driver licence would of no use to him anyway whilst this bail condition applied.
5. The case of *R. (on the application of Singh) v Cardiff City Council [2012]* suggested that the practice of using suspension of the taxi driver licence on an interim basis and then revoking at a later date should not be followed. Instead a "once and for all" decision should be made. The driver licence should either be suspended or revoked but not suspended with a view to a possible later revocation in the light of further developments. This was because suspension was according to Judge not a protective or holding power but a power of final suspension as an alternative to a power of final revocation. There was a debate about whether *Singh* was generally applicable or peculiar to its own facts but more and more (though not all, Leeds City Council being a prominent exception) authorities followed the principle of a single decision at the point in time of the allegation being made known to the Council. Typically the "once and for all" decision was revocation with immediate effect (i.e. so the driver could not taxi even having lodged an appeal). The revocation would be authorised by senior officers at Director level under delegated powers as the risk to the public would mean that the time delay in arranging a committee of elected members even at short notice might put public safety at risk. The driver would still enjoy rights of appeal to the magistrates' court against the revocation. The Director decision might be made in consultation with Chair or Vice-Chair (as at Bolton MBC) or without any need for consultation with Chair or Vice-Chair (as provided for in the Constitution of Fylde Borough Council).
6. In a very recent case (13 July 2017) Reigate and Banstead Borough Council sought the definitive view of the High Court on this very issue. The Judge in *Reigate and Banstead Borough Council v Pawlowski [2017]* made clear that suspension is a sanction which is an alternative to revocation and not an interim step pending a further decision. A synopsis of the case is attached for members' attention as Appendix A. Most of the synopsis is not in fact relevant to this issue apart from the comments which begin "Observations on the power to suspend". Members' attention is drawn the following observations in the synopsis:
 

""...a local authority could not lawfully suspend by reason of criminal charge on a "wait and see" basis.....Once it was seen that suspension was not a holding operation but a substantive decision, it became apparent that suspension would rarely be the appropriate course where a driver was charged with a matter for which, if convicted, he would be subject to revocation of his licence. If such a charge merited action, and if the action was not by way of an interim measure pending determination of the facts at criminal trial, revocation would generally be the appropriate course. To suspend a licence because an allegation was made and then revoke it because the allegation was proved was contrary to the decision in *Singh*...Further, if it should later transpire, for example by reason of acquittal at trial, that the former licence holder was indeed a fit and proper person to hold a licence, provision could be made for expeditious relicensing, *Singh* considered"
7. The amendment to the Scheme of Delegation is designed to enable to Council to make urgent decisions to suspend or revoke with immediate effect (likely to be revocation) to protect the public which are complaint with *Singh* and *Reigate and Banstead v Pawlowski*. Whilst it would be possible to convene a General Licensing Sub-Committee at short notice to consider revoking a driver licence with immediate effect even this would take a couple of weeks from receipt of the allegation (reports need to be a written and the agenda must be



published five clear working days in advance). There is the issue of availability of Chair and Vice-Chair which might cause delay. The public might be put at risk if the driver was continuing to exercise his taxi driver licences. Revocation is a very drastic step and it is expected that this power will be used only rarely. The decision must still be taken in consultation with Chair or Vice-Chair of Licensing & Public Safety Committee so member scrutiny of the exercise of this drastic power is preserved.

8. Licensing and Public Safety Committee approved the proposed amendment to the Scheme of Delegation. The author of this report has inserted the words “(or another senior officer in the event that the Director is not available)” into the delegation to deal with situations where the Director is not available either due to leave or prior commitments or previous contact with the driver makes it desirable to substitute another senior officer to make the decision.
9. In order to preserve the opportunity for the driver to have a fair hearing Licensing and Public Safety Committee approved a new process when the Director of Early Intervention and Support is considering exercising the power to suspend or revoke. The licence holder will be offered the opportunity of making representations before the Director or another officer authorised by the Director. In some instances the driver may be in custody but a representative of his may make representations in person or in writing. Licensing and Public Safety Committee is competent to authorise this new process so this amendment to the taxi policy is reported to full Council for noting only.
10. The Judge in *Reigate and Banstead v Pawlowski* referred to the scenario where a Council revokes the licence of a taxi driver accused of something serious who is subsequently exonerated. He said in that case there should be “expeditious re-licensing”. As the licence will have been revoked it cannot in the normal course of events be quickly restored. There is the application fee for the grant of the licence, and other processes if applicable e.g. medical fitness and/or Disclosure and Barring Service Checks. These take time especially as the involvement of third parties may be involved. Clearly if a driver is exonerated in the criminal process or the complaint is found to be fictitious it would be unfair if that driver whose licence was revoked must suffer an undue delay in being relicensed especially if he had renewed his licence not long before it was revoked with immediate effect. Licensing and Public Safety Committee on 19 July approved a fast track relicensing of such drivers which will amount to the “expeditious relicensing” referred to by the Judge, in those cases where licensing officers consider that fresh checks are unnecessary in the circumstances because they have in fact recently been carried out. The renewal fee will not be charged in such circumstances as it would be unfair for the driver to have to pay renewal fees at more frequent intervals than his fellow taxi drivers. Of course if a renewal is due in any event then it will proceed as normal with the full fee payable. Licensing and Public Safety Committee is competent to authorise these changes so this amendment to the taxi policy is reported to full Council for noting only.

