



**Notice of a meeting of
Licensing Sub-Committee - Miscellaneous**

**Wednesday, 7 July 2021
6.00 pm
Council Chamber - Municipal Offices**

Membership	
Councillors:	David Willingham (Chair), Angie Boyes (Vice-Chair), Alisha Lewis, Diggory Seacome and Jo Stafford
Officers:	Louis Krog, Vikki Fennell and Jason Kirkwood

Agenda

1.		APOLOGIES	
2.		DECLARATIONS OF INTEREST	
3.		APPLICATION FOR A STREET TRADING CONSENT Street Trading Consent report.	(Pages 3 - 24)
4.		BRIEFING - RESPONSE TO CONSULTATION ON COMMON HACKNEY CARRIAGE & PRIVATE HIRE LICENSING STANDARDS FOR GLOUCESTERSHIRE Response to Consultation regarding Common Hackney Carriage and Private Hire Licensing Standards.	(Pages 25 - 58)
5.		ANY OTHER ITEMS THE CHAIRMAN DETERMINES URGENT AND WHICH REQUIRES A DECISION	

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Miscellaneous Licensing Sub-Committee – 7 July 2021

Local Government (Miscellaneous Provisions) Act 1982

Application for a Street Trading Consent

2021 Cheltenham Christmas Market

Report of the Licensing Team Leader

1. Summary and recommendation

- 1.1 We have received an application from Marketplace Europe Limited for a street trading consent to operate the 2021 Cheltenham Christmas market.
- 1.2 The market is proposed to operate 24th November to 23rd December 2021 (on site from Monday 15th November and a week on site after closing 30th December) and proposes to occupy the pedestrianised area outside Cavendish House on the Promenade, Long Gardens and Imperial Gardens to the Queens Hotel.
- 1.3 Marketplace Europe LTD has applied to trade on the following days and times during the proposed dates mentioned above.

Monday	10:00 - 20:00
Tuesday	10:00 - 20:00
Wednesday	10:00 - 20:00
Thursday	10:00 - 22:00
Friday	10:00 - 22:00
Saturday	10:00 - 22:00
Sunday	10:00 - 18:00

- 1.4 Some images of trading units is shown in **Appendix 1**.
- 1.5 This application attracted a number of representations, both in favour and against.
- 1.6 The Committee can:**
- 1.6.1 Approve the application because Members are satisfied that the location is suitable in light of the policy provisions;**
- 1.6.2 Refuse the application;**
- 1.6.3 Subject to 1.6.1, approve the alternative locations for Cotswold Markets Limited (2.5), Mr Edward Danter (2.6) and Mr Raviv Hadad (2.6); and**
- 1.6.4 Subject to 1.6.3, delegate authority to the Licensing Team Leader to put in place the practical arrangements to enable the relocations.**

Legal

The Local Government (Miscellaneous Provisions) Act 1982 provides that a local authority can grant a trading consent for an individual within their area. Under the legislation consent can be granted for a period not exceeding 12 months. Consent must therefore be reviewed every 12 months. A local authority can apply reasonable conditions to the consent.

Any application should be considered in line with the Council's policy on Street Trading.

Contact officer: One Legal
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2. Background

- 2.1** In 2020 the BID undertook a procurement exercise for a market operator to run the 2020 Christmas Market. Due to Covid restrictions, the 2020 Christmas Market was cancelled.
- 2.2** The Market operator selected following the BID procurement will be operating the 2021 Christmas Market and this report relates to the trading consent for the 2021 market.
- 2.3** Much of the objections received in relation to this trading consent relate to the impact awarding the contract has had on a couple of existing markets operated by Cotswold Markets Limited. These are:

Farmers Market	Arts & Crafts Market
26/11/2021, 10/12/2021 & 17/12/2021	20/11/2021 December 11th-23rd (inclusive)

- 2.4** Cotswold Markets Limited trades on the pedestrianised Promenade outside Cavendish House. The Committee will note however from appendix 1, the Christmas Market for 2021 proposes to use this space. The implication being that, should the committee vote to approve this consent, Cotswold Markets Limited is without a location for their markets. This has resulted in numerous objections as outlined in **Appendix 2**.
- 2.5** Members are to note however, that agreement has been reached with Cotswold Markets Limited to temporarily relocate their markets to the High Street between Pittville and Winchcombe Streets and utilising Regent Street.
- 2.6** Should the committee be minded to approve the trading consent from Marketplace Europe LTD, the committee is also asked to approve the revised location for Cotswold Markets Limited along with revised locations for the existing traders, who also have to relocate as a consequence.
- 2.7** For the avoidance of doubt, it is proposed that Mr Danter's roundabout will relocate to further down the High Street nearer the junction with Cambray Place, and Mr Hadad's falafel stall will relocate to further towards the junction with Winchcombe Street.
- 2.7** Members are to note that the relocation of the two existing street traders is done with consent following discussion between them and officers.

3. Purpose of the Policy

- 3.1** This policy sets out Cheltenham Borough Council's ("the authority") framework and approach for the management of street trading in the borough.

3.2 Through the street trading scheme the auPage 5s to:

1. prevent unnecessary obstruction of the highway by street trading activities;
2. sustain established shopkeepers in the town;
3. maintain the quality of the townscape and add value to the town; and
4. encourage inward investment.

3.3 Members are also reminded of the Probity in Licensing guidance that places a duty on Members to vote in the best interests of the Borough as a whole and must not vote on the basis of local ward interests that may be contrary to a balanced licensing assessment in the light of the evidence before the members and wider policies and guidance.

4. Consultee Comments

4.1 This application attracted 25 representations, 24 in opposition and 1 in support. These are attached at **Appendix 3** of this report.

5. Licensing Comments

5.1 The Committee must determine the application with a view to promoting the council's adopted policy and the provision of the probity guidance.

5.2 Members must take into consideration the representations received and decide what appropriate weight to add to these. In doing so, it is relevant that an alternative location has been agreed between all parties, which, to a large extent, addresses the concerns raised by the objectors.

Background Papers

Service Records

Case Officer

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Appendix 3

Dear committee

The reallocation of the art market

As an artist and sculptor who exhibit it on the market it is been a great way of showing unusual sculpture to the general public for which they enjoy having a chat and seeing something very different.

The general public and shopowners surrounding the promenade have mentioned how much they've enjoyed having the artisans showing their work.

