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

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

28 February 2018

Dear Councillor,

Please attend a meeting of the APPEALS AND REGULATORY COMMITTEE - GROUP 2 to be held on WEDNESDAY, 7 MARCH 2018 at 10.00 am in Committee Room 1, 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 7 February and 14 February, 2018.

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 item of business

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

Part 2 (Non-Public Information)

5. Application For Private Hire Driver's Licence - David Peter Whalley (A410) (Pages 9 - 28)

Yours sincerely,

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

Local Government and Regulatory Law Manager and Monitoring Officer

APPEALS AND REGULATORY COMMITTEE**Wednesday, 7th February, 2018**

Present:-

Councillor Bellamy (Chair)

Councillors A Murphy
Bingham
Derbyshire
P InnesCouncillors Miles
T Murphy
Perkins
Rayner

*Matters dealt with under the Delegation Scheme

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

No declarations of interest were received.

167 APOLOGIES FOR ABSENCE

An apology for absence was received from Councillor Niblock.

**168 HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY -
AMENDMENTS (A000)**

The Licensing Manager submitted a report for Members to consider proposed amendments to the Hackney Carriage and Private Hire Licensing Policy, including a proposed exemption to the signage requirements to allow 'Dementia Friendly' notices to be displayed in certain circumstances.

The Hackney Carriage and Private Hire Licensing Policy had been revised following a request from trade representatives on the Taxi Consultative Committee to make it more easily understood whilst maintaining the necessary rigour that was required.

Repetition within the document had been removed wherever possible and the schedules changed into specific sections covering:

- 1) General policy
- 2) Vehicles
- 3) Drivers
- 4) Breaches of conditions
- 5) Application guidance
- 6) Taxi consultative committee
- 7) Private hire operators

A comprehensive list of the amendments was attached to the report at Appendix A, including:

- Notification of convictions (paragraph 3.11) - changed so that all such notifications are in writing, for consistency.
- Penalty points (section 4) - 'Penalty Points Scheme' was a more meaningful title than previously ('Breaches of licensing conditions/policy/legal requirements/code of conduct not subject to prosecution').
- English language (paragraph 5.5) - clarified that applicants must be able to read and write to an acceptable standard in English.
- Disclosure and Barring Service (paragraph 5.8) - an acceptable certificate must be no more than 30 days old (not 3 months as previous).
- Personal references (paragraphs 5.11 and 7.30) – requirement removed as these had become less relevant with the advent of online monitoring of both convictions and driving behaviour.

Following a recent presentation to the Taxi Consultative Committee by a representative of the Alzheimer's Society on developing dementia friendly communities, it was recognised that many licensed drivers were experienced in providing assistance to people with disabilities, including dementia, and it was noted that awareness training was available from the Alzheimer's Society.

In response to Members' questions it was confirmed that many licensing authorities did not now request personal references as it was possible to continuously monitor criminal records and driving convictions and endorsements through online systems. If complaints arose about the behaviour of drivers, these were investigated and appropriate action taken, in order to maintain public safety. In order to pass the written knowledge test applicants would need to have a reasonable understanding of English.

It was noted that details of the proposed changes would be notified to all Hackney Carriage / Private Hire licence holders and operators for a one month period of consultation, following which a further report would be presented to the Appeals and Regulatory Committee for final approval.

*** RESOLVED –**

- (1) That the proposed policy amendments be approved for a suitable period of consultation.
- (2) That licensed vehicles be allowed to display a maximum of two 'Dementia Friendly' notices in their vehicle provided the driver has undergone the necessary awareness training with the Alzheimer's Society.

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APPEALS AND REGULATORY COMMITTEE

Wednesday, 14th February, 2018

Present:-

Councillor Bellamy (Chair)

Councillors A Murphy
P Innes

Councillors T Murphy
Niblock

*Matters dealt with under the Delegation Scheme

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

No declarations of interest were received.

170 APOLOGIES FOR ABSENCE

An apology for absence was received from Councillor Derbyshire.

171 MINUTES

RESOLVED –

That the Minutes of the meeting of the Appeals and Regulatory Committee held on 13 December, 2017 and 24 January, 2018 be approved as a correct record and signed by the Chair.

172 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 items of business on the grounds that they involved the likely disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 12A of the Act.

173 **REVIEW OF HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE - ANDREW JAMES HOWARD (A230)**

The Licensing Enforcement Officer submitted a report for members to consider a review of the Hackney Carriage/Private Hire Driver's Licence for Mr Andrew James Howard.

Mr Howard did not attend the meeting.

*** RESOLVED –**

That Mr Howard's Hackney Carriage/Private Hire Driver's Licence be revoked with immediate effect.

174 **APPLICATION FOR A HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE - ABID HUSSAIN (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 Abid Hussain could proceed.

Mr Hussain and his representatives attended the meeting.

*** RESOLVED –**

That Mr Hussain's application for a Hackney Carriage/Private Hire Driver's Licence be allowed to proceed, initially for a probationary period of 12 months, and commencing with 12 penalty points.

Agenda Item 5

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

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