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The Chair and Members of Appeals  
and Regulatory Committee

10 May 2017

Dear Councillor,

Please attend a meeting of the APPEALS AND REGULATORY COMMITTEE to be held on WEDNESDAY, 17 MAY 2017 at 2.00 pm 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. Proposed Amendments to Terms of Reference of Taxi Consultative Committee (A410) (Pages 3 - 12)

Yours sincerely,

A handwritten signature in black ink, appearing to read "Brian Offiler".

Local Government and Regulatory Law Manager and Monitoring Officer



## For publication

### Proposed Amendments to Terms of Reference of Taxi Consultative Committee (A410)

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Meeting: Appeals and Regulatory Committee

Date: 17 May 2017

Cabinet portfolio: Health and Wellbeing

Report by: Licensing Manager

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## **For publication**

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### **1 PURPOSE OF REPORT**

1.1 To propose amendments to the terms of reference of the Hackney Carriage and Private Hire Consultative Committee (Taxi Consultative Committee), with the aims of:

- Strengthening the representative role and nature of trade representatives;
- Clarifying the nomination and appointment process for trade representatives to the Committee;
- Reinforcing the importance of good attendance and contribution of members to meetings of the Committee;
- Enhancing continuity of representation.

### **2 BACKGROUND**

2.1 The Taxi Consultative Committee was established in March 2011 as an informal consultative body for the Council and the taxi trade locally in Chesterfield.

- 2.2 Membership of the Committee comprised three hackney carriage licence holders, three private hire licence holders and three elected Members.
- 2.3 The terms of reference were amended in April 2012 to include reference to two of the places for taxi trade representatives (one from each of the hackney carriage and private hire sectors) being filled by members who represent minority ethnic members of the trade, if such nominations were made, and that if more than six trade members were nominated, then the elected Members of the Committee would decide which trade members should be appointed having regard in particular to equalities.
- 2.4 Nominations have been invited annually from trade members on a self-nomination basis, either in writing in advance or by attending an annual nominations meeting of the Committee.
- 2.5 In each of the last three years more than six trade members have been nominated, resulting in the majority of those nominated and in attendance at the nominations meeting agreeing which six members would be appointed and proposing two reserve members (one for each of the hackney carriage and private hire sectors). In the last two years one nomination has been of a member of the trade representing minority ethnic members, and this member has therefore been appointed.

### **3 PROPOSED AMENDMENTS**

- 3.1 The process of self-nomination does not support the principle contained within the purpose of the Committee of acting as ‘a representative body for the whole hackney carriage and private hire trade, ensuring consultation with all licence holders’.
- 3.2 One option would be to establish a system for the election of trade members from the two ‘constituencies’ of all hackney carriage licence holders and all private hire licence holders. However, this would be a time consuming and bureaucratic process for whoever would organise such an election, be that officers of the Council or members of the trade or an independent third party.
- 3.3 It is therefore proposed that each nomination should be supported by a minimum number of other licence holders (hackney carriage or private hire as appropriate), in order to demonstrate that the person nominated has the support of members of the trade. It is suggested that the support of ten other licence holders is a practically reasonable number.
- 3.4 The process of allowing nominations to be made at the nominations meeting can lead to uncertainty and a lack of clarity as to the number of

nominations being made for each of the hackney carriage and private hire sectors.

