

North East Derbyshire District Council

Council

03 October 2022

ADOPTION OF THE REVISED TAXI LICENSING POLICIES

Report of Councillor M Foster, Portfolio Holder for Council Services

Classification: This report is Public

Report By: Charmaine Terry, Environmental Health Team Manager
(Licensing), 01246 217228, charmaine.terry@ne-derbyshire.gov.uk

Contact Officer: Charmaine Terry, Environmental Health Team Manager
(Licensing), 01246 217228, charmaine.terry@ne-derbyshire.gov.uk

PURPOSE / SUMMARY

To invite Council to adopt the revised draft Taxi Licensing Policies.

RECOMMENDATIONS

1. That Council approve the recommendation from the General Licensing Committee that the final draft Taxi Licensing policies be adopted and to take effect on 13th September 2022.

Approved by the Portfolio Holder – Cllr Foster
(Delete completely for Scrutiny Reports)

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 Environmental Health Service 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:

There are no staffing implications for 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: NEDDC: Revenue - £100,000 <input type="checkbox"/> Capital - £250,000 <input type="checkbox"/> <input checked="" type="checkbox"/> <i>Please indicate which threshold applies</i>	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 checked="" type="checkbox"/> Cabinet <input checked="" type="checkbox"/> SMT <input checked="" type="checkbox"/> Relevant Service Manager <input checked="" type="checkbox"/> Members <input checked="" type="checkbox"/> Public <input checked="" type="checkbox"/> Other <input checked="" type="checkbox"/>	Yes Details: Public, member and other stakeholder consultation

Links to Council priorities, 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 North East Derbyshire. The service is operated by the Joint Environmental Health Service across the Strategic Alliance with Bolsover 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 focussed on the experience of implementing the new policies following their introduction in 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 nine-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 by contacting a range of stakeholders directly.
- 1.4 A full evaluation of the responses was carried out and this, together with copies of the consultation responses and the subsequently amended policy, were considered by the General Licensing Committee on 16 December 2021.
- 1.5 The Committee noted the low level of response to the consultation and that the changes to the policies were largely to bring them in line with the new Statutory Guidance issued by the Department for Transport.

2. Details of Proposal or Information

- 2.1 The revised taxi licensing policies have been drafted in line with the Department for Transport's *Taxi and private hire vehicle licensing: best practice guidance* and *Statutory taxi and private hire vehicle standards*.
- 2.2 Following the public consultation and member scrutiny, a recommendation has been made to Council that the final draft policies, agreed by the General Licensing Committee on 16 December 2021, be adopted. The final draft policies can be found attached as Appendices 1, 2, 3, 4 and 5.

3 Reasons for Recommendation

3.1 The periodic review of the Council's taxi licensing policies has identified essential amendments to ensure they are consistent with statutory guidance, and to make minor amendments to update the documents to reflect work practices and best practice.

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 Licensing Policy: Hackney Carriage/Private Hire Vehicle Drivers (Draft)
2	Taxi Licensing Policy: Hackney Carriage and Private Hire Vehicles (Draft)
3	Taxi Licensing Policy: Private Hire Operators (Draft)
4	Taxi Licensing Policy: Enforcement (Draft)
5	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 you must provide copies of the background papers)	