



Please ask for Brian Offiler
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The Chair and Members of Taxi
Consultative Committee

12 January, 2016

Dear Colleague,

Please attend a meeting of the TAXI CONSULTATIVE COMMITTEE to be held on WEDNESDAY, 20 JANUARY 2016 at 6.00 pm in Committee Room 2, Town Hall, Chesterfield, S40 1LP, the agenda for which is set out below.

AGENDA

Part 1(Public Information)

1. Declaration of Members' and Officers' Interests relating to Items on the Agenda
2. Apologies for Absence
3. Minutes of Previous Meeting held on 21 October, 2015 (Pages 3 - 8)
4. Matters Arising on the Minutes
 - Unlicensed Drivers driving Vehicles on the Public Highway (Minute No. 22)
5. Sub-contracted Bookings and Local Knowledge Test
 - Item raised by Ann Dickens

6. The Use of Hackney Carriages Licensed by Other Authorities (Pages 9 - 12)
 - Item raised by Trevor Durham (report attached)
7. Private Hire and Hackney Carriage Fees and Charges - 2016/17
 - Item raised by Trevor Durham
8. Derbyshire County Council Highways Issues
9. Police Issues
10. Actions Taken by the Licensing Team since the Last Meeting

Yours sincerely,

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

Local Government and Regulatory Law Manager and Monitoring Officer

TAXI CONSULTATIVE COMMITTEE

Wednesday, 21st October, 2015

Present:-

Representing Chesterfield Borough Council:

Councillor Miles (Chair)
Councillor Caulfield
Mick Bargh
Emma Marriott
Russell Sinclair

Representing the Hackney Carriage and Private Hire Trade

Stephen Aldersley
Stephen Atkin
Jim Brookbank
Chris Brown
Ann Dickens
Victoria Naylor (Reserve)
Mandy Shaw

Representing Derbyshire County Council

Simon Tranter
Bridget Gould

Representing Derbyshire Constabulary

Inspector John Turner

19 **DECLARATION OF MEMBERS' AND OFFICERS' INTERESTS
RELATING TO ITEMS ON THE AGENDA**

No declarations of interest were received.

20 **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor Vicki Diouf, Mr T Durham and Mr S Oliver.

21 MINUTES OF PREVIOUS MEETING HELD ON 15 JULY, 2015

Subject to a correction to delete Jim Brookbank from the list of attendees, the Minutes of the meeting held on 15 July, 2015 were agreed as a true record.

22 MATTERS ARISING ON THE MINUTESE Cigarettes

Further to Minute No. 9, it was noted that a recent Public Health England report had concluded that e-cigarettes could be a useful tool in helping smoking cessation. The Council's policy remained that smoking of e-cigarettes was not allowed in hackney carriages and private hire vehicles, partly to avoid normalising smoking. It was confirmed that this would be reconsidered in the light of further guidance and regulations expected in 2016.

Concerns about Uber in Chesterfield

Further to Minute No. 10, it was reported that two Uber vehicles had been seen in Chesterfield. Mick Bargh confirmed that enforcement staff would look out for such vehicles.

Unlicensed Drivers driving Vehicles on the Public Highway

Further to Minute No. 11, Mick Bargh explained that there was an exception allowed within the legislation for a mechanic to drive a licensed vehicle on a test run, but not to drive it to a test station. Trade representatives were concerned that other licensing authorities allowed mechanics to drive licensed vehicles to test stations and requested that this be considered further. Mick Bargh agreed to discuss this further with operators and Trevor Durham.

Update on the Test Station Contract Tender Process

Further to Minute No. 13, Mick Bargh explained that procurement and legal checks were still being processed prior to tenders being invited for the test station contract.

Deregulation Act 2014

Further to Minute No. 14, Mick Bargh explained that two objections had been received to the proposed changes to the length of driver and operator licences and that these had been considered by the Council's Appeals and Regulatory Committee, which had approved the proposed changes to be implemented from 1 October, 2015 in accordance with the legislation.

23 **DERBYSHIRE COUNTY COUNCIL HIGHWAYS ISSUES**

Simon Tranter reported that a capital bid had been submitted for the 2016/17 capital programme for works to enable the use of bus lanes by hackney carriages. If the bid was successful, and subject to other factors not impacting the proposals (e.g. Northern gateway development), a Traffic Regulation Order would need to be processed, which would include consultation on each bus lane, followed by detailed design work. It was likely that implementation would take approximately 18 months in total.

The Police had confirmed that enforcement would be possible, although it was suggested that improved CCTV coverage should be considered to assist this in the event of hackney carriage use of bus lanes being introduced.

24 **PUBWATCH SCHEME**

Ann Dickens raised concerns that the monitoring of CCTV cameras could be reduced. Inspector Turner explained that staffing of CCTV was being reviewed with the aim of concentrating cover at the times of greatest activity, although cameras would continue to operate and record even when no staffing was available. He encouraged the trade to continue to report issues via the Pubwatch radios as this linked to Police on nighttime shifts and to other users of the scheme, such as door staff.

25 **CARRYING OF ASSISTANCE DOGS**

Councillor Miles raised the issue of the carrying of assistance dogs in hackney carriages and private hire vehicles, following two recent cases of drivers being issued with penalty points for failure to carry assistance dogs. It was confirmed that there was a legal requirement for such dogs

to be carried, unless an exemption certificate had been issued to a driver on medical grounds.

26 **ACTIONS TAKEN BY THE LICENSING TEAM SINCE THE LAST MEETING**

Mick Bargh reported that during the past three months the Licensing Team had revoked two drivers' licences.