If the location changes and ground rent increases this will only go one way for the majority of us as this will be more towards buying in imports and selling them cheaply
I have seen this happen in other towns

Dear sir / madam,

I have a small arts business and live within Gloucestershire. Over the last four years I have attended the arts and crafts markets provided by Cotswold markets in Cheltenham (as well as else where in the county). A significant part of my income is generated through the Christmas markets spanning the two weeks before Christmas plus the arts and crafts markets during the later part of the year. It is only these opportunities to trade that make my small business viable, and I know that is the case for many of the other small businesses trading at these markets through Cotswold markets. Without these opportunities the future of my business, along I know with many other local traders, will be at risk of not being able to operate. I have a long standing loyalty to our County and markets run by a local company for local small businesses are an essential part in making a success of high streets, particularly in the current environment.

I am very disappointed to hear that these markets may not go ahead this year, particularly as a local small business affected by the current pandemic and reliant upon these opportunities. I would ask that further consideration is given to allowing the markets to continue to be provide by our local market company, Cotswold Markets, who have done an exceptional job over the years.

There are so many vacant shops along the promenade and I know from regular customers who specifically turn out to support small local businesses that they too would be sad if the markets are no longer run by a local company for local businesses.

I am petitioning you to please reconsider.

Yours Sincerely

Dear CBC

I have just received an email from a local business in cheltenham to be told they will not be attending the usual Christmas market held on the promenade.

I am absolutely disgusted that the market has been 'handed over' to an outsourced company, of which no local company will benefit.

I appreciate the council needs to earn money, but where is your loyalty to local businesses? Especially after the 18 months of hardship they have faced!

From my understanding you have moved 'local' people to another location which I am sure you are fully aware will impact hugely on the footfall and income of many local small businesses - Shame on you!

You ask for local loyalty, you promote 'but local' you promote 'the high street' but when all is said and done you desert them!

Disgraceful!

I am writing this in the hope you will see sense in the future, as I know you can't back out of your contract to the Oldham based firm.

Sad times indeed

To whom it may concern,

It is with much dismay that I have been informed that the Cheltenham Arts & Crafts Market will no longer be welcome at their current location.

I have been a trader at these markets for 5 years, including the Christmas markets and I have always been led to believe that Cheltenham Council promoted supporting local businesses and traders, this proposed action would strongly suggest otherwise and I suspect is more to do with money than doing what is best for Cheltenham.

We, as traders, have always had a good relationship with other businesses in the town and have cultivated a strong connection with the people who frequent those markets all of which will be removed due to these proposed changes.

The fact that you are now giving the tender to a company based in Stockport only further proves your dwindling commitment to local businesses in favour of chasing greater income.

With regards

Hello,

I am writing as a regular trader with Cotswolds Markets who have organised the very popular and successful Art & Craft Markets and Farmers Markets along the Promenade and Long Gardens for many years. All of the traders at these Arts Markets create their own handcrafted products and live/work locally and rely on such local markets for their income. The Christmas period is obviously a critical sales time for all of us and over many years we have built up a wide range of regular customers who know that they will find good quality handcrafted gifts, many of whom save up their

Christmas shopping lists for our market as they assume this market will always be there in the run-up to Christmas. I know some of our customers travel into Cheltenham from quite a distance when the market is on.

We have been informed that the decision of whether the Nov/Dec trading contract is awarded to Marketplace Europe or Cotswolds Markets is going to the committee on 15th June and my husband (also a regular trader) and I would like to ask for your consideration please in supporting local small businesses like Cotswolds Markets and the traders, especially after the extremely tough year we have all had. Being a trader at a market is like being part of an extended family - Dave Joynes and his loyal team at Cotswolds Markets look after us all and we all support each other, through the weather, pandemics and anything else! This type of market is crucial to local customers who feel passionate about supporting local small businesses. Please help Cotswolds Markets to continue to provide a quality service to the people of Cheltenham and those who visit the city from far and wide over the busy Christmas period.

Many thanks for your time and for listening,

Dear Sirs

I understand that the licensing for the Christmas Markets goes to the committee on 15th June and would like the following to be submitted at that meeting:

I am a market trader and have been attending Cheltenham Farmer's Market for over 5 years. I attend religiously twice a month and have many regular customers. Each year, us traders are rewarded for our loyalty to Cheltenham Town, by being removed from our normal trading pitches in the Promenade at Christmas and moved to the Winter Gardens. Every year this means a decline in footfall and our profits at what should be our busiest time of year, as footfall here is terrible.

I know that the market brings customers into Cheltenham every fortnight who then go on to shop in Town. We have built a special relationship with many of the shops and cafes and do everything we can to support each other. Most of the traders on the Farmer's Market are local, from towns and villages in Gloucestershire.

This year we have been told that yet again we are being moved from our usual spot and moved to Cambray Place. After the year we've all had, that really does feel like a complete kick in the teeth. The vast majority of us traders continued all the way through the lockdowns to trade and bring customers into Cheltenham, many of whom were elderly, high risk and felt safe shopping with us. Most of us weren't eligible to have a covid vaccine yet and were therefore putting ourselves at risk. We came anyway, to ensure that our market didn't wither and die, and that we didn't let our many customers down.

I fail to see how bringing in traders from outside the area, trading from stalls provided by a company from Stockport, who will then compete with the local shops and businesses in Cheltenham Town centre, will help anyone! Surely, it would be far better to support businesses that have suffered in Cheltenham and reward the many small businesses who support the town all year round? Cotswold Markets have gone above and beyond to ensure that they complied with all Covid regulations and kept, both us the traders, and our customers safe, during what has been an incredibly difficult time for us all. They, like us traders, must feel so disappointed to yet again be treated so shabbily!

I therefore, ask you to please reconsider your plans for the market stalls in Cheltenham this Christmas. I know I speak for all my fellow Farmers Market traders when I say that we really need good Christmas takings this year! Our loyal customers deserve to find us in our usual place and easily accessible. After all they, like us, have continued to bring business into Cheltenham all year round.

I look forward to your response.

David Joynes (Managing Director of Cotswold Markets) has informed us that there will be a Licence Committee hearing on 15th June, to appeal against a move of The Cotswold Arts and Craft Market and The Cheltenham Farmers Market from the Long Gardens to Cambray Place, for the Christmas Market 2021.

As well as the proposed move, we also understand that Marketplace Europe (supported by Marketing Cheltenham and Cheltenham BID) are proposing to provide Cotswold Markets Ltd with a significantly reduced number of chalets, at a significantly increased cost to traders, meaning a maximum 20 of the current 150 Cotswold Market Traders will be able to participate, shrinking the market by 87%.

As a Cotswold Market Trader, I am writing to you to formally appeal against this proposed change.

The commercial grounds for this appeal are as follows:

1. 87% of Cotswold Market Traders will lose their pitch during the most important trading period in the retail calendar – the run up to Christmas - significantly reducing their revenues and potentially threatening their livelihoods. This is particularly difficult as traders have already suffered with the Government Covid restrictions.
2. With the new Marketplace Europe Christmas Market scheduled to start in November, Cotswold Market Traders will also be denied their regular November & early December market days, meaning the last opportunity for some of these local Cheltenham businesses to trade in Cheltenham will be October.
3. This change will deny both local Cheltenham shoppers as well as visitors to the town, the opportunity to buy from local independent businesses, which feels totally against the key principles of central and local government policy.

