



Please ask for Brian Offiler
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The Chair and Members of Appeals
and Regulatory Committee

15 October 2019

Dear Councillor,

Please attend a meeting of the APPEALS AND REGULATORY COMMITTEE to be held on WEDNESDAY, 23 OCTOBER 2019 at 10.00 am in Committee Room 3, 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
2. Apologies for Absence
3. Taxi Consultative Committee Annual Report 2018/19 (Pages 3 - 10)
4. Taxi Consultative Committee - Proposed Amendments of Terms of Reference and Hackney Carriage and Private Hire Licensing Policy - Proposed Policy Amendments (A000) (Pages 11 - 16)
5. Programme of Street Collections 2020 (Pages 17 - 24)

Yours sincerely,

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

Local Government and Regulatory Law Manager and Monitoring Officer



CHESTERFIELD
BOROUGH COUNCIL

TAXI CONSULTATIVE COMMITTEE

ANNUAL REPORT

2018/19

Taxi Consultative Committee

Chesterfield Borough Council

Annual Report 2018/19

1. Background

- 1.1 The Taxi Consultative Committee was established in March 2011 as an informal consultative body for the Council and the taxi trade locally in Chesterfield.
- 1.2 The purpose of the Committee is to 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.
- 1.3 The Committee's aim is to 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, through the delegated authority granted to the Appeals and Regulatory Committee or appropriate Council officers.
- 1.4 The Committee's terms of reference are included in the Council's Hackney Carriage and Private Hire Licensing Policy. These terms of reference were most recently reviewed and updated in May, 2017.

2. Membership and Meetings

- 2.1 The Committee meets at least four times per year. During 2018/19 it met a total of four times in July and October, 2018 and January and April, 2019.

2.2 The Committee is composed of nine members - three hackney carriage licence holders (persons who drive or own a hackney carriage), three private hire licence holders (persons who operate or drive or own a private hire vehicle) and three elected members of the Council (selected in accordance with the political balance of the Council).

2.3 For 2018/19 the three elected members were:

Councillor Caulfield (Chair)
Councillor Burrows (Vice-Chair)
Councillor V Diouf

the three hackney carriage licence holders were:

Mr S Atkin
Mr C Brown
Ms M Shaw

and the private hire licence holders were:

Mr J Brookbank
Ms A Dickens
Mr D Madin

2.4 In addition to the above nine members of the Committee, officers from the Council's Licensing and Legal sections and from the Police and Derbyshire County Council Highways department are invited to attend the Committee to advise the Committee members.

2.5 Attendance at meetings during 2018/19 has been lower than in the previous year with average attendance as follows:

Average Attendance	2017/18	2018/19
Elected members	2.25	1.5
Hackney carriage representatives	2.75	2.0
Private hire representatives	2.75	1.75

3. Issues Considered

- 3.1 At each of its meetings the Committee considers the reported crime figures relating to the taxi trade in the Chesterfield and the Bolsover and North East Derbyshire policing sections, along with any other Police related matters, issues relating to Derbyshire County Council Highways and actions taken by the Licensing team since the previous meeting.
- 3.2 The taxi related crime figures varied between 21 and 35 in the four quarters of the year, with an average of 29.5 per quarter. This is very similar to the figures for 2017/18, when the average was 30 per quarter.
- 3.3 The most common type of crime was passengers making off without payment, making up 57.6 % of the total number of reported crimes.
- 3.4 There have been two main Highways issues considered by the Committee during the year:
- Firstly, the implementation of the decision taken in April, 2018 for the use of bus lanes in Chesterfield by hackney carriages, initially on an 18 months experimental period commencing in October, 2018.

- Secondly, the proposals for the public realm improvements on Elder Way and Knifsmithgate, including the revised location of the taxi rank to Knifsmithgate.

3.5 The Licensing team has reported to each meeting on the number of licences suspended or revoked and the number of vehicles which had failed the vehicle test in each quarter. It has also reported on the progress of the Child Sexual Exploitation awareness training programme and consulted on proposed amendments to the Private Hire and Hackney Carriage Licensing Policy and the licensing and registration fees.

