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The Chair and Members of Appeals  
and Regulatory Committee

20 July 2022

Dear Councillor,

Please attend a meeting of the APPEALS AND REGULATORY COMMITTEE to be held on WEDNESDAY, 27 JULY 2022 at 10.00 am in Committee Room 1 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. Minutes (Pages 3 - 4)
4. Hackney Carriage and Private Hire Licensing Policy (Pages 5 - 12)

Yours sincerely,

A handwritten signature in black ink, appearing to be "S. Smith", written over a white background.

Head of Regulatory Law and Monitoring Officer

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## **APPEALS AND REGULATORY COMMITTEE**

**Wednesday, 29th June, 2022**

Present:-

Councillor A Murphy (Chair)

Councillors	Perkins	Councillors	Miles
	Bingham		S Niblock
	G Falconer		Perry
	Flood		Redihough
	P Innes		Rogers

\*Matters dealt with under the Delegation Scheme

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

No declarations of interest were received.

13 **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Bellamy and Marriott.

14 **MINUTES**

**RESOLVED**

That the minutes of the meeting of the Appeals and Regulatory Committee held on 27 April, 2022 be approved as a correct record and signed by the Chair.

15 **HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY -  
CCTV CONSULTATION FINDINGS**

The Licensing Manager presented a report on the Hackney Carriage and Private Hire Licensing Policy – CCTV consultation and sought a decision on whether CCTV should be mandated in taxis and private hire vehicles

licensed by this council. Currently it is an option for the trade to have CCTV in their vehicles.

In July 2020 the government published its document Statutory Taxi and Private Hire Vehicle Standards which included guidance on the implementation of CCTV in taxis and private hire vehicles. The Standards document requires Licensing Authorities to consider the installation of CCTV matter and consult on it.

The consultation had been carried out, and the findings were attached at Appendix 1 of the report. There had been no appetite amongst the drivers to install CCTV and a number of barriers had been listed including the costs involved, safe storage of footage, potential for the footage to be misused and safeguarding the privacy of passengers.

It was acknowledged that the implementation of CCTV in all private hire vehicles would have a significant impact on the authority as it would become the data controller and require an extensive set of assessments new policies and guidance in order to ensure the safety and security of all stakeholders and the lawful processing of personal information.

**\*RESOLVED –**

1. That CCTV should not be mandated in Chesterfield Borough Council licenced taxis and private hire vehicles at this time.
2. That the situation be kept under review and brought back to the committee should officers consider that mandating CCTV would have a net positive effect on the safety of drivers, operators and passengers.

## **For publication**

### **Hackney Carriage and Private Hire Licensing Policy -**

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Meeting: Appeals and Regulatory Committee

Date: 27 JULY 2022

Cabinet portfolio: Health and Wellbeing

Report by: Licensing Manager

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## **Policy Amendments**

### **For publication**

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#### **1 PURPOSE OF REPORT**

- 1.1 To consider amending the Hackney Carriage and Private Hire Licensing Policy in relation to good conduct certificates.

#### **2.0 RECOMMENDATION**

- 2.1 That good conduct certificates are no longer required from applicants for a taxi or private hire drivers licence if the person concerned can show they have been resident in the UK continuously for the last ten years.

#### **3.0 REASON FOR RECOMMENDATIONS**

- 3.1 The amendment is proportionate and will not adversely affect public safety.

#### **4.0 BACKGROUND**

- 4.1 Under current policy, applicants from other countries are required to provide a Certificate of Good Conduct from the embassy of every country where they have been domiciled before entering the UK.
- 4.2 Applicants from countries suffering war or other turmoil have experienced difficulties in obtaining this documentation as there are either no records to be accessed or the person fears for their safety if their former state became aware of their whereabouts.
- 4.3 In these circumstances the applicant is referred to the committee, irrespective of how long they have been resident in the UK.
- 4.4 While the council may consider all previous convictions, whether spent or not, our scheme of assessing offending history focuses on the last ten years with points allocated accordingly in the tables outlined in tables [1 to 5 of paragraph 4.3 in the policy](#).
- 4.5 Following that principle, it is proposed to allow applications to proceed if the individual can show they have been resident in the UK for the last ten years continuously.
- 4.6 Irrespective of this provision, if officers have any doubts or concerns regarding the application, they can refer the matter to committee.