- 3.5 It is therefore proposed that nominations be submitted in writing in advance, with the signatures of the required number of supporters as proposed in paragraph 3.3 above, including clarification of whether the nomination is as a representative of hackney carriage or private hire licence holders and whether it is as a member of the trade representing minority ethnic members.
- 3.6 Where more than six nominations of trade representatives are made, it is recognised that it is preferable for the decision on which six are appointed to be made by the trade representatives, rather than the elected Members of the Committee, if possible. However, when this decision has been made by a majority of those nominated representatives who are present at the nominations meeting some trade members have felt dissatisfied and excluded.
- 3.7 It is therefore proposed that if more than six trade members are nominated, the majority agreement of all those nominated (not just those present at the nominations meeting) be required as to which six nominations be put forward to the Council, subject to at least two places being filled by members who represent minority ethnic members of the trade if such nominations are made. In the event of there not being majority agreement of all those nominated, the elected Members of the Committee would decide which trade members should be appointed having regard to achieving as wide a representation as possible from different operators and drivers and to equalities issues.
- 3.8 It is also proposed that the opportunity for appointing one reserve for each section (hackney carriage or private hire) to participate in meetings in the absence of one of the other three representatives be included.
- 3.9 The importance of members attending the meetings is recognised within the existing terms of reference. Attendance at meetings has generally been good, although concern has been expressed that if members miss ‘three consecutive meetings without good reason or sending apologies’ (the current level at which members would forfeit their place), their contribution to the Committee would be too limited.
- 3.10 It is therefore proposed that the level at which members forfeit their place on the Committee be reduced to missing ‘two consecutive meetings without good reason’.
- 3.11 Appointment of trade representatives to date has only been for one year. As meetings of the Committee are only scheduled quarterly appointment for a

longer period would enhance continuity of representation, in addition to reducing the administrative requirements of inviting nominations and making appointments each year.

- 3.12 It is therefore proposed that the appointment of trade representatives be for a period of two years.
- 3.13 The proposed changes outlined in paragraphs 3.5, 3.7, 3.8, 3.10 and 3.12 above to the terms of reference are included in the draft revised Terms of Reference document attached at Appendix A.

## **4 CONSULTATION**

- 4.1 Initial proposals to amend the Terms of Reference were discussed with trade representatives at the Taxi Consultative Committee on 25 January, 2017. Trade representatives raised concerns about some of the proposals at that stage.
- 4.2 The Chair of the Taxi Consultative Committee met with one of the trade representatives and the Democratic and Scrutiny Officer outside of the meeting, leading to revised proposals being submitted to the Taxi Consultative Committee meeting on 19 April, 2017. These revised proposals (as detailed above in this report) were supported by trade representatives at the meeting.

## **5 EQUALITIES IMPACT ASSESSMENT**

- 5.1 A full equalities impact assessment has not been completed but retaining within the terms of reference the provision for two of the places for taxi trade representatives (one from each of the hackney carriage and private hire sectors) being filled by members who represent minority ethnic members of the trade, if such nominations are made, demonstrates positive action for minority ethnic members to be represented.

## **6 RISK MANAGEMENT**

- 6.1 A full risk management assessment has not been completed but it is anticipated that the proposed amendments will enhance consultation between the Council and the taxi trade.

## **7 RECOMMENDATIONS**

- 7.1 That the Appeals and Regulatory Committee approves the proposed amendments to the Terms of Reference of the Taxi Consultative Committee detailed above.
- 7.2 That the Hackney Carriage and Private Hire Licensing Policy be amended to include the revised Terms of Reference of the Taxi Consultative Committee.
- 7.3 That nomination of trade representatives for a two year term from June 2017 be invited in accordance with the revised terms of reference.

## **8 REASONS FOR RECOMMENDATIONS**

- 8.1 The proposed amendments to the Terms of reference of the Taxi Consultative Committee will:
- Strengthen the representative role and nature of trade representatives;
  - Clarify the nomination and appointment process for trade representatives to the Committee;
  - Reinforce the importance of good attendance and contribution of members to meetings of the Committee;
  - Enhance continuity of representation.

For more information on this report please contact  
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## **Hackney Carriage and Private Hire Licensing Policy**

### Schedule 6

## **Terms of Reference**

### **Chesterfield Borough Council Hackney Carriage and Private Hire Consultative Committee**

#### **Purpose of the Committee**

The Consultative Committee will meet with local representatives of the taxi trade to discuss matters of mutual concern and interest relating to the licensing of vehicles, drivers and operators.

The Committee is an informal consultative body and not a decision making body (nor is it a Committee or Sub-Committee of the Council, Cabinet or of any other Council Committee) as this responsibility lies with the Appeals and Regulatory Committee or the delegated Council officer, but would be used for first stage consultation on any proposals by either the Council or the taxi trade.

Individual grievances are not issues for the Committee and should be raised with the Council on an individual basis.