On a more emotional level, my company Imadjin Jewellery, based in Cheltenham has been a regular stallholder with Cotswold Markets Limited for over 10 years. They are a fantastic local business – supporting local traders and listening to their customers - not only in Cheltenham, but throughout the Cotswolds.

Since the re-opening of market trading from April, it has been wonderful to see so many regular customers who are delighted to have a reason to come into the town, and enjoy a friendly face that they have sorely missed during lockdown.

With this mind, I am totally horrified and dismayed to find out that after ten years of trading along-side the Christmas Chalet market we are now being moved to a small side street that

can only accommodate 20 stalls to make way for chalets with extortionate hire costs that will essentially encourage mass produced gifts trade from outside of the town.

Obviously, I don't deny that Cheltenham would benefit from an injection of visitors and trade and that the Christmas Market couldn't be bigger and brighter. However, please don't deny the people of Cheltenham and visitors the opportunity as they have done for years to visit their much loved Arts and Craft Market and Cheltenham Farmers market.

There is no doubt the Arts and Craft Market and the Cheltenham Farmers Market provide a real community service – to buyers and sellers - and I strongly urge the Licencing Committee to look beyond the simple economics and find a way for the Christmas Market to operate alongside the local Arts & Crafts and Farmers Markets, as we have done for 10 years for the overall benefit of Cheltenham.

Yours sincerely,

My name is Alison and I am a sole trader at One of a Kind.

I rely for my December trade and throughout the year, the income I make at the Cheltenham art markets.

It has been brought to my attention that a decision maybe made to bring in Marketplace Europe and not the Cotswold Markets for November and December 2021 for the Promenade and Long Strip Area.

I also understand there is limited space in an alternative area which has less footfall and difficult to access. This will not be a good alternative.

I am appealing to your better sense of nature to please support local and keep us at the Promenade and the Long Strip area. This is where our customers for 20 years plus know we are.

Cotswold Markets have been supporting the local community for 20 years with their farmer markets and 8 years plus with their art markets.

Covid has already been a hardship to many without being able to work. To not have the art and farmer markets in the Prom area and the Long Strip at the busiest time of year, will have an even more detrimental affect on all of us.

Please make the right decision and support the local community and chose Cotswold Markets.

Kind regards

Dear Licensing board members

I am very worried to hear that the popular Cheltenham Arts & Crafts Markets at Christmas time is under threat and that it might be replaced by an international company. I sincerely hope you won't let this happen. Surely now of all times is the time to support locally handcrafted items, made by genuinely independent and usually one-person producers and makers? Self-employed and small business people work so hard and with such dedication and usually have no options other than to sell in their local area. And their customers love to feel they've bought local and supported their own community. Please don't make the lives of creative people even harder than they are.

Support small; support local!

Dear Sir/ Madam

After being part of Cotswold Markets at Cheltenham over the past five years I'm absolutely shocked and disappointed at the possibility of the markets being moved.

I, like all the other stall holders depend on this date to fund the quieter months ahead when sales are thin on the ground.

The revenue from the week in Cheltenham enables myself personally to see my way through January to March.

Without this I will be seriously financially compromised.

I know others depend on it also. Other local traders, local to Cheltenham. Not Manchester. The area that has been offered as a substitute is totally unsuitable.

I am pleading with you to consider reversing the possible decision that will throw many hard working crafts people into financial hardship.

Dave and his crew work so very hard and it is simply not fair on them also.

I've spoken to local Cheltenham residents about this possible decision and have been met with disappointment and disbelief.

I'm hoping that you will take this opportunity to think again and support local business people .

It has come to my attention that a decision has been made to award the Christmas Market contract to Marketplace Europe this year, which is totally unacceptable.

The fact that you are offering no support whatsoever to the local traders, in a period which has been very difficult, is again, unacceptable.

Offering Cambray Place as an alternative for the November and December Arts markets, just doesn't make sense. The footfall there is practically non-existent in comparison to that of The Promenade (I have lived and worked in Cheltenham for 30 years and am well aware of the comparisons).

I strongly suggest that this decision is rethought. Come on show support for Cheltenham and the local traders who have supported you over the years!

Dear Louis,

As you are aware I am the Managing Director of Cotswold Markets Limited and have worked in the Company for over 40 years. In May 2001, 20 years ago, we started a Farmers Market in the town in partnership with Cheltenham Borough Council.

This market started with a dozen stalls but has seen growth and this last week we had 27 stalls; in its heyday, the market went up to 40 stalls, but like all businesses it has suffered to online shopping and the arrival of more food outlets. In recent weeks, due to the fact we supported the people of Cheltenham through lockdown by remaining open and giving them the safe environment to shop, the market has seen an upturn and long may it continue.

In 2008, we started a pilot Arts & Crafts Market leading to a monthly one in 2009. This market has remained at 40 stalls, from February each year until December. In recent years we have gone from doing a Saturday and Sunday, to a two-week Christmas Arts & Crafts Market in December which is very well received by Traders, shops, and shoppers alike.

In having to write this letter I feel saddened and terribly upset in the way we are being brushed aside like we do not matter.

We are a local business that helps and supports other local businesses, we have a lot of people trading with us from Cheltenham and surrounding towns and villages who give a platform to sell and promote their businesses at a reasonable cost.

Attached with this letter you will find the Cheltenham Bid Expression of Interest document for the Christmas Market. In this document it quite clearly states the areas for the Christmas Market are highlighted in Appendix B. It can be identified into two areas: **The Long Gardens and Imperial Square**, it then goes on to say the pedestrianised Promenade will be used to locate local markets.

Last year unfortunately the proposed other Christmas Market did not go ahead because of the Covid situation, but we had agreed to allow a bar to stand at the bottom of the pedestrianised area and we would work around them. However, this year it appears that the goal posts now have been moved and they want all the area that we occupy all year round.

Our Christmas Market went ahead last year and was well received by the Public and the shops around us.

Please explain to me how Marketplace Europe had an offer accepted based on the ground available on the plans in the 'Expressions of Interest', can then suddenly want to have the ground we are on, and that is deemed acceptable.

It seems that it does not matter that we are local, to the Bid and Marketing Cheltenham, perhaps we are not classed as one of their traders because we are just Market Operators.

We have supported this town through some exceedingly difficult times, but this seems to account for nothing.

Belinda suggested we moved to the Strand but unfortunately having worked in Cheltenham for many years, I remember trying to move the Charter Market there, but had objections from the Fire Service because of the width of the area. Do you really think this is a fair solution anyway?

