

Bolsover District Council

General Licensing Committee

21 December 2021

TAXI AND PRIVATE HIRE POLICY REVIEW

Report of the Joint Assistant Director – Environmental Health

Classification: This report is public

Report By: Charmaine Terry, Environmental Health Team Manager
(Licensing)

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

PURPOSE / SUMMARY

To consider the responses to the Taxi and Private Hire policy consultation and approve the draft Taxi and Private Hire policies for adoption at full Council.

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 were published in 2018 and were due a periodic review in 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 and 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 Following consideration of a draft policy through the General Licensing Committee, a 9 week public consultation opened between 20 September 2021 and 22 November 2021. The Consultation was carried out through the Ask Derbyshire website, publicised via the Council's website and social media platforms as well as contacting a range of stakeholders directly. The full list of direct consultees can be found attached at Appendix 1.
- 1.4 The Licensing Section received one response to the consultation. A copy of that response is attached as Appendix 2 and raised the following concerns:

Issue Raised	Officer Comments
<p>Accident reporting is specified as 48 hours in the current Taxi Licensing Policy for Hackney Carriage/Private Hire Vehicles Drivers but this contradicts legislation which specifies 72 hours.</p>	<p>s.50(3) of the Local Government (Miscellaneous Provisions) Act 1976 stipulates that vehicle proprietors must report accident damage to the Council within 72 hours. Whilst this section of the policy deals with Drivers and not vehicle proprietors, it would be prudent for the conditions to be the same and the policy has been updated to reflect this.</p>
<p>A blanket policy is being applied for issuing shorter period Private Hire Operator licences but legislation stipulates a licence should be issued for 5 years.</p>	<p>A blanket policy has not been applied. The policy stipulates that shorter period licences will be considered in exceptional circumstances. This section of the policy simply reiterates the legislation and allows officers to consider requests without the need to refer applications to committee.</p>
<p>The policy stipulates out of area operators will not be licensed and the respondent raises questions of how we carry out Disclosure and Barring Service checks on staff answering calls and whether we would grant a licence to an operator in India.</p>	<p>After taking legal advice the authority introduced a policy that no out of area operators will be licensed. This policy was introduced in 2018. Whilst this is a grey area of the law the authority has chosen to take the stance that it cannot legally license operators based outside of the district. However, that does not stop an operator from diverting calls to another location from their office within the district. The authority does not have the right to conduct DBS checks on staff members working for Private Hire Operators and simply conditions that the operator must ensure a DBS check is completed for all members of staff dispatching vehicles. Criminal record checks for overseas individuals are possible.</p>

- 1.5 In addition to the response described in paragraph 1.4 above it has been identified that a number of minor changes are required to the Taxi Licensing Policy: Enforcement in order to bring this policy in line with the amendments made to the main policies. A copy of the current Taxi Licensing Policy: Enforcement can be found attached as Appendix 3 and a table of those amendments can be found attached as Appendix 4. The changes outlined in this table reflect those changes already made to the main Taxi Licensing Policy: Drivers.

1.6 A review has also been conducted of the Taxi Licensing Policy: Equality Act and no further changes to that policy have been identified. Whilst no changes have been identified, this policy should be re-adopted in line with the other policies.

2. Details of Proposal or Information

2.1 From the lack of responses received from the consultation it can be assumed that there is an indifference to the proposed changes to the policy. One explanation for the lack of responses is that the majority of the proposed changes simply bring the council's policy in line with the new Statutory Guidance issued by the Department for Transport.

2.2 Following the consultation, amendments have been made to the draft policies and the updated draft policies can be found attached as Appendices 5, 6, 7, 8 and 9. The amendments to the draft policies were as follows:

- a. Condition 6 in Appendix C to the Taxi Licensing Policy for Hackney Carriage/Private Hire Vehicle Drivers has been amended to reflect the current Taxi Licensing Policy for Hackney Carriage and Private Hire Vehicles and that set out in legislation.
- b. Modifications in line with the table in Appendix 4 have been made to the Taxi Licensing Policy for Enforcement to bring the changes in line with those already made to the Taxi Licensing Policy for Hackney Carriage/Private Hire Vehicle Drivers.

2.3 Members of the General Licensing Committee are being asked to consider the feedback from the consultation and the subsequent amendments, and approve a set of final draft policies together with a recommendation to Council for adoption.

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 considers any comments from 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.

RECOMMENDATIONS

1. The General Licensing Committee note the outcome of the Public Consultation on the proposed amendments to the Taxi and Private Hire Policies and the feelings expressed by respondents to the consultation.

2. The General Licensing Committee note the subsequent amendments to the Taxi and Private Hire Policies outlined in the report.
3. The Joint Assistant Director (Environmental Health) be required to make a report to the next full Council meeting to consider a recommendation to adopt the draft policies.

Approved by the Portfolio Holder - Cllr Deborah Watson, Executive Member for
Environmental Health & Licensing

IMPLICATIONS

Finance and Risk: Yes No

Details:

There will be a minor cost associated with the implementation of the policies. 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:

On behalf of the Head of Paid Service

DECISION INFORMATION

Decision Information	
<p>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:</p> <p>BDC: Revenue - £75,000 <input type="checkbox"/> Capital - £150,000 <input type="checkbox"/></p> <p>NEDDC: Revenue - £100,000 <input type="checkbox"/> Capital - £250,000 <input type="checkbox"/></p> <p><input checked="" type="checkbox"/> <i>Please indicate which threshold applies</i></p>	Yes
<p>Is the decision subject to Call-In? (Only Key Decisions are subject to Call-In)</p>	Yes
District Wards Significantly Affected	All
<p>Consultation: Leader / Deputy Leader <input type="checkbox"/> Cabinet / Executive <input checked="" type="checkbox"/> SAMT <input checked="" type="checkbox"/> Relevant Service Manager <input checked="" type="checkbox"/> Members <input checked="" type="checkbox"/> Public <input checked="" type="checkbox"/> Other <input type="checkbox"/></p>	Yes Details: Public, members and stakeholder consultation

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

DOCUMENT INFORMATION

Appendix No	Title
1	Consultees List
2	Consultation Response
3	Taxi Licensing Policy: Enforcement (current)
4	Consequential amendments table for Taxi Licensing Policy: Enforcement
5	Taxi Licensing Policy: Hackney Carriage/Private Hire Vehicle Drivers (Draft)
6	Taxi Licensing Policy: Hackney Carriage and Private Hire Vehicles (Draft)
7	Taxi Licensing Policy: Private Hire Operators (Draft)
8	Taxi Licensing Policy: Enforcement (Draft)
9	Taxi Licensing Policy: Equality Act (Draft)
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)