3.6 In addition to these standard items, the Committee has also considered the following issues during 2018/19:

- Discussion with representatives from Public Health and British Transport Police on behalf of the Suicide Prevention Partnership Forum on initiatives and awareness training opportunities to help to reduce deaths from suicide;
- Arrangements for addressing issues of anti-social behaviour in the town centre;
- Revised arrangements for the testing of vehicles and the issuing of licence plates at the Eckington test station;
- The availability of appointments for applicants to undertake the knowledge test and the introduction of an electronic system of knowledge tests to improve availability and consistency;
- Issues relating to drop-off and pick-up areas at the Royal Hospital and train station;
- Legislative requirements for community transport vehicles working on school transport contracts.

4. The Committee's Main Achievements / Outcomes

- 4.1 Implementation of an 18 months experimental period for the use of bus lanes in Chesterfield town centre by hackney carriages.
- 4.2 Greater availability of test appointments for applicants and the introduction of an electronic system of knowledge tests to speed up the process of applying for a licence.
- 4.3 Information made available to operators and drivers about the Suicide Prevention Partnership Forum initiatives and awareness training opportunities to help to reduce deaths from suicide.
- 4.4 Improved arrangements for the testing of vehicles and the issuing of licence plates at the Eckington test station.

5 Conclusion

- 5.1 The Committee has continued to provide a forum for the consideration of matters of mutual concern relating to the hackney carriage and private hire trade locally, with input from the Council's Licensing team, the Police and the County Council Highways team.
- 5.2 The role of trade representatives in raising concerns, considering issues and communicating with other members of the trade more widely is a positive and valued contribution.
- 5.3 The Committee aims to continue to operate as an informal consultative body in the year ahead to enable relevant matters to be considered and to inform the

practical application of licensing procedures and decisions to be taken by officers or formal decision making bodies.

Councillor Kate Caulfield
Chair, Taxi Consultative Committee
Chesterfield Borough Council

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For publication

Taxi Consultative Committee - Proposed Amendments to Terms of Reference and Hackney Carriage and Private Hire Licensing Policy - Proposed Policy Amendments (A000)

Meeting: Appeals and Regulatory Committee

Date: 23 October 2019

Cabinet portfolio: Health and Wellbeing

Report by: Licensing Manager

For publication

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 enabling interested nominees to be appointed and providing for continuity of consultation.
- 1.2 To propose amendments to the Hackney Carriage and Private Hire Licensing Policy.

2.0 RECOMMENDATIONS

- 2.1 That the proposed amendments to the terms of reference of the Taxi Consultative Committee be approved.

2.2 That the proposed amendments to the Hackney Carriage and Private Hire Licensing Policy be approved, subject to a suitable period of consultation and there being no adverse representations received during this period.

3.0 REASON FOR RECOMMENDATIONS

3.1 The amendments will enhance public safety.

4.0 BACKGROUND

4.1 Taxi Consultative Committee

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

4.3 Membership of the Committee comprised three hackney carriage licence holders, three private hire licence holders and three elected Members.

4.4 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.

4.5 Further amendments were made in May 2017, including:

- that each nomination be submitted in writing in advance and be supported by ten other licence holders (hackney carriage or private hire as appropriate);
- that the appointment of trade representatives be for a period of two years.

- 4.6 Nominations were invited on the basis of the revised terms of reference in 2017 and appointments were successfully made of all six trade representatives for a two year period.
- 4.7 Nominations were invited in May 2019 for the next two year period until 2021. Three nominations were received to represent Private Hire Licence Holders, although two of these had fewer than ten other licence holders in support. No nominations were received to represent Hackney Carriage Licence Holders.
- 4.8 At its meeting in July 2019, the Taxi Consultative Committee agreed to provisionally confirm the appointment of the two representatives with the support of fewer than 10 licence holders, subject to the subsequent approval by the Appeals and Regulatory Committee of a revision to the Committee's terms of reference to allow such appointments in the absence of other nominations with the support of ten licence holders.
- 4.9 The Taxi Consultative Committee also agreed that a further invitation be issued to seek nominations to the three representatives of hackney carriage licence holders. To date no nominations have been confirmed for these positions, although further attempts are being made to encourage such nominations.
- 4.10 In order to enable interested nominees to be appointed and to provide for continuity of consultation, the following amendments to the Committee's terms of reference are proposed:
- 4.10.1 In the event of there being fewer than three nominations for each category of licence holders, then nominations with fewer than ten supporting licence holders will be considered;
- 4.10.2 In the event of there being less than 6 trade members in total at any one time, the Committee may decide to continue to function, and in the event that a vote on such a matter is a tie the Chair will have a casting vote;