We were also offered the back of Cavendish House, but I could not see our Food and Craft traders happy about moving to the back street while the new operators, from Stockport I believe, filled their spots with new traders selling food and craft from far afield.

Over the two markets, we run in Cheltenham we have approximately 80+ traders licensed to trade in Cheltenham, and they support the market regardless of the weather or time of year.

I appreciate your committee have a hard decision to make, but please remember we will be in Cheltenham hopefully for many years to come and so will our traders. Please also remember these traders with food will be back again in January ready to serve the people of Cheltenham, and the Craft Traders in February; do not make them feel like they do not matter, so they react by letting their feet do the talking. For these traders, what happens over the festive period makes up for poor trade in the early months of the year.

I received an email from Jess Goodwin of Marketing Cheltenham on 25th May this year saying that I could raise this issue at the committee, but she understood from Licencing that it will be unlikely things will be ruled in my favour!

I hope this is thought over and a balanced decision is made based on facts.

Marketing Cheltenham and Cheltenham Bid might have a vision but ours is a reality.

Thank you for your time.

Yours sincerely,

Ref licensing application 21/00918/STA

I am sure I am neither the first, nor last, to contact you to express my surprise and disappointment on hearing that the Christmas Arts Market and Farmers Markets co-ordinated by Cotswold Markets are likely to be pushed aside and replaced by European Markets. Both markets have provided a fantastic range of locally produced, handmade, artisan produce and crafts. This has made Cheltenham stand out as a Christmas shopping destination, a welcome reprieve from the largely shipped in, low quality and ethically questionable mass produced offerings of other High Street 'German' type markets. I am not alone in welcoming this. I have traded at the Arts Markets from, I believe, 2008, prior to Cotswold Markets taking on the contract I think, and year after year I hear the same thing from locals - 'oh I'm so pleased you guys are back and those chalets have gone, we avoid town when they're here'. Coaches bringing in crowds of shoppers, replete with flasks and sandwiches, may make a town look busy but its the local customers that spend with the local business.

Cheltenham is a beautiful town with a discerning population who appreciate quality and handmade products and show a loyal support of local business and locally produced goods; because of this Cotswold Markets has continued to trade, fully supported by local small businesses and makers, many of who have been on board since the beginning. I can only see this change being detrimental, not only to Cotswold Markets and the many local small businesses they support but also to the town centre and its population.

Many of us traders support the markets on a monthly basis, and have done for years. We have a loyalty to Cotswold Markets but also a loyalty to the town and to our customers, new and built up over the years. Christmas purchases are not just a decision made in the weeks before the big day. Many of our customers start the thought process in the summer, or once the schools go back, and so we can struggle through the quieter months, but have always been safe in the knowledge that many of those "just getting ideas at the moment" will return to us to purchase in November and December safe in the knowledge that we will be there for them. Something that won't happen if we are not there. I am not alone in the fact that most of my annual income (over a third in my case) comes from that week or so that we are at Cheltenham in December, although the background work is put in throughout the year.

Taking away this market will literally cripple a lot of us, this year more than ever with our events having been so limited by Covid, it is critical that we maintain our expected presence on the prom. This potential change will have drastic effects on so many small local businesses, the people who not only come to Cheltenham to sell but also to shop and eat out throughout the year, the loss of this event will compromise their livelihoods and their spending power. Please, please think twice before you spend local money outside of the area when you can make a huge difference to your local community of small businesses and those that enable them to have a presence in your town centre.

We have always received amazing support from Cotswold Market and have believed that this continued up the chain with a strong ethic to support local, buy local and, particularly in these difficult times, keep supporting local events and the community. Please do what you can to ensure the future of small businesses in Cheltenham.

I have copied this email to Gareth Edmondson and Alex Chalk MP as advised by other traders.

Marketing Cheltenham is in full support of Market Place Europe's application for the Christmas Markets 2021 following the earlier tender process conducted by Cheltenham BID.

As the Destination Marketing Organisation for the town, it is Marketing Cheltenham's view that an extended and expanded Christmas Market in Cheltenham can play a significant role in stimulating increased visitors numbers, driving greater footfall into and around the town and creating increased economic impact and spend.

As the town continues to recover from the impacts of COVID-19, it is vital that we do all we can to support economic recovery and to ensure Cheltenham remains competitive in what is – and will increasingly be – a hugely challenging and competitive marketplace. This heightened ambition to ensure Cheltenham has a stronger and more coherent and competitive offering at Christmas responds directly to this and forms part of the town's wider place making and economic recovery agenda.

We are confident that Market Place Europe have the scale, quality and experience to deliver and operate such a Christmas Market in Cheltenham, whilst providing significant added-value, through new market reach (e.g. national coach operators) as well as the vital local business and community engagement.

Supporting evidence

Christmas markets have become an established feature of the festive landscape and continue to make an increasing contribution to the economic wellbeing of the host town. In the 2017 study 'The Local impact of Christmas Markets' conducted by Market Place Europe on behalf of the Local Government's Association they documented visitor numbers increased from anything between 5-90% and the percentage of 'out of town' visitors increased from between 56% and 72%.

In 2018 Cheltenham BID conducted a Christmas Market Visitor Survey. This market was operated by Geraud, on the pedestrianised Promenade only and for 3 weeks (November to mid-December). Some of the key finding were:

- 79% of visitors lived in Cheltenham or within 15 mins driving distance
- 74% were on a day trip from home
- 57% of visitors were Christmas shopping, 54% were visiting the Christmas Market.
- The mean expenditure of visitors (including the market, shopping, eat/drink, parking etc) was £73.37 per group and £23.74 per person.

Comparing the statistics from these studies, Cheltenham has been missing out on the reach, visitor appeal and economic benefits of a Christmas Market and it is therefore the desire of both Cheltenham Borough Council and Cheltenham BID to bring a new market offering that will drive regional and national visitors to the town. The Christmas 2021 season will be a crucial one for all the town centre businesses following COVID and we need to ensure we are doing all we can to drive visitors and spend to Cheltenham instead of them going to nearby competitors such as Bath, Birmingham, Cardiff and Oxford who currently offer a better Christmas offer. Market Place Europe have the expertise and knowledge to provide this offering.

In terms of the economic value of this proposition it is hard to demonstrate that as this operator and footprint have never been operated in Cheltenham before. However Market Place Europe organise a number of Christmas Markets across the UK including Belfast. This market is now recognised as one of the best Christmas Markets in Europe generating a huge economic benefit to the City of Belfast of circa £78m (Based on the 2019 Economic Impact Study). Under the stewardship of Market Place Europe the Belfast Christmas Continental Market has won national industry awards as follows:

- 2011 UK's Greenest Market
- 2013 UK's Best Large Speciality Market
- 2015 UK's Best Large Speciality Market
- 2019 Best Market Attraction (NABMA)

Case studies within 'The Local impact of Christmas Markets' also provide some insight into the potential economic benefits to Cheltenham.

