

APPEALS AND REGULATORY COMMITTEE**Wednesday, 28th June, 2017**

Present:-

Councillor Bellamy (Chair)

Councillors A Murphy
Brown
Bingham
P InnesCouncillors Miles
T Murphy
Parsons
Perkins

*Matters dealt with under the Delegation Scheme

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

No declarations of interest were received.

35 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Dean Collins, Derbyshire, Alexis Diouf and Niblock.

36 MINUTES**RESOLVED –**

That the Minutes of the Appeals and Regulatory Committee Meeting held on 17 May, 2017 be approved as a correct record and signed by the Chair.

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

The Licensing Manager submitted a report for Members to review proposed amendments to the Hackney carriage and Private Hire Licensing Policy following a period of consultation on:

- Disclosure and Barring (DBS) checks;

- Access for wheelchair users;
- Security / CCTV cameras in licensed vehicles

The report noted the measures involved in the consultation process. Trade representatives at the Taxi Consultative Committee meeting were in support of all the measures. A response had been received in respect of CCTV recording and sought to argue in reference to the case of 'Information Commissioner against Southampton City Council (EA/2012/0171)' that the above ruling was not binding on Chesterfield licensed drivers as the council did not, unlike Southampton, mandate the fitting of CCTV. Guidance from the Council Information Assurance Manager and solicitor advised that the case ruling would apply to Chesterfield as this was not an appropriate distinction.

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

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 of the Equality Act 2010 had recently come into force. Section 167 permitted 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. The council currently required all but 30 of the licensed hackney carriages to be wheelchair accessible.

The current policy provided for the use of CCTV in licensed vehicle. It was noted that the use of surveillance cameras in licensed vehicles needed be more robust to comply with the current version of the Home Office 'Surveillance Camera Code of Practice' and that CCTV fitted in licenced vehicles must not be on constant audio record.

The report noted the options available around each proposed amendment.

In response to questions from Members it was confirmed that the proposed changes would strengthen the safeguarding role of the policy and that currently only a small proportion of licenced vehicles had CCTV systems fitted.

*** RESOLVED –**

That the hackney carriage and private hire licencing policy be amended to incorporate the following changes:

- (1) That applicants for a new or renewed licence requiring a DBS check would use the DBS update service only.
- (2) That the Council maintain a list of designated wheelchair accessible vehicles, thereby requiring drivers of such vehicles to provide assistance to those passengers and prohibit them from charging more for the journey.
- (3) That when CCTV is fitted in a Chesterfield licensed hackney carriage or private hire vehicle then the current version of the Home Office 'Surveillance Camera Code of Practice' or equivalent document must be complied with, and that any such system must not be on continuous audible recording.