4.10.3 The power to amend the Committee's terms of reference includes, in exceptional circumstances, giving retrospective effect to a decision made by the Committee.

4.11 **Hackney Carriage and Private Hire Policy – Proposed Amendments**

4.12 **Period of disqualification**

4.13 Paragraph 4.2 of the policy is concerned with the consideration of convictions, including DVLA penalty points, and currently requires a 6 month period to have elapsed following any period of disqualification. On reflection, this provision may have a disproportionate impact on drivers and applicants, effectively punishing them twice for relatively minor transgressions such as 'totting up'.

4.14 An amendment to policy is proposed that removes periods of disqualification of 6 months or less from this provision.

4.15 Officers would retain the right to refer any driver or applicant to the committee if they thought the case justified it.

4.16 A period of disqualification in excess of 6 months would still require a 6 month period to elapse before the licence could be granted.

4.17 **Signage on vehicles**

4.18 Paragraph 2.11 of the policy makes a number of requirements on signage for licensed vehicles, one of which is that vehicles must display a self-adhesive sign on their front doors containing at least the name and telephone number of the individual or company operating the vehicle.

4.19 An operator has approached the council asking for some leeway on this requirement for larger vehicles, such as a VW Torneo, where placing the signs on the front doors looks inappropriate. The vehicle has been seen by officers who concur with the operator's view.

- 4.20 An amendment to policy is proposed that enables officers to permit the side signs being placed elsewhere than on the front two doors of larger vehicles where this may look inappropriate.
- 4.21 A separate operator has requested a change with regard to advertising on windows, also prohibited under paragraph 2.11.
- 4.22 The exemption requested is to allow advertising on the rear window of vehicles, something already allowed by NEDDC/Bolsover which, according to the operator, place him at an unfair disadvantage.
- 4.23 Any advertising on the rear window would have to comply with DVLA visibility rules.
- 4.24 Officers have no objection to this request.

5.0 EQUALITIES IMPACT ASSESSMENT

- 5.1 A full equalities impact assessment has not been completed but the amendments will have a positive impact on equalities.

6.0 RISK MANAGEMENT

- 6.1 A full risk management assessment has not been completed but these measures will all enhance public safety.

7.0 RECOMMENDATIONS

- 7.1 That the proposed amendments to the terms of reference of the Taxi Consultative Committee be approved as follows:
- 7.1.2 In the event of there being fewer than three nominations for each category of licence holders, then nominations with fewer than ten supporting licence holders will be considered;
- 7.1.3 In the event of there being less than 6 trade members in total at any one time, the Committee may decide to continue to

function, and in the event that a vote on such a matter is a tie the Chair will have a casting vote;

- 7.1.4 The power to amend the Committee's terms of reference includes, in exceptional circumstances, giving retrospective effect to a decision made by the Committee.
- 7.2 That the proposed amendments to the Hackney Carriage and Private Hire Licensing Policy be approved, subject to a suitable period of consultation and there being no adverse representations received during this period as follows:
 - 7.2.1 If a driver or applicant for a taxi driver's licence has received a period of disqualification in excess of 6 months they must wait a further 6 months from when the period of disqualification ends before they are eligible to receive a licence;
 - 7.2.2 Officers are given discretion to allow side signs to be placed on other than the front doors of large vehicles where that would look inappropriate; and
 - 7.2.3 Advertising is permitted on the rear windows of licensed vehicles, providing they comply with the DVLA rules on visibility and adhere to the policy regarding content.