Exeter Christmas Market	Bath Christmas Market
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Number of stalls	87	Number of stalls	200
Estimated attendees	497,255	Estimated attendees	429,000
Accommodation	£1.32 million	Economic Impact	£21 million
Eating Out	£6.1 million	Total spend at market	£5 million
Shopping	£17 million	Total spend in locale	£16 million
Entertainment	£631,150		
Transport	£2.1 million		
Gross economic impact:	£27.3 million		

Market Place Europe is already reaching out to coach companies to encourage large groups to Cheltenham whether that be day or overnight visitors. In 2019 Cheltenham BID Ambassadors provided a meet and greet service for circa. 20 tourist coaches to the Christmas Market. Other coaches would have arrived that wouldn't have requested a meet and greet service. Coach tour operators are promoting UK Christmas Markets as a major attraction with tour offers and coach tours with destinations receiving over 200 coach visits each year, so Market Place Europe already working on this visitor stream is extremely beneficial to Cheltenham.

Market Place Europe also run a very successful educational programme with local schools and colleges and in Belfast have had over 12k school children complete their educational passport. Covering a variety of subjects including geography, maths and English this programme isn't just a success through children's learning but has led to a rate of 75% for return visits. This again is another thing Market Place Europe are keen to bring to Cheltenham.

It is for all these reasons above that Marketing Cheltenham support the application submitted by Market Place Europe. Alongside this, we remain hopeful that Cheltenham can also retain other, complimentary offerings in the build up to Christmas – particularly those that provide a smaller and more locally-focussed offering – thus creating a truly compelling, town-wide proposition to visit Cheltenham this Christmas.

I am a local resident and have had a stall at the Cheltenham Arts & Crafts market since its inception which is also the only regular market I attend and support. I understand the Licencing committee are making a decision on the 15th regarding the Cheltenham Christmas market and any provision for Cotswold Markets Arts & Crafts.

Myself and many other local stall holders attend the monthly markets regardless of the weather and really do this with the expectation of building a good rapport and reputation for the good of Cheltenham town centre and we do really rely on the markets during the Christmas period to make up for the slow months throughout the year.

I fully understand that the proposal for wooden chalets are more lucrative for Cheltenham Council, however, it would appear the current Arts & Craft markets is now being relocated to a less favourable location with much lower footfall in favour of the Chalets run by a company that has no local connection. Additionally, these tend to offer more retail type merchandise and not local Arts & Crafts.

Myself and many other small stall holders like myself cannot afford these wooden chalets. If this is the final decision of Cheltenham Council, I and surely many other stall holders selling locally made Arts & Crafts are unlikely to come back in 2022 as it will no longer be financially viable without the Christmas trade.

I really hope that you will take our views into consideration and support our local crafts with a fairer solution to that currently being proposed.

Re: Appeal against proposed move and restriction of The Christmas Arts and Craft Market and The Cheltenham Farmers Market.

As a trader at the monthly Cheltenham Arts and Craft Market, David Joynes (Managing Director of Cotswold Markets) has informed me that there will be a License Committee hearing on 15th June, to appeal against a move of The Cotswold Arts and Craft Market and The Cheltenham Farmers Market from the Long Gardens to Cambray Place, for the Christmas Market 2021.

I also understand that Marketplace Europe (supported by Marketing Cheltenham and Cheltenham BID) are proposing to provide Cotswold Markets Ltd with a significantly reduced number of chalets, at a significantly increased cost to traders, meaning a maximum 20 of the current 150 Cotswold Market Traders will be able to participate, shrinking the market by 87%.

As a Cotswold Market Trader, I am writing to you to formally appeal against this proposed change. I am passionate about the creative industries and in particular the small independent local businesses that play such a significant role. These highly skilled practitioners provide a shopping experience that is wholly unique and of the highest quality. The market has a fabulous reputation and is held in the highest regard by the traders and customers alike. The market breathes new life into the Promenade and has been a monthly feature of the area for 10 years.

This has been an incredibly tough 18 months for local markets and events and many of these independent businesses are now threatened with closure. I am appalled that there is now the possibility that the most important trading opportunities of the year are now under threat.

The commercial grounds for this appeal are as follows:

1. 87% of Cotswold Market Traders will lose their pitch during the most important trading period in the retail calendar – the run up to Christmas - significantly reducing their revenues and potentially threatening their livelihoods. This is particularly difficult as traders have already suffered with the Government Covid restrictions.
2. With the new Marketplace Europe Christmas Market scheduled to start in November, Cotswold Market Traders will also be denied their regular November & early December market days, meaning the last opportunity for some of these local Cheltenham businesses to trade in Cheltenham will be October.
3. This change will deny both local Cheltenham shoppers as well as visitors to the town, the opportunity to buy from local independent businesses, which feels totally against the key principles of central and local government policy.

There is no doubt the Arts and Craft Market and the Cheltenham Farmers Market provide a real community service – to buyers and sellers - and I strongly urge the Licensing Committee to look beyond the simple economics and find a way for the Christmas Market to operate alongside the local

Arts & Crafts and Farmers Markets, as we have done for 10 years for the overall benefit of Cheltenham.

I have been notified by Cotswold Markets that they will not be allowed their usual markets in Cheltenham through November and December, and that the contracts for markets in these months is likely to be awarded to a company based in the north of England.

One has to assume this decision is based on the other company offering more money and, if so, we must applaud the fact that the Council will be able to spend more money on our local amenities. However, as is so often the case, there are winners and losers in this. Obviously, Cotswold Markets will (presumably) make less money during these months, but it is the small local traders who Cotswold Markets support and who, in turn, support the local economy, who will lose probably, most of all, as they will almost certainly be unable to pay the rates the other company will need to charge to make *their* profit.

I live in Cheltenham; I've done so for many years, and I've built a small Arts & Crafts business for myself, which has been going for over 10 years, and which I'm very proud of. Cotswold Markets have been a huge factor in helping me grow my business, trading every month on The Promenade, and I now have an increasing number of loyal customers, who often leave me saying "see you next month". Many of them are already saying "you will be here at Christmas, won't you?" Unfortunately, it seems my answer to them will be "No, sorry – the Council have priced us out of The Promenade, and probably Christmas altogether".

