

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

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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 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