**CORPORATE PRIORITIES**

11. This report relates to the following Strategic Objectives:

Involving residents in improving their local area and equality of access for all		A strong local economy	
Clean, safe and healthy communities		An ambitious council that does more to meet the needs of residents and the local area	X

**IMPLICATIONS OF REPORT**

12. This report has implications in the following areas and the relevant Directors' comments are included:

Finance	X	Customer Services	X
Human Resources		Equality and Diversity	
Legal	X	Integrated Impact Assessment required?	
No significant implications in this area		Policy and Communications	

**COMMENTS OF THE MONITORING OFFICER**

13. Decisions of the Council must be *intra vires*. Decisions which are taken outside the scheme of delegation are open to challenge. The scheme of delegation sets out what decisions may be taken by officers (with or without consultation with the Chair or Vice Chair) with the remainder taken by elected members. Only full Council can approve amendments to the Constitution but Licensing and Public Safety Committee may itself approve the amendments to the consolidated taxi licensing policy in relation to summary hearings before a Director and fast track relicensing of drivers found to be fit and proper referred to in the body of the report.
14. There are a limited number of decisions which under legislation may not be delegated e.g. approval of both the gambling policy under the Gambling Act 2005 and the statement of licensing policy under the Licensing Act 2003 must be made by full Council. There are no statutory restrictions on the extent to which decisions in relation to taxi licensing may be delegated.
15. Licence holders have a right of appeal to the local magistrates' court against suspension or revocation of a driver or vehicle licence within 21 days of receiving notice of the decision. If a licence is suspended or revoked the driver may continue to lawfully drive a taxi until the appeal is disposed of or withdrawn. However If the driver licence is suspended or revoked with immediate effect then the same appeal rights apply but the driver may not lawfully drive a taxi unless he wins his appeal or the Council decides not to resist the appeal.

**COMMENTS OF THE FINANCE OFFICER**

16. Staff resources are incurred in taxi licensing enforcement and processing of applications for grants and renewals. However these are recovered through the fees payable by the trade for the various types of taxi licences. There are also staff costs including those of legal officers involved in defending any appeals to the magistrates' court. This may also extend to disbursements payable to barristers especially if there is a further appeal to the Crown Court.

CHRIS SINNOTT  
DIRECTOR (POLICY AND GOVERNANCE)

**BACKGROUND PAPERS**

Minutes of the Licensing and Public Safety Committee 17 July 2017  
Full case Transcript of *Reigate and Banstead Borough Council v Pawlowski* [2017]

Report Author	Ext	Date	Doc ID
Alex Jackson	5166	20 July 2017	***

**Reigate and Banstead BC v Pawlowski**

Queen's Bench Division (Administrative Court)

13 July 2017

**Case Analysis****Where Reported**

[2017] EWHC 1764 (Admin);

**Case Digest****Subject:** Licensing **Other related subjects:** Road traffic; Civil procedure**Keywords:** Costs; Driving licences; Fit and proper persons; Hardship; Local authorities' powers and duties; Private hire vehicles; Reasons; Revocation; Suspension**Summary:** The court discussed the use of the power to suspend a private hire vehicle driver's licence under the [Local Government \(Miscellaneous Provisions\) Act 1976 s.61](#).**Abstract:** A local authority appealed by way of case stated against a decision to allow the respondent's appeal against the revocation of his private hire vehicle driver's licence.

The respondent had been charged with being in charge of a motor vehicle having consumed excess alcohol. The local authority was notified and decided to revoke his licence. The respondent was later found not guilty following a trial and appealed against the revocation of his licence under the [Local Government \(Miscellaneous Provisions\) Act 1976 s.61\(3\)](#). The question for the justices was whether the respondent was a fit and proper person to hold a private hire vehicle driver's licence. They concluded that he was and allowed his appeal. The local authority was ordered to pay the respondent's costs after the justices found that he had suffered "some financial difficulty" following the revocation of his licence.

The court was asked to determine whether

(1) in light of [R. \(on the application of Singh\) v Cardiff City Council \[2012\] EWHC 1852 \(Admin\), \[2013\] L.L.R. 108](#), the justices had erred in law in deciding that the local authority's decision to revoke was wrong and that it should have suspended the licence instead;

(2) the justices had erred in making an order for costs in favour of the respondent or in failing to give sufficient

reasons for that order.