It is wholly fatuous for Belinda Hunt (of Cheltenham BID) to suggest that footfall in Cambray Place is better than that in the Promenade – does this woman live in Cheltenham? If she does, she has clearly not undertaken any sort of objective analysis regarding shopping habits in the town; ask 100 people where The Promenade is, and they will probably all know, but ask them where Cambray Place is, and I guarantee the number will reduce significantly. Cambray Place is very nice, but it is not a shopping destination, and is too far away from the main shopping hub. Even if I trade there, how am I supposed to tell all my loyal customers that I've moved so far away, to somewhere many of them have never heard of?

Any member of the licensing committee who has ventured along The Promenade during an Arts & Crafts market, will know how popular they are – through a great part of this year, we were the only show in town! We've been out there despite COVID, in all weathers, a smile on our faces, keeping the town's retail offering from sinking during the pandemic, and this is our reward?

So you offer an outside Company the market "Crown Jewels" who, let's face it, have no interest in supporting Cheltenham for the other 10 months of the year, then what? You expect Cotswold Markets, and the rest of us, to pitch up January, and carry on as if nothing had happened? You're in danger of throwing the baby out with the bathwater. Sometimes it's more about people, than money.

Dear Licensing Committee - as one of their long-standing market traders, I am most concerned at the way Cotswold Markets are being treated.

After so many years of supporting the Cheltenham economy, I find the current proposal to allow Cotswold Markets only half their usual market space at Christmas, and at a separate location, deeply upsetting. As well as reducing the capacity for local traders to show their goods at Christmas, having to pay to use someone else's chalets will also be no benefit to Cotswold Markets as a long-standing local business. And as for the offer to use Cambray Place, it is a cut-through from the town hall to the high street but with no shops along the route, how can it possibly have better footfall as they have been told?

It seems to me that Cheltenham councillors may be more impressed by the sight of continental-style chalets than traditional market stalls showing local produce. I cannot see why chalets can be doing "what is right for the town", a comment that has been reported, when in my view Cotswold Markets' green and white striped stalls fit in aesthetically under the trees, and are always neat, clean and tidy as well as fully occupied. I would like to add my voice to those saying to the Licensing Committee please support the local economy rather than just go with something you like the look of.

I hope these decisions can be reversed, for everybody's benefit including the people of Cheltenham who have always supported Cotswold Markets at Christmas, as I can personally testify.

I heard a very disturbing rumour that there is a possibility that our beloved local Farmers market will be displaced for the Christmas period by a non local market.

I trust this rumour is not true? I should like to be reassured that such a short sighted decision would not be taken by our council.

I look forward to hearing from you.

Dear Sir/Madam,

I am writing to you with regards to the attached letter from David Joynes of Cotswold Markets.

I am an artist and have been selling my work on Cotswold Market's stalls at the monthly arts and crafts market for many years on the Promenade in Cheltenham.

All the stalls sell unique hand crafted items made by ourselves and we are often told how nice it is to see such different things.

I can't stress how much it upsets me that the Council have decided to replace our market with another one throughout November and December.

To offer Cotswold Markets 20 chalets at an extremely high cost is disgusting. This would half our market and the cost would make it totally unaffordable.

November and December are our busiest months of the year and we all rely on this market to survive. We are all locally based and self employed so to say it's the best thing for Cheltenham and bring in another market from Stockport is ridiculous.

The chalets would be in Cambray Place. Mr Joynes was told the footfall was much higher there than on the promenade. After attending a market there 2 years ago I strongly disagree. If the council truly believe this to be the case then surely they would put the other market there and let us remain on the promenade.

Every month we have regular customers come to see us, not only to buy things, but also have a chat. Each year at Christmas time we are told how nice it is to see a craft market rather than the awful things sold in the chalets that you see everywhere.

Cotswold Markets have been an amazing company to deal with. Their prices have always remained reasonable and Mr Joynes has always tried to help us as stall holders and also make sure that the market continues to be unique.

Not only is it unfair to the stall holders but it is also incredibly unfair to Cotswold Markets who have been operating markets in Cheltenham now for 20 years.

The Council's decision to do this will put many local people in serious financial difficulty. Given the current circumstances surely the council should be supporting local businesses not destroying them.

Dear sir's it has come to my attention that this year market is to be moved to a new place in town. As one of the long-standing traders and living in the town I think this will be a mistake as people come from out of town for this market to do some Christmas shopping, as the shops in the town are closing at some speed I think we need to do all we can to keep this market in the same place so people can feel happy to come to Cheltenham to shop. So can you send this feedback to the licensing department.

I am writing to you as both a supporter and now a trader of the Arts and Crafts market in Cheltenham. I have spoken to a lot of friends and customers who would be very disappointed if the market was moved, reduced or even cancelled

The Creative Industry has been hit hard over the last 18 months, as have many others. Many of us have just about survived without any handouts or grants. We rely on our markets to provide an income and Christmas is the busiest time for most of us.

Our local communities have and continue to support local and independent businesses, but without the Cheltenham Arts and Crafts Christmas market many of us may not survive another year.

Cheltenham has thrived on and is known for its shopping experience and both the Farmers markets, and the Arts and Crafts Markets are an integral part of that experience.

People want to buy local, buy from smaller businesses, and buy individual quality items, but by not allowing the markets to go ahead, as they have for the last 8 years, they will no longer be able to do so. The Promenade is known by so many as the spot for the market and by moving it to another area of Cheltenham will affect us all.

Cheltenham Council should be supporting local businesses, and this is an ideal opportunity to be seen as encouraging smaller traders into the town. These markets could encourage these smaller businesses to stay, open shops, and the shopping experience would be greatly improved. Cheltenham could become the place to be for the smaller businesses.

Cotswold Markets Ltd have traded in Cheltenham for over 20 years and have enabled so many smaller businesses to trade and bring in both visitors and traders to the town.

Whilst we all recognise that whatever is decided must be the best choice for the town, the council should consider the effect that this decision will have on local traders who have brought in those visitors and the increased business to the town over recent years.

Please support us. Please allow the markets to be seen in Cheltenham over the Christmas period. Please continue to allow us the use of the Promenade for the 2 weeks that people have come to expect and love and support.

I have recently been informed of your plans for changing the provider of outdoor markets in November and December 2021 and moving the well established Arts and Farmers Markets to a different area of Cheltenham.

I am astonished at your limited thinking. In these difficult and changing times is it not obvious to your department that there is a need for the continuity of well established independent traders who are local to the area and who have supported the markets for many years. I have had a stall at the Arts Market for over 10 years and have many regular customers who rely on myself and other traders to buy unusual and unique products over the Christmas season.

Your proposal leads me to think that your idea is profit driven and not community driven. I urge you to reconsider your proposals.