More information about this report is available from Trevor Durham - Licensing Manager on 01246 345203 or trevor.durham@chesterfield.gov.uk

FOR PUBLICATION

PROGRAMME OF STREET COLLECTIONS 2020

MEETING: APPEALS AND REGULATORY COMMITTEE

DATE: 23rd October 2019

REPORT BY: Licensing Officer

WARD: ALL

FOR PUBLICATION

1.0 PURPOSE OF REPORT

1.1 To determine the programme of Street Collections for 2020.

2.0 BACKGROUND

2.1 Licensing have received a number of applications for permission to collect within the Borough of Chesterfield on various dates in 2020. A provisional programme of collections, including a brief summary of the nature of each charity is attached at Appendix A.

2.2 Details of collections held by the applicants in previous years are shown at Appendix B.

3.0 RECOMMENDATION

3.1 That the programme of Street Collections for 2020 be determined.

EMMA MARRIOTT
LICENSING OFFICER

October, 2019

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APPENDIX A

INFORMATION ON CHARITIES THAT HAVE APPLIED TO COLLECT IN THE BOROUGH OF CHESTERFIELD IN 2020

<u>Date of collection</u>	<u>Charity</u>
25th May 2020	<p><u>Christian Education Chesterfield</u></p> <p>To provide support for local churches providing Christian education.</p>
6th June, 2020 4th July, 2020	<p><u>Royal National Lifeboat Institution</u></p> <p>Funded by charitable donations, the lifeboat crews and lifeguards of the Royal National Lifeboat Institution have saved lives at sea since 1824.</p>
27th/28th June 2020	<p><u>Chesterfield Canal Trust</u></p> <p>The aims of the Trust are to promote the full restoration and appropriate development of the Chesterfield Canal and to campaign for the construction of the Rother Valley Link, a navigable waterway to join the Chesterfield Canal to the Sheffield and South Yorkshire Navigation.</p>
23rd October to 8th November 2020	<p><u>Poppy Appeal</u></p> <p>The Poppy appeal raises funds for the Royal British Legion, the nations leading armed forces charity providing care and support to all members of the British Armed Forces past and present. It safeguards the welfare, interests and memory of those who are serving or who have served in the Armed Forces</p>

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APPENDIX B

CHARITY	2017	2018	2019	Local Regional National
Alzheimers Society	£160.88 (05/08/17)			National
Amnesty International	£56.27 (09/09/17)	£80.00 (22/09/18)		National
Ashgate Hospicecare	£350.72 (13/05/17) £471.00 (01/07/17)	£448.86 (07&08/07/18) £163.79 (11/10/18)	£50.39 (06/07/19)	Local
BBC Children In Need – Mr. J. Fury	£118.00 (13/11/17)			National
Betel UK - Nottingham	£172.00 (13/12/17)	£170.20 (07/04/18) £77.80 (21/04/18) £61.82 (28/04/18) £62.81 (14/05/18) £31.67 (16/06/18) £20.35 (22/06/18) £20.23 (29/06/18) £157.00 (14/07/18) £108.73 (27/07/18) £122.00 (05/10/18) £80.00 (23/11/18) £43.90 (07/12/18) £249.99 (29/12/18)		Regional
British Heart Foundation Chesterfield Shop		£42.00 (23/02/18) £45.00 (08/06/18)		Local
Cancer Research UK (Mr. Kenny Owen)	£30.15 (02/03/17) £21.13 (06/04/17) £40.63 (13/04/17) £29.34 (11/05/17) £35.70 (22/06/17) £17.24	£49.70 (09/02/18) £12.90 (05/04/18) £22.85 (19/04/18) £21.72 (11/05/18) £25.01 (17/05/18) £33.39	£39.94 (07/02/19) £30.26 (04/04/19) £23.33 (18/04/19) £24.05 (09/05/19) £14.46 (06/06/19) £21.10	National