The Consultative Committee will act as a representative body for the whole hackney carriage and private hire trade, ensuring consultation with all licence holders to enable the Council to make fully informed decisions.

#### **Membership of the Committee**

The Committee shall comprise of 3 hackney carriage licence holders (persons who drive or own a hackney carriage) and 3 private hire licence holders (persons who operate or drive or own a private hire vehicle) licensed by the Council and 3 elected members of the Council selected in accordance with the political balance of the Council.

Nominations for the 6 places allocated to members of the trade shall be invited once every two years, to be made in writing, specifying whether as a hackney carriage licence holder or private hire licence holder, with each nomination requiring the written support of 10 other licence holders (hackney carriage or private hire as appropriate).

Of the 6 places allocated to members of the trade, 2 of those places should, if nominations are made, be filled by trade members who represent minority ethnic members of the trade (one from each of the hackney carriage and private hire sections).

If more than 6 trade members are nominated for membership of the Committee, all of those nominated will be invited to consider agreeing which 6 nominations to put forward to the Council, subject to at least 2 places being filled by members who represent minority ethnic members of the trade if such nominations are made (as above). In the event of there not being majority agreement of all those nominated, the elected members of the Council who are members of the Committee will decide which trade members shall be appointed having regard to achieving as wide a representation as possible from different operators and drivers and to equalities issues.

There will be opportunity for appointing one reserve for each section (hackney carriage or private hire) who can attend in the absence of one of the other 3 representatives.

The Committee shall not include as a member any elected member of the Council who is a member of the Appeals and Regulatory Committee or who is a licence holder or any elected member of the Council whose spouse, civil partner, parent, grandparent, child, grandchild, brother, sister, uncle, aunt, nephew or niece (including relationships by blood, marriage and civil partnership) is a licence holder. Spouse or civil partner includes a relationship of living together as if they were husband and wife or living together as if they were civil partners.

Officers of the Council will attend the Committee to advise the Committee members. In addition, officers from other organisations such as the Police, DCC (Highways) etc. may be invited to attend as necessary.

Members shall retire after two years and shall be eligible for re-appointment.

Members of the Committee that fail to attend without good reason for two consecutive meetings will forfeit their place. Members must attend in person to contribute to the meetings.

The quorum for a meeting of the Committee shall be 3 members of which at least one member must be an elected member of the Council.

## **Role of Members**

To assist with representing the views of the trade as a whole and to report back to them any progress.

To assist with disseminating information to the trade to ensure that all licence holders are fully informed of the Council's policies and procedures.

## **Chairperson**

The Chairperson and Vice Chairperson of the Committee will be members of the Council, appointed annually by the Leader.

The Chairperson will ensure that all views are heard and recorded in an accurate manner.

The Chairperson will ensure that the recommendations of the Committee are forwarded to the Licensing Manager and the Appeals & Regulatory Committee.

## **Frequency of Meetings**

The Committee will meet at least four times per calendar year and at shorter intervals as deemed necessary.

## **Secretarial Support**

Committee meetings will be primarily held at the Council's Offices or at alternative venues with appropriate notice.

The Council will make arrangements to record and reproduce minutes of full Committee meetings.

Notification of each meeting of the Consultative Committee, including an agenda and minutes of the previous meeting, will be published on the Council's website and distributed to members of the Committee at least one week prior to the meeting.

## **Reporting Mechanisms**

Any recommendations from the Committee will be considered by the Council's Appeals and Regulatory Committee.

Where appropriate, the recommendation will be supported by a full report of the issues considered and the reasons for the recommendation. This may involve details of the consultation undertaken with the trade as a whole.

Once the Appeals and Regulatory Committee have considered a recommendation, a response will be sent to the Committee in the first instance for dissemination to the trade.

### **Transparency**

The Committee is expected to be open, transparent and accountable. The Committee should ensure that all interests have a voice where necessary and that hard to reach groups are engaged and represented.

### **Amendment of the Terms of Reference and Dissolution**

The power to amend the Committee's Terms of Reference is delegated by the Council to the Appeals and Regulatory Committee.

The Committee may only be dissolved by a resolution of the Council.