Cheltenham Borough Council

Miscellaneous Licensing Sub-Committee – 7 July 2021

Response to Consultation on Common Hackney Carriage & Private Hire Licensing Standards for Gloucestershire

Report of the Licensing Team Leader

1. Background

- 1.1 The Licensing Committee acts as lead consultee to the Cabinet Member Customer & Regulatory Services on all licensing related matters.
- 1.2 A consultation on proposed common Hackney Carriage & Private Hire licensing standards for Gloucestershire has been launched giving this committee an opportunity to respond.

2. Background to consultation

- 2.1 The Department for Transport (DfT) published its Statutory Taxi and Private Hire Vehicle Standards in July 2020 with a strong focus to protect all passengers and users of taxis and private hire transport services.
- 2.2 The statutory guidance makes it clear that the Government expects the recommendations contained within it to be implemented unless there is a compelling local reason not to. Furthermore, it is noted that the statutory standards document sets out a framework of policies that, under section 177(4), licensing authorities “must have regard” to when exercising their licensing and safeguarding functions.
- 2.3 In light of the DfT statutory standards and requirements contained within it, the licensing authorities in Gloucestershire have collectively undertaken a review of their hackney carriage and private hire licensing policies. As a result of this combined effort, the licensing authorities in Gloucestershire have drafted proposed common licensing standards for the county based on the requirements in the statutory standards document.
- 2.4 The DfT statutory standards principally relate to driver and private hire operator licensing. As such, areas not in scope of the DfT statutory standards, for example vehicle fitness and licensing standards, are not included in the consultation and remain unaffected by the draft common licensing standards.
- 2.5 The only exception to local vehicle fitness and licensing standards covered by the statutory guidance is CCTV. However, further work is required on this and a separate consultation will be undertaken on the statutory guidance’s requirements with regards to CCTV.
- 2.6 At the moment, each of the six licensing authorities in Gloucestershire decide on their own taxi and private hire licensing standards and policies. The practical implication of this is six different interpretations on the question of “fit and proper” person and other standards designed to protect the public.
- 2.7 The draft common taxi and private hire licensing standards will mean that the same high standards will apply to anywhere in the county, based on national guidance and best practice to promote public safety, protection and, as a secondary consideration, reduce unnecessary bureaucracy for businesses that operate across district boundaries.

2.8 The Committee is recommended to:

2.8.1 Note the revisions to the revised policy as outlined in this report; and

2.8.2 Acting as lead consultee to the Cabinet Member Customer & Regulatory Services, submit any comments or response this committee wish to make for consideration by Cabinet.

Summary of implications

Legal

As outlined in the report.

Contact officer: One Legal
E-mail: legalservices@teWKesbury.gov.uk
Tel no: 01684 272693

3. Common Licensing Standards for Taxi and Private Hire Licensing

3.1 As mentioned above, the DfT statutory standards principally relate to driver and private hire operator licensing.

3.2 A copy of the draft common standards is attached at appendix 2 of this report.

3.3 A number of important aspects to promote public safety have been included in the draft common licensing standards. These are:

3.3.1 A definitive definition of “fit and proper” and assessment criteria to assist Members when making decisions;

3.3.2 Requirements for every licensed driver in Cheltenham, and the county, to be subscribed to the DBS update service which will also allow officers to undertake more frequent bulk checking of licence holders against DBS records;

3.3.3 An updated “Relevance of Convictions Policy” taking into account national best practice from both the DfT and Institute of Licensing;

3.3.4 An updated and common “Enforcement and Complaints Policy”;

3.3.5 Criminality checks for vehicle proprietors;

3.3.6 Criminality checks for private hire vehicle operators; and

3.3.7 Requirements on licensed private hire operator(s) ensuring that all booking and dispatch staff have had a basic DBS check.

4. Cheltenham Supplementary Consultation

4.1 In addition to the common standards consultation, the opportunity will also be taken to consult on a number of local policy changes not in scope of the DfT statutory guidance.

4.2 The supplementary consultation is included in the consultation document at appendix 2 for reference.

Background Papers

Contact Officer

Licensing Team Leader

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CONSULTATION

Common Licensing Standards for Licensing Hackney Carriage and Private Hire Drivers in Gloucestershire



Introduction

The Department for Transport (DfT) published its Statutory Taxi and Private Hire Vehicle Standards in July 2020 with a strong focus to protect all passengers and users of taxis and private hire transport services.

The statutory guidance makes it clear that the Government expects the recommendations contained within it to be implemented unless there is a compelling local reason not to. Furthermore, it is noted that the statutory standards document sets out a framework of policies that, under section 177(4), licensing authorities “must have regard” to when exercising their licensing and safeguarding functions.

In light of the DfT statutory standards and requirements contained within it, the licensing authorities in Gloucestershire have collectively undertaken a review of their hackney carriage and private hire licensing policies. The result of this combined effort is the subject of this consultation. Working together, the licensing authorities in Gloucestershire have drafted proposed common licensing standards for the county based on the requirements in the statutory standards document.

We welcome feedback and comments on the draft common licensing standards outlined below ([“Common Standards for Licensing Hackney Carriage and Private Hire Drivers in Gloucestershire”](#)).

Scope

The principal focus of this consultation is driver and private hire operator licensing.

Licensing matters not in scope of this consultation, as outlined below in the draft common standards, will remain unchanged by this consultation. This means that licensing matters relating to, for example, vehicle standards, are not included in the scope of this consultation and therefore in the common approach proposed at this stage.

The statutory standards do however include a number of other considerations such as CCTV in licensed vehicles and wider enforcement matters. Although not included in this consultation, the licensing authorities in Gloucestershire will, in due course, undertake further consultation on these matters.

Cheltenham Supplementary

Cheltenham Borough Council has included a supplementary consultation on a number of local policy issues. This supplementary is entirely separate from the substantive common licensing standards consultation.

Responding to the consultation

The consultation will be open **for 12 weeks from Tuesday 13 April 2021** to Tuesday 6 July 2021.

Each licensing authority in Gloucestershire will consult individually with its own licensed trade, Members and communities. In addition, Cheltenham Borough Council will host the consultation for wider stakeholders to be included in the consultation.

Local Consultation	
Local licensed trade	Individual Licensing Authority Link to consultations
Elected Members	Individual Licensing Authority Link to consultations

Parish Councils	Individual Licensing Authority Link to consultations
Local residents and communities	Individual Licensing Authority Link to consultations
Wider Consultation	
	Where to respond
Gloucestershire Constabulary	Hosted by Cheltenham Borough Council taxiconsultation@cheltenham.gov.uk
Gloucestershire County Council - Integrated Transport Unit	Hosted by Cheltenham Borough Council taxiconsultation@cheltenham.gov.uk
Gloucestershire County Council - Chair, Gloucestershire Economic Growth Scrutiny Committee	Hosted by Cheltenham Borough Council taxiconsultation@cheltenham.gov.uk
Gloucestershire Children's Safeguarding Executive	Hosted by Cheltenham Borough Council taxiconsultation@cheltenham.gov.uk
Neighbouring Authorities	Hosted by Cheltenham Borough Council taxiconsultation@cheltenham.gov.uk
Gloucestershire Police & Crime Commissioner	Hosted by Cheltenham Borough Council taxiconsultation@cheltenham.gov.uk
Any other responses	Hosted by Cheltenham Borough Council taxiconsultation@cheltenham.gov.uk

Consultation responses must be submitted in writing either by email as outlined above or by post to

Common Taxi Standards Consultation
Cheltenham Borough Council Licensing
Municipal Offices
Promenade
Cheltenham
GL50 9SA

Please include your full name, address and capacity (i.e. licence holder, local resident, elected Members etc.)

