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The Chair and Members of Appeals and Regulatory Committee

Please ask for

Brian Offiler

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15 October 2014

Dear Councillor,

Please attend a meeting of the APPEALS AND REGULATORY COMMITTEE to be held on WEDNESDAY, 22 OCTOBER 2014 at 9.00 am in Committee Room 2, Town Hall Chesterfield, 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

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".

2. Apologies for Absence

3. 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 5 of Part 1 of Schedule 12A of the Act".

Chief Executive
Huw Bowen



4. Hackney Carriage and Private Hire Licensing Policy - Amendments
(Pages 1 - 20)

Yours sincerely,

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

Local Government and Regulatory Law Manager

Agenda Item 4

By virtue of paragraph(s) 5 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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APPEALS AND REGULATORY COMMITTEE

Wednesday, 10th September, 2014

Present:-

Councillor Flood (Vice-Chair, in the Chair)

Councillors	Bagley Bingham Davenport Innes + Miles Morgan	Councillors	Avis Murphy Tom Murphy Niblock Parsons Mark Rayner Slack
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+ Attended for Minute No. 80

*Matters dealt with under the Delegation Scheme

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

No declarations of interest were received.

79 **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Bellamy, Neil Rayner and David Stone.

80 **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, with the aim of improving public safety.

The Hackney Carriage and Private Hire Licensing Policy had been implemented from April 2011 and revised in May 2012.

Further amendments to the policy had become necessary and these had been subject to widespread debate plus a formal period of consultation between 1 and 31 July 2014. All drivers and operators had been written to, the matters had been available for debate at the Taxi Consultative

Committee and had been discussed at the Enterprise and Wellbeing Scrutiny Committee.

The proposed changes were highlighted on the draft policy document attached as Appendix A to the report, covering the following issues:

- Operators to be allowed to advertise their own services on their vehicles, such as vacancies for drivers. (Paragraph 2.8.2.2 of the Policy)
- Renewal applications to be accompanied by the vehicle V5 document. (Paragraph 2.18.4)
- **Wheelchair accessibility** (paragraph 3.4.2-5) - all drivers to obtain one of the following qualifications if they are to drive a wheelchair accessible vehicle:
 - a) DSA wheelchair exercise;
 - b) An appropriate NVQ, such as:
 - City & Guilds NVQ level 2, unit 228, Road Passenger Vehicle Driving (Taxi and Private Hire) (7439); or
 - Perason Edexcel NVQ level 2, Road Passenger Vehicle Driving (Taxi and Private Hire) (QCF) module A/602/6061; or
 - An equivalent NVQ from another provider.
 - c) Modules B1 and B2 of the Passenger Assistant Training Scheme (PATS).

Drivers to be given a period of six months to produce evidence they have obtained the qualification.

- **Suspension and revocation** - decisions to suspend or revoke to be made by authorised officers in consultation with the chair or vice-chair of the Appeals and Regulatory committee. (Paragraph 4.2.2)
- **Length of insurance policy** - the minimum length of an insurance policy to be 6 months. (Paragraph 7.4)
- **Test failures** - for the purpose of penalty points, the policy to apply if a vehicle is presented for test within 28 days of the previous licence having expired. (Paragraph 15.7)

- Appeals against penalty points to be referred to the Environmental Health Manager instead of the head of service, reflecting recent organisational changes. (Paragraph 3.6 of Schedule 3)
- The number of penalty points for smoking in a licensed vehicle to be reduced from 6 to 3. (Schedule 3, Appendix 4)
- The use of e-cigarettes [e-cigs] in licensed vehicles to be prohibited. (Schedule 4)
- The Guidance document to be updated to reflect the agreed changes. (Schedule 5)

Responses to the consultation, which related to the proposal regarding the length of an insurance policy, were attached as Appendix B to the report, including a letter from Robinson Murphy Solicitors, acting on behalf of Collingwood Insurance Company Ltd.

Mr N Robinson of Robinson Murphy Solicitors, addressed the meeting in respect of the proposed minimum length of an insurance policy. He explained that many drivers used short-term insurance policies (weekly or monthly) to enable them to manage their cash flow, and he did not feel that the Council, as the licensing authority, had the power to specify a minimum duration for the period of insurance. He explained that in the event of a person being injured by an uninsured driver compensation would be available, if necessary, through the Motor Insurers Bureau.

The Committee asked questions of the Licensing Manager and Mr Robinson in respect of the proposed changes, particularly relating to the proposed minimum length of insurance period. It was noted that some drivers had requested a minimum length of insurance period, but that others had objected to this proposal.

It was confirmed that there was flexibility within the Policy when the Appeals and Regulatory Committee was considering the awarding of points to drivers and/or operators, taking account of the circumstances of the particular case.

The Committee considered each of the proposed amendments to the Policy. It was suggested that if the use of e-cigarettes was to be prohibited in vehicles, reference to this should be clearly included on the 'No Smoking' signs on display within the vehicles. It was proposed that, as a compromise, the minimum length of insurance policy be set at three months, rather than six months as suggested in the report.

*** RESOLVED –**

- (1) That the Hackney Carriage and Private Hire Licensing Policy be amended to set the minimum length of insurance policy as three months.
- (2) That the other amendments to the Hackney Carriage and Private Hire Licensing Policy proposed in the report be approved.
- (3) That the implementation date for the revised Hackney Carriage and Private Hire Licensing Policy be 1 November, 2014.

By virtue of paragraph(s) 5 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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