**Held:** Appeal dismissed.

(1) **Power to suspend** - The question of whether the local authority was wrong to revoke the respondent's licence and ought to have suspended it instead did not properly arise for the decision of the justices. Their observations in that regard constituted neither the substantive decision nor the grounds for that decision. They had not erred in failing to give any further or other reasons for their observations because they were not required to give reasons for observations that did not constitute their decision on the appeal before them (see para.20 of judgment).

(2) **Costs** - The local authority had claimed that "some financial difficulty" fell short of the requirement of "substantial hardship" as required by [\*R. \(on the application of Perinpanathan\) v City of Westminster Magistrates' Court\* \[2010\] EWCA Civ 40, \[2010\] 1 W.L.R. 1508](#). However, "substantial hardship" was not a statutory formula and was not to be treated as one. The basic test was what was just and reasonable. Usually in licensing cases it would not be just and reasonable to make an adverse costs order against the regulatory authority. However, financial hardship resulting from the exercise of the regulatory powers against which a successful appeal had been brought might do so. Use of the word "substantial" indicated that, if such hardship was to be relied on, it had to have some substance, rather than being merely trivial or insignificant. There was no error of law in the justices' approach, *Perinpanathan* considered. Although it would have been better for the justices to say more about their reasoning, the local authority could not have been unclear about the basis on which the decision was made and could not properly claim to have been seriously prejudiced by the economical way in which the justices expressed their decision (paras 34-35).

(3) **Observations on the power to suspend** - *Singh* established that it was unlawful for a local authority to use suspension as a holding operation pending further investigation. Accordingly, a local authority could not lawfully suspend by reason of a criminal charge on a "wait and see" basis. If it suspended the licence, it had to do so by way of a substantive decision on the fitness of the driver to hold the licence. Once it was seen that suspension was not a holding operation but a substantive decision, it became apparent that suspension would rarely be the appropriate course where a

driver was charged with a matter for which, if convicted, he would be subject to revocation of his licence. If such a charge merited action, and if the action was not by way of an interim measure pending determination of the facts at criminal trial, revocation would generally be the appropriate course. To suspend a licence because an allegation was made and then revoke it because the allegation was proved was contrary to the decision in *Singh*. That was not to say that, once a decision had been taken to suspend upon notification of a charge, no subsequent decision to revoke could ever be taken. It was possible to envisage a case where facts thereafter emerging from the criminal trial put a different complexion on the matter. The initial suspension would not necessarily rule out a subsequent revocation in such circumstances, having regard in particular to the fact that the local authority's powers were conferred for purposes of public protection. Any decision to revoke would be subject to a statutory right of appeal. Further, if it should later transpire, for example by reason of acquittal at trial, that the former licence-holder was indeed a fit and proper person to hold a licence, provision could be made for expeditious re-licensing, *Singh* considered (paras 22-26).

**Judge:** Judge Keyser QC

**Counsel:** For the appellant: Peter Savill. For the respondent: Benjamin Douglas-Jones.

**Solicitor:** For the appellant: In-house solicitor. For the respondent: Blackfords LLP.

### Significant Cases Cited

**R. (on the application of Singh) v Cardiff City Council**

[\[2012\] EWHC 1852 \(Admin\)](#); [\[2013\] L.L.R. 108](#); [Official Transcript](#); QBD (Admin); 23 May 2012

**R. (on the application of Perinpanathan) v City of Westminster Magistrates' Court**

[\[2010\] EWCA Civ 40](#); [\[2010\] 1 W.L.R. 1508](#); [\[2010\] 4 All E.R. 680](#); [\[2010\] 4 Costs L.R. 481](#); [\[2010\] L.L.R. 514](#); [\(2010\) 160 N.L.J. 217](#); [Times, March 2, 2010](#); [Official Transcript](#); CA (Civ Div); 04 February 2010

### All Cases Cited

**R. (on the application of Singh) v Cardiff City Council**

[\[2012\] EWHC 1852 \(Admin\)](#); [\[2013\] L.L.R. 108](#); [Official Transcript](#); QBD (Admin); 23 May 2012

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[\[2010\] EWCA Civ 40](#); [\[2010\] 1 W.L.R. 1508](#); [\[2010\] 4 All E.R. 680](#); [\[2010\] 4 Costs L.R. 481](#); [\[2010\] L.L.R. 514](#); [\(2010\) 160 N.L.J. 217](#); [Times, March 2, 2010](#); [Official Transcript](#); CA (Civ Div); 04 February 2010

**Significant  
Legislation Cited**

[Local Government \(Miscellaneous Provisions\) Act 1976 \(c.57\) s.61](#)

[Local Government \(Miscellaneous Provisions\) Act 1976 \(c.57\) s.61\(3\)](#)

**Legislation Cited**

[Local Government \(Miscellaneous Provisions\) Act 1976 \(c.57\) s.61](#)

[Local Government \(Miscellaneous Provisions\) Act 1976 \(c.57\) s.61\(3\)](#)

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