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Direct Line:

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The Chair and Members of Appeals
and Regulatory Committee

12 October 2022

Dear Councillor,

Please attend a meeting of the APPEALS AND REGULATORY COMMITTEE to be held on WEDNESDAY, 19 OCTOBER 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 - Good Conduct Certificates (Pages 5 - 18)

Yours sincerely,

A handwritten signature in black ink, appearing to be 'S. Smith'.

Head of Regulatory Law and Monitoring Officer

Chesterfield Borough Council, Town Hall, Rose Hill, Chesterfield S40 1LP

Telephone: 01246 345 345, Text: 07960 910 264, Email: info@chesterfield.gov.uk

www.chesterfield.gov.uk

APPEALS AND REGULATORY COMMITTEE

Wednesday, 27th July, 2022

Present:-

Councillor A Murphy (Chair)

Councillors	Perkins	Councillors	P Innes
	Bingham		Miles
	G Falconer		Perry
	Flood		

*Matters dealt with under the Delegation Scheme

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

No declarations of interest were received.

17 **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Marriott, S Niblock, Redihough and Rayner.

18 **MINUTES**

RESOLVED –

That the Minutes of the meeting of the Appeals and Regulatory Committee held on 29 June, 2022 be approved as a correct record and signed by the Chair.

19 **HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY**

The Licensing Manager presented a report on a proposed amendment to the Hackney Carriage and Private Hire Licensing Policy relating to good conduct certificates.

Under the current policy, applicants from other countries were required to provide a Certificate of Good Conduct from the embassy of every country

where they had been domiciled before entering the UK. Applicants from countries suffering war or other turmoil had experienced difficulties in obtaining this documentation. In these circumstances, applicants were referred to the committee irrespective of how long they had been resident in the UK.

While the council may consider all previous convictions, whether spent or not, the scheme of assessing offending history focussed on the last ten years. Following that principle, it was proposed to allow applications to proceed if the individual could show they had been resident in the UK for the last ten years continuously. If officers had any doubts or concerns regarding the application, they could refer the matter to committee. An equalities impact assessment had been carried out.

***RESOLVED –**

1. That good conduct certificates 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 and that the policy be amended to reflect this change.
2. That a questionnaire template be introduced for applicant's references.

For publication

Hackney Carriage and Private Hire Licensing Policy -

Meeting: Appeals and Regulatory Committee

Date: 19 October 2022

Cabinet portfolio: Health and Wellbeing

Report by: Licensing Manager

Policy Amendments

For publication

1 PURPOSE OF REPORT

- 1.1 To consider an amendment to 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 applicant provides acceptable answers to an agreed questionnaire on their offending history.

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 Following a recent policy amendment applicants no longer have to provide a certificate of good conduct if they can show they have been resident in the UK for at least the last ten years.
- 4.3 Despite this recent change, a significant number of applicants need to appear before the committee.
- 4.4 Feedback has been given to officers that members find it difficult to exercise any real scrutiny if the applicant provides references and confirm they had not committed any criminal offences in their home country that would be an offence in the UK. In such circumstances members are unable to add to anything officers could do.
- 4.5 As an alternative, the questionnaire attached at Appendix A is proposed.
- 4.6 Appendix B shows a standard form of reference to accompany the application.
- 4.7 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 conducted and is attached at Appendix C. 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 applicant provides acceptable answers to an agreed questionnaire on their offending history.

For more information on this report please contact Trevor Durham
trevor.durham@chesterfield.gov.uk

APPENDIX A



CHESTERFIELD
BOROUGH COUNCIL

**PERSONAL DECLARATION
IN LIEU OF A GOOD CONDUCT CERTIFICATE**

Name	

Date of birth	
Address	
<u>QUESTION</u>	<u>RESPONSE</u>
1. How long have you lived in the UK?	
2. What other countries have you lived in, and when?	
<p>3) Have you committed any criminal offences in another country that would be an offence in the United Kingdom?</p> <p>a) If yes, what is/are the offence(s)?</p> <p>3) (continued)</p>	
4) Can you provide the name and address of at least two referees who can vouch for your character?	<p>Details of referees.</p> <p>1)</p> <p>2)</p>

<p>5) Have you read and understood the council's hackney carriage and private hire licensing policy, particularly the parts relating to convictions and safeguarding?</p>	
<p>6) Is there anything you have done, or been accused of, that might make you unsuitable to be a taxi driver?</p>	
<p>7) What is your current job?</p>	
<p>8) Is there anything else you want to tell the council about your background?</p>	
<p>All the answers I have given above are correct as far as I know. I understand that if I have provided false details to any of the questions the council may take action that could result in the loss of my licence.</p> <p>Signed.....</p> <p>Name.....</p> <p>Date.....</p>	



CHESTERFIELD
BOROUGH COUNCIL

**PERSONAL REFERENCE
SUPPORTING AN APPLICANT WITHOUT A GOOD CONDUCT
CERTIFICATE**

Name of referee	
Address of referee	
Name of applicant for a taxi licence	
3. How long have you known the applicant?	
4. In what capacity do you know the applicant?	

<p>5. In your own words can you assess the suitability of the applicant to be a taxi driver?</p> <p>(Continue on a separate sheet if necessary)</p> <p>6. In your knowledge, has the applicant committed any criminal offences in another country that would be an offence in the United Kingdom?</p> <p>If yes, what is/are the offence(s)?</p>	
<p>7. Are you aware of anything else that should prevent the applicant from becoming a taxi driver?</p>	

<p>If yes, please provide details.</p> <p>(Continue on a separate sheet if necessary)</p>	
<p>8. Have you committed any criminal offences in another country that would be an offence in the United Kingdom?</p> <p>a) If yes, what is/are the offence(s)?</p>	
<p>9. Is there anything else you want to tell us about the applicant?</p>	
<p>All the answers I have given above are correct as far as I know. I understand that if I have provided false details to any of the questions the council may take action that could result in the loss of the applicants licence.</p> <p>Signed.....</p> <p>Name.....</p> <p>Date.....</p>	

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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 – questionnaire
<i>Service Area:</i>	Licensing	
<i>Section:</i>		
<i>Lead Officer:</i>	Trevor Durham	
<i>Date of assessment:</i>	29/09/22	
<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 provides acceptable answers to a standard questionnaire on their offending history outside of the UK.

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 so long as they can show residence in the UK for a continuous period of ten years or provide acceptable answers to the questions posed.

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

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:	Trevor Durham
	Date:	29/09/22
Reviewed by Policy Service	Name:	Alison Potter
	Date:	03/10/22
Final version of the EIA sent to Policy Service	<input type="checkbox"/>	
Decision information sent to Policy Service	<input type="checkbox"/>	