



Please ask for Brian Offiler
Direct Line: 01246 345229
Email committee.services@chesterfield.gov.uk

The Chair and Members of Appeals
and Regulatory Committee - Group 2

Councillors Bellamy, Derbyshire,
Brady, Tom Murphy, Peter Innes,
Niblock

18 April 2017

Dear Councillor,

Please attend a meeting of the APPEALS AND REGULATORY COMMITTEE - GROUP 2 to be held on WEDNESDAY, 26 APRIL 2017 at 10.00 am in Committee Room 3, Town Hall, Chesterfield, S40 1LP, the agenda for which is set out below.

AGENDA

Part 1(Public Information)

1. Declarations of Members' and Officers' Interests relating to items on the agenda
2. Apologies for Absence
3. Minutes (Pages 3 - 8)

Minutes of the Meetings of the Appeals and Regulatory Committee held on 15 March, 2017.

4. Local Government Act 1972 - Exclusion of Public

To move "That under Section 100(A)(4) of the Local Government Act 1972 the public be excluded from the meeting for the following items of business

on the grounds that they involve the likely disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 12A of the Act".

5. Review Of Hackney Carriage/Private Hire Driver's Licence - Joseph Bernard O'Neill (A230) (Pages 9 - 18)

Yours sincerely,

A handwritten signature in black ink, appearing to be 'Randy', written in a cursive style.

Local Government and Regulatory Law Manager and Monitoring Officer

APPEALS AND REGULATORY COMMITTEE

Wednesday, 15th March, 2017

Present:-

Councillor Derbyshire (Vice-Chair, in the Chair)

Councillors Bingham	Councillors T Murphy
P Innes	Niblock
A Murphy	Perkins

*Matters dealt with under the Delegation Scheme

151 DECLARATIONS OF MEMBERS' AND OFFICERS' INTERESTS RELATING TO ITEMS ON THE AGENDA

No declarations of interest were received.

152 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Bellamy, Bexton, Brady and Alexis Diouf.

153 HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY - AMENDMENTS (A410)

The Licensing Manager submitted a report for Members to consider proposed amendments to the Hackney Carriage and Private Hire Licensing Policy, in respect of:

- The Immigration Act 2016
- Driving assessments for potential taxi drivers
- Disclosure and Barring Service (DBS) checks on taxi drivers and operators
- Access for wheelchair users
- Security / CCTV cameras in licensed vehicles

in order to ensure compliance with new legislation and enhance public safety.

The report set out the background to and the reasons for the proposed amendments.

The Immigration Act 2016 required licensing authorities to be satisfied that an applicant for a private hire / hackney carriage licence was not disqualified by their immigration status from holding a licence before the licence was issued, extended or renewed. The licence length could not exceed the applicant's remaining period of lawful leave and the licence would lapse if the holder's lawful leave or permission to work ended. The Council had undertaken right to work checks on applicants for a number of years but without the sanctions now provided by the Act. The Act came into effect on 1 December, 2016, and all currently licensed drivers and operators had been informed of the Act.

Following the Driver and Vehicle Standards Agency (DVSA) ceasing to provide the driving ability practical tests for new applicants at the end of 2016, a tender process had been undertaken to identify a replacement supplier. AA Drive Tech was in the process of being appointed as the Council's provider, one element of the contract being to clear the back-log of drivers given temporary licences pending the appointment of a new provider, there being 32 of these at the date of the meeting.

The current policy required licence holders to obtain an updated DBS check every three years (or annually if they had a conviction within the last five years that attracted five or more penalty points) at a current cost to the licence holder of £70. A DBS update service was now available which would enable licence holders to keep their DBS certificate up to date and the Council to check this online (with their consent) at an annual subscription cost to the licence holder of £13.

Sections 165 and 167 of the Equality Act 2010 had recently come into force. Section 167 permitted, but did not require, licensing authorities to maintain a list of designated wheelchair accessible vehicles. Where such a list was maintained, section 165 required the drivers of designated accessible vehicles to provide assistance to those passengers and prohibited them from charging extra. Currently only 30 of the hackney carriages licensed by the Council were not wheelchair accessible.

The current policy provided for the use of CCTV in licensed vehicles, although a recent judgement by the Information Commissioner had ruled that systems must be targeted and not on continuous audible recording. It was noted that the use of surveillance cameras in licensed vehicles would

need to comply with the current version of the Home Office 'Surveillance Camera Code of Practice'.

It was noted that the proposals in respect of the Immigration Act, 2016, driving assessments and the DBS update service had been discussed at the Taxi Consultative Committee in January, 2017.

*** RESOLVED –**

- (1) That the provisions of the Immigration Act 2016 be incorporated into the Council's Hackney Carriage and Private Hire Licensing Policy.
- (2) That AA Drive Tech be recognised as the Council's provider of driving assessments within the policy.
- (3) That DBS checks become an annual requirement on renewal or from first application.
- (4) That the Council maintains a list of designated wheelchair accessible vehicles, thereby requiring the drivers of such vehicles to provide assistance to those passengers and prohibiting them from charging more for the journey.
- (5) That, if CCTV was fitted in a Chesterfield licensed hackney carriage or private hire vehicle, then it must comply with the current version of the Home Office 'Surveillance Camera Code of Practice' or equivalent document and that any such system must not be on continuous audible recording.
- (6) That the proposed amendments to the Council's Hackney Carriage and Private Hire Licensing Policy on the Immigration Act 2016 and driving assessments take immediate effect.
- (7) That the other proposed amendments, as detailed in resolutions (3), (4) and (5) above be subject to a period of consultation for three months, following which they be reconsidered by the Appeals and Regulatory Committee.

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APPEALS AND REGULATORY COMMITTEE

Wednesday, 15th March, 2017

Present:-

Councillor Derbyshire (Vice-Chair, in the Chair)

Councillors P Innes
T Murphy

Councillors Niblock

*Matters dealt with under the Delegation Scheme

154 DECLARATIONS OF MEMBERS' AND OFFICERS' INTERESTS RELATING TO ITEMS ON THE AGENDA

No declarations of interest were received.

155 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Bellamy and Brady.

156 MINUTES

RESOLVED –

That the minutes of the meeting of the Appeals and Regulatory Committee held on 22 February, 2017 be approved as a correct record and signed by the Chair.

157 LOCAL GOVERNMENT ACT 1972 - EXCLUSION OF PUBLIC

RESOLVED -

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 involved the likely disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 12A of the Act.

158 **APPLICATION FOR HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE - MAJID KHAN (A410)**

The Licensing Officer submitted a report for Members to consider whether an application for a Hackney Carriage/Private Hire Driver's Licence by Mr Majid Khan could proceed.

Mr Khan and his representative attended the meeting.

*** RESOLVED –**

That Mr Khan's application for a Hackney Carriage/Private Hire Driver's Licence be refused.

By virtue of paragraph(s) 1 of Part 1 of Schedule 12A of the Local Government Act 1972.

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