## **5.0 EQUALITIES IMPACT ASSESSMENT**

- 5.1 A preliminary equalities impact assessment has been completed and is attached at appendix A. The conclusion was that a full assessment was not required as the proposed change to the policy will bring about positive outcomes for those people with different ethnic backgrounds.

## **6.0 RISK MANAGEMENT**

- 6.1 A full risk management assessment has not been completed but this measure will not endanger public safety and reflects current practice.

## **7.0 RECOMMENDATION**

- 7.1 That good conduct certificates are no longer required from applicants for a taxi or private hire drivers licence if the person

concerned can show they have been resident in the UK continuously for the last ten years.

For more information on this report please contact Emma Marriott,  
[emma.marriott@chesterfield.gov.uk](mailto:emma.marriott@chesterfield.gov.uk)

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## Chesterfield Borough Council Equality Impact Assessment – Preliminary Assessment Form

<i>Title of the policy, project, service, function or strategy:</i>	Good conduct certificates	
<i>Service Area:</i>	Licensing	
<i>Section:</i>		
<i>Lead Officer:</i>	Trevor Durham	
<i>Date of assessment:</i>	07/22	
<i>Is the policy, project, service, function or strategy:</i>		
<i>Existing</i>	<input type="checkbox"/>	
<i>Changed</i>	<input checked="" type="checkbox"/>	
<i>New / Proposed</i>	<input type="checkbox"/>	

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### Section 1 – Clear aims and objectives

#### 1. What is the aim of the policy, project, service, function or strategy?

To amend the Hackney Carriage and Private Hire Licensing Policy in that good conduct certificates will no longer be required from applicants for a taxi or private hire drivers licence if the person concerned can show they have been resident in the UK continuously for the last ten years. The change to policy will enable applicants to be referred to committee for a decision even if they are unable to obtain a good conduct certificate.

#### 2. Who is intended to benefit from the policy and how?

Applicants from countries suffering war or other turmoil who have experienced difficulties in obtaining this documentation as there are either no records to be accessed or the person fears for their safety if their former state became aware of their whereabouts.

**3. What outcomes do you want to achieve?**

Less delay for applicants who are unable to obtain the good conduct certificate.

## Section 2 – What is the impact?

**4. Summary of anticipated impacts.** *Please tick at least one option per protected characteristic. Think about barriers people may experience in accessing services, how the policy is likely to affect the promotion of equality, knowledge of customer experiences to date. You may need to think about sub-groups within categories eg. older people, younger people, people with hearing impairment etc.*

	Potentially positive impact	Potentially negative impact	No disproportionate impact
Age	<input type="checkbox"/>	<input type="checkbox"/>	√
Disability and long term conditions	<input type="checkbox"/>	<input type="checkbox"/>	√
Gender and gender reassignment	<input type="checkbox"/>	<input type="checkbox"/>	√
Marriage and civil partnership	<input type="checkbox"/>	<input type="checkbox"/>	√
Pregnant women and people on parental leave	<input type="checkbox"/>	<input type="checkbox"/>	√
Sexual orientation	<input type="checkbox"/>	<input type="checkbox"/>	√
Ethnicity	√	<input type="checkbox"/>	<input type="checkbox"/>
Religion and belief	<input type="checkbox"/>	<input type="checkbox"/>	√

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## Section 3 – Recommendations and monitoring

If you have answered that the policy, project, service, function or strategy could potentially have a negative impact on any of the above characteristics then a full EIA will be required.

**5. Should a full EIA be completed for this policy, project, service, function or strategy?**

Yes       No

*Please explain the reasons for this decision:* The proposed change to the policy will bring about positive outcomes for those people with different ethnic backgrounds. Applicants will be referred to the committee, irrespective of how long they have been resident in the UK.

## Section 6 – Knowledge management and publication

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Please note the draft EIA should be reviewed by the appropriate Service Manager and the Policy Service **before** WBR, Lead Member, Cabinet, Council reports are produced.

Reviewed by Head of Service/Service Manager	Name:	
	Date:	DD/MM/YY
Reviewed by Policy Service	Name:	Allison Potter
	Date:	08/07/2022
Final version of the EIA sent to Policy Service	<input type="checkbox"/>	
Decision information sent to Policy Service	<input type="checkbox"/>	