	(06/07/17) £39.26 (31/08/17) £27.04 (28/09/17) £13.44 (19/10/17) £14.76 (07/12/17)	(07/06/18) £23.60 (12/07/18) £15.80 (30/08/18) £24.97 (14/09/18) £22.44 (04/10/18) £29.00 (06/12/18)	(11/07/19)	
Christian Education Chesterfield	£362.24 (29/05/17)		£386.94 (27/05/19)	Local
Chesterfield Sea Cadets		£226.87 (21/07/18)		Local
Chesterfield Tuneless Choir			£84.23 (22/06/19)	Local
Derbyshire Blood Bikes		£86.18 (19/08/18)	£154.79 (18/08/19)	Local
Derbyshire, Leicestershire and Rutland Air Ambulance	£63.95 (14/09/17)			Regional
Dig Deep – Kilimanjaro Challenge			£73.91 (16/02/19) £55.82 (23/03/19)	Local
Guide Dogs Chesterfield			£412.67 (10/08/19)	Local
Edale Mountain Rescue	£550.86 (09/12/17)	£403.33 (08/12/18)		Local
James Whale Fund for Kidney Cancer	£104.00 (03/02/17) £80.00 (21/03/17) £99.00 (25/04/17) £106.00 (14/07/17) £157.00 (20/08/17) £124.00 (10/10/17)	£93.50 (02/04/18) £99.50 (13/04/18) £81.00 (24/05/18)		National
Loundsley Green Church (Blue Bell Wood Hospice)		£81.29 (15/12/18)		Local
Marie Curie Cancer Care	£562.08 (18/03/17)	£445.11 (24/03/18)	£301.71 (09/03/19)	National
Mayor's Appeal	£34.00 (08/04/17) £115.00 (14/12/17)	£125.00 (13/12/18)	£157.50 (30/07/19) £35.55 (18/08/19)	Local

Meningitis Research Foundation		£563.29 (24/02/18) £77.53 (25/06/18) £674.64 (17/11/2018)	£40.00 (09/03/19) £0.00 (07/04/19) £0.00 (16/06/19) £222.71 (19/06/19) £86.95 (27/07/19)	National
MIND (Chesterfield Tuneless Choir)		£182.02 (02/12/18)	£31.26 (19/01/19)	National
Pantonic All Stars Steel Orchestra	£234.89 (19/11/17)	£549.88 (26/06/18) £241.28 (18/11/18)	£521.60 (01/06/19)	Regional
PATHWAYS of Chesterfield			£19.43 (12/07/19) £7.43 (16/07/19)	Local
Royal Air Forces Association		£558.36 (15/09/18)		National
Royal National Lifeboat Institution	£411.21 (04/06/17)	£189.69 (09/06/18) – Hasland £587.36 (07/07/18)	£217.10 (08/06/19) £423.41 (06/07/19)	National
RSPCA, Chesterfield	£87.10 (16/03/17) £94.40 (18/05/17) £51.40 (17/08/17)	£137.30 (22/03/18) £18.00 (19/05/18) £45.36 (16/08/18) £73.49 (01/12/18) £53.22 (20/12/18)	£159.47 (02/02/19) £99.41 (20/04/19) £68.88 (25/05/19) £62.83 (28/09/19)	Local
Sight Support Derbyshire			£127.97 (21/09/19)	Local
Staveley Armed Forces and Veterans Association/Help For Heroes			£13.40 (13/14/07/19)	Local
St John Ambulance			£182.00 (18/05/19)	Local
Terminus Initiative			£184.67 (08/08/19)	Regional
The Friends of Eastwood Park		£144.11 (10/06/18)	£106.78 (09/06/19)	Local

The Phoenix Children's Foundation	£334.20 (04/02/17) £187.02 (02/06/17) £168.87 (22/09/17) £210.00 (01/12/17)	£214.03 (25/05/18) £139.00 (28/06/18)	£182.70 (17/01/19) £178.00 (27/06/19) £143.00 (20/09/19)	Regional
The Poppy Appeal The Royal British Legion	£2650.18 (5 Nov to 12 Nov, 17)	£802.87 (26 Oct to 10 Nov 18)		National
The Salvation Army		£927.98 (08/12/18) £962.67 (15/12/18) £1290.80 (22/12/18)		National
Tiny Individuals Need You		£78.06 (23/06/18)		National
Versus Arthritis		£174.51 (10/10/18)		Local
Youth Cancer	£110.00 (08/05/17)			Regional
Sound of Mind			£57.71 (25/07/19)	Regional

Street Collections – Returns 2019