

Bolsover District Council

Climate Change and Communities Scrutiny Committee

12 October 2021

Taxi and Private Hire Policy Review

Report of the Joint Assistant Director – Environmental Health

Classification: This report is public

Report By: Matt Finn, Service Manager (Environmental Health)

Contact Officer: Charmaine Terry, Environmental Health Team Manager
(Licensing)

PURPOSE / SUMMARY

To present the periodic review of the Taxi and Private Hire policies for the Scrutiny Committee to consider and feedback.

RECOMMENDATIONS

1. That the Committee review the proposed amendments to the Taxi and Private Hire Policies and provide comments for consideration by the General Licensing Committee.

Approved by the Portfolio Holder - Yes

IMPLICATIONS

Finance and Risk: Yes No

Details:

There will be a minor cost associated with carrying out the consultation. This can be accommodated from existing budgets. Public safety is a paramount consideration of the Council when undertaking its statutory functions in respect of taxi licensing. Failure to implement any changes in line with statutory guidance could leave the Council open to scrutiny.

On Behalf of the Section 151 Officer

Legal (including Data Protection): Yes No

Details:

The Council has a statutory obligation to have regard to the Statutory Taxi & Private Hire Vehicle Standards. Having a policy which is clear, fit for purpose and meets statutory guidelines will assist the Council in implementing rules, whilst preventing a legal challenge by way of judicial review, and as such, any associated legal costs.

On Behalf of the Solicitor to the Council

Staffing: Yes No

Details:

None from this report.

On behalf of the Head of Paid Service

DECISION INFORMATION

Decision Information	
Is the decision a Key Decision? A Key Decision is an executive decision which has a significant impact on two or more District wards or which results in income or expenditure to the Council above the following thresholds: BDC: Revenue - £75,000 <input type="checkbox"/> Capital - £150,000 <input type="checkbox"/> NEDDC: Revenue - £100,000 <input type="checkbox"/> Capital - £250,000 <input type="checkbox"/> <input checked="" type="checkbox"/> Please indicate which threshold applies	No
Is the decision subject to Call-In? (Only Key Decisions are subject to Call-In)	No
District Wards Significantly Affected	None
Consultation: Leader / Deputy Leader <input type="checkbox"/> Cabinet / Executive <input type="checkbox"/> SAMT <input type="checkbox"/> Relevant Service Manager <input type="checkbox"/> Members <input type="checkbox"/> Public <input checked="" type="checkbox"/> Other <input type="checkbox"/>	Yes Details: Public consultation

Links to Council Ambition (BDC)/Council Plan (NED) priorities or Policy Framework including Climate Change, Equalities, and Economics and Health implications.

All

REPORT DETAILS

1 **Background** *(reasons for bringing the report)*

- 1.1 The Council has a responsibility for licensing hackney carriages and private hire vehicles, drivers and operators within the district of Bolsover. The service is operated by the Joint Environmental Health Service across the Strategic Alliance with North East Derbyshire District Council. The current policies on these functions (Appendices 2-4) were published in 2018 and are due a periodic review by September 2021.
- 1.2 The Joint Environmental Health Service has conducted an initial review of the policies focussing on learning from experience implementing the new policies since 2018; routine feedback to officers from the trade, partners and the public during the licensing processes; and changes to legal requirements and best practice in the intervening period.
- 1.3 On 28 July 2021 the revised policies were approved by the General Licensing Committee for public consultation.
- 1.4 A 9 week public consultation exercise is now being carried out through the Ask Derbyshire website, press releases and the Council's social media platforms; as well as through consultation with a range of stakeholders directly. The consultation is due to end on 22 November 2021.
- 1.5 Following consultation the responses will be fed back to the General Licensing Committee, at which time a decision will be taken on whether to recommend a final version of the amended policies to Council for adoption.

2. **Details of Proposal or Information**

- 2.1 The review has considered a number of areas of improvement to the policy which are required following updated statutory guidance, as well as operational observations from the Joint Service.
- 2.2 The full details of the proposed amendments can be found in Appendix 1, and the existing Driver, Vehicle and Operator Policies in Appendix 2, 3 and 4 respectively.

- 2.3 The amendments do not cover CCTV implementation or fees and charges options, as these may be the subject of separate reports.
- 2.4 In summary the proposals aim to achieve the following:
- 2.4.1 Ensuring the policies are consistent with statutory guidance (Appendix 5) recommendations;
 - 2.4.2 Increasing the clarity of the policy, to ensure that licence holders and the public have a more detailed understanding of rights and responsibilities, and to ensure that the Joint Environmental Health Service and the Committee can ensure effective decision making;
 - 2.4.3 Increasing standards within the sector in relation to disability access and safety in line with the Equality Act 2010;
 - 2.4.4 Improve medical assessment standards, fitness assessments for drivers, and cover undiagnosed conditions, to be consistent with other licensing authorities in the region (Appendix 6);
 - 2.4.5 Update the policy in respect of legislative and application methods;
 - 2.4.6 Ensuring the definitions of criminal offences detailed in the policy are consistent with current legislation;
 - 2.4.7 Improve safeguarding standards by requiring more detailed information of drivers assigned to a particular pick –up/job and training for operator’s staff;
 - 2.4.8 Increase assurances as to the safety and history of licensed vehicles;
 - 2.4.9 Improve customer service standards in the sector by including considerate parking and strengthening the requirements for vehicles to be clean and presentable.

3 Reasons for Recommendation

- 3.1 The Council’s policies require periodic review to ensure they are fit for purpose and consistent with best practice and legal requirements. With any review of the Policy the Council is required to ensure it consults with interested parties, including the trade, businesses, neighbouring authorities, partner organisations and the general public.

4 Alternative Options and Reasons for Rejection

- 4.1 The existing policies could be extended without amendment. However, this would prevent vital amendments to the policy being implemented to ensure the Council is compliant with changes in legislation and guidance. This would also not be consistent with the Council’s approach to policy review.

DOCUMENT INFORMATION

Appendix No	Title
1	Taxi Policy Proposed Amendments
2	Driver Policy
3	Vehicle Policy
4	Operator Policy
5	Statutory Taxi & Private Hire Vehicle Standards
6	Medical Examination Proposals and Local Authority Comparisons
Background Papers (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet (NEDDC) or Executive (BDC) you must provide copies of the background papers)	
Linked in the report and relevant appendix.	