35 people had booked places on the first two training sessions for taxi drivers on child sexual exploitation. It was hoped to arrange more sessions based on feedback from these initial sessions. Council staff were also receiving this training.

35 vehicles had failed the vehicle test, with penalty points being issued in three cases.

27 **POLICE ISSUES**

Inspector Turner submitted the reported crime figures for the period 1 July, 2015 to 31 October 2015 for the Chesterfield and the Bolsover and North East Derbyshire Policing sections, totalling 19 reports, including:

- 14 occasions where the driver was the victim
- 6 occasions where a member of the public was the victim
- 1 occasion where a taxi company was the victim
- 2 occasions which were racially or religiously aggravated.
- 1 occasion where the driver was a suspect

Timing – 10 crimes were between 0000 hours and 0600 hours.

Violence against drivers – 4

Crime breakdown:

- 7 – making off without payment
- 5 – theft
- 2 – assaults on drivers
- 2 – public order offences
- 3 – damage to vehicle
- 1 – damage to vending machine
- 1 – sexual assault on passenger

The outcomes from investigation of these 19 reported crimes were:

- 3 – restorative justice
- 2 – fare paid, no further action
- 6 – arrested (5 enquiries ongoing, 1 insufficient evidence)
- 2 – investigations ongoing
- 10 – undetected.

The detection rate for these crimes was higher than the rate for crimes generally.

Inspector Turner would liaise with the Community Safety Team regarding publicity about safe travel over the Christmas and New Year period and encouraged operators to use the magnetic signs issued in previous years.

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FOR PUBLICATION

THE USE OF HACKNEY CARRIAGES LICENSED BY OTHER AUTHORITIES

MEETING: TAXI CONSULTATIVE COMMITTEE

DATE: 20 JANUARY 2016

REPORT BY: LICENSING MANAGER

WARDS: ALL

COMMUNITY FORUMS: ALL

1.0 **PURPOSE OF REPORT**

1.1 To suggest changes to the Hackney Carriage and Private Hire Licensing Policy with regard to the use of non-Chesterfield Hackneys as private hire vehicles with the controlled area of Chesterfield Borough Council.

2.0 **BACKGROUND**

2.1 The Hackney Carriage and Private Hire Licensing Policy states that private hire operators can only use vehicles licensed by Chesterfield Borough Council under the terms of their licence (schedule 7 paragraph 2.2). By definition, those vehicles can only be used by drivers licensed by the same council.

2.2 This part of the policy has been challenged by a local operator who has cited a legal precedent that, in his opinion, allows for hackney carriages from one controlled area to work as a private hire in other controlled areas.

2.3 The main case referred to by the operator is Stockton-On-Tees Borough Council v Fidler, Hussain and Zamanian (2010) which created a High Court precedent. The judgement identified that once a vehicle is licensed as a hackney carriage it remains a hackney carriage for the duration of that licence, wherever it is

located, and can therefore be used for pre-booked (private hire) purposes in any district within England and Wales. The judgement makes clear that it is not an offence for a licensed private hire operator to take bookings and then despatch a hackney carriage licensed by another district to undertake the booking.

2.4 Some councils, including Rossendale Borough Council, have licensed large numbers of hackney carriages that work as private hires across the country. Rossendale, for example, has a population of 65,000 people but has licensed 1,560 hackneys.

2.5 The situation creates a number of potential difficulties for the licensing authority and enforcement agencies, members of the public and the taxi trade in general. These difficulties include:

- a) Possible prejudice to public safety;
- b) Inconsistent standards, such as poor local knowledge;
- c) Inability of Chesterfield Borough Council officers to enforce or undertake spot checks on these vehicles;
- d) Confusion from the public over wheelchair accessibility requirements;
- e) Loss of income to the local authority

2.6 Non-Chesterfield hackneys have been resisted for some time, this decision will create opportunities for others to exploit.

2.7 It is accepted within the trade that the process of obtaining a drivers licence in Chesterfield is harder than in many other local authority areas. This makes the possibility of obtaining a licence elsewhere but driving here more attractive to some. It is anticipated this will increase.

2.8 In order to enhance the necessary safeguards and mitigate the impact on public safety it is proposed to amend schedule 7 of the Hackney Carriage and Private Hire Licensing Policy. Suggestions on amendments are included at Appendix A.

3.0 **SCOPE**

3.1 Following this meeting all private hire operators will be consulted before a report is prepared for the Appeals and Regulatory Committee.

4.0 **RECOMMENDATION**

- 4.1 Members of the committee consider the report and provide feedback as necessary by 05/02/16 prior to a wider consultation.

For further information on this report contact the Licensing Manager,
Trevor Durham, on 01246 345203.

Suggested amendments for hackney carriages from an area other than Chesterfield that are working for a Chesterfield operator.	Purpose
1) The hackney carriage must comply with all the requirements of a hackney from the local authority that licensed them as a hackney.	To ensure the vehicle complies with its own licensing policy and regulations.
2) The hackney carriage must be registered on the licence of a Chesterfield private hire operator, with all the implications that brings. 3) This registration to include details of who is driving the vehicle every time it is used.	To ensure that bookings are recorded by the operator.
4) Private hire operators engaging the services of a non-Chesterfield hackney carriage must satisfy themselves that the driver is licensed by the relevant authority to drive the vehicle.	To ensure operators accept their responsibility of ensuring vehicles are driven lawfully.
5) The vehicle must not have more than one taximeter installed.	To avoid confusion by passengers.