[Privacy Statement](#)

Please refer to the "[Licensing consultations privacy statement](#)" for more information on how we may process your personal information.

Common Standards for Licensing Hackney Carriage and Private Hire Drivers in Gloucestershire

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Introduction

1. Following the publication of the Department for Transport's ("DfT") Statutory Taxi and Private Hire Vehicle Standards ("the statutory guidance"), the licensing authorities for Gloucestershire has adopted common standards for licensing of hackney carriage and private hire drivers, vehicle proprietors and operators. Please refer to the scope below for further information. These common standards are based on the statutory guidance.
2. The purpose of these common standards is to set a common basic licensing standard for all licence holders and new applicants to promote best practice, maintain high safeguarding standards and to reduce the burden on licence holders and businesses.
3. The scope of the common standards are outlined below and individual licensing authorities retain the right to set its own licensing standards for aspects that are not included in scope.

Licensing Authorities

The Gloucestershire licensing authorities that have signed up to the common standards are:

1. Cotswold District Council
2. Forest of Dean District Council
3. Gloucester City Council
4. Stroud District Council
5. Cheltenham Borough Council
6. Tewkesbury Borough Council

General Principles

Licensing Policies

Each licensing authority that has adopted these common standards will have a comprehensive and a cohesive licensing policy document that brings together procedures on taxi and private hire vehicle licensing including these common standards.

Licensing policy documents will be reviewed every five years or more frequently should there be significant issues arising in their area, and their performance annually. Changes to adopted policies will be consulted on as appropriate including the local licensed trade, with licensing authorities that have adopted these common standards and other key stakeholders.

Any changes in licensing policy and/or requirements will be followed by a review of the licences already issued in accordance with the statutory guidance and on a case to case basis.

Ancillary Policies

Although not in scope of these common licensing standards, each licensing authority that has adopted these common standards will have in place the following ancillary policies:

- Whistleblowing policy and procedure for raising concerns about licensing matters and procedures
- Data sharing agreements and processes to enable sharing licensing information with other licensing authorities
- Procedure(s) for immediate suspension and revocation of licences as circumstances dictate.

Regulatory Structure

Each licensing authority that has adopted these common standards will operate its licensing function in accordance with its own scheme of delegation.

Enforcing the Licensing Regime

The licensing authorities that have adopted these common standards collectively acknowledge the importance of a fair and robust enforcement scheme and approach.

To this end, the following measures have been adopted:

1. Common Enforcement and Complaints Policy & Procedure (Appendix C)
2. Joint authorisation of enforcement officers off the licensing authorities that have adopted these common standards;
3. Information sharing agreements between the licensing authorities that have adopted these common standards

Specific Policies & Procedures

Fit & Proper

Licensing authorities have a duty to ensure that any person to whom they grant a taxi or private hire vehicle driver's licence is a 'fit and proper' person to be a licensee. The question of whether a person is a fit and proper person will be based on the following standard:

Without any prejudice, and based on the information before you, would you allow a person for whom you care, regardless of their condition, to travel alone in a vehicle driven by this person at any time of day or night?

If, on the balance of probabilities, the answer to the question is 'no', the individual should not hold a licence.

The overriding consideration will be safeguarding the public. This means that an applicant or licensee should not be 'given the benefit of doubt'. If the Licensing Sub-Committee or delegated officer is only "50/50" as to whether the applicant or licensee is 'fit and proper', they should not hold a licence. The threshold used here is lower than for a criminal conviction (that being beyond reasonable doubt) and can take into consideration conduct that has not resulted in a criminal conviction.

Licensing officers are delegated in accordance with the table set out in **Appendix A** including for dealing with serious matters that may require the immediate action in relation to a licence.

Information Sharing

Criminal records checks and information

The assessment of fit and proper includes, amongst other things, an assessment of an applicant or licensee's character and any relevant information relating to current or previous history.

Hackney carriage and private hire applicants or licensees will be subject to enhanced criminal records checks through the Disclosure & Barring Service (DBS) including checks against the national barred list.

The DBS check must satisfy the following:

- Workforce must state 'Other Workforce'
- Child and Adult Barring lists must be included

Appendix B, outlines the common standards for rehabilitation times relating to criminal records and other relevant matters outlined.

Hackney carriage and private hire applicants or licensees must be subscribed to the DBS's Update Service.

Each of the licensing authorities that have adopted these common standards will undertake six monthly enhanced DBS checks including checks against the children and adult Barred Lists for licensed drivers. The six month checking requirement will be brought into scope once these standards have been adopted (Autumn 2021).

In the interests of public safety, a licence is unlikely to be granted to any individual that appears on either barred list.

Each of the licensing authorities that have adopted these common standards will have also subscribe to the national refusals database (NR3). Hackney carriage and private hire applicants or licensees must declare on application whether they have had a hackney carriage and private hire driver's licence refused or revoked by another authority. Each applicant and licensee's application will be checked against the NR3 database to confirm if the information declared is correct and accurate.

Licence refusals and revocations will also be recorded on NR3 database. A decision to refuse or revoke a licence where this decision related to a risk of harm to a child or vulnerable adult, will be referred to the DBS and Gloucestershire Constabulary.

[Licensee self-reporting](#)

Licence holders are required to notify the issuing authority **within 48 hours** of an arrest and release, charge or conviction of any sexual offence, any offence involving dishonesty or violence and any motoring offence.

An arrest for any of the offences mentioned above is likely to result in a review by the issuing authority as to whether the licence holder is fit to continue.

Please also refer to the relevance of convictions policy at **Appendix B** for more information on the relevance of other convictions, arrests, cautions and criminal investigations.

[Complaints against licensees](#)

Licensees are required to display, in their licensed vehicles, guidance for passengers on making complaints directly to the licensing authority. The guidance for passengers must be displayed where it can easily be read. Signage to be displayed in licensed vehicles showing the guidance will be issued by the licensing authority. The signage will include:

- the licensing authority's name, contact email and address,
- the vehicle plate number for reference when making complaint,
- the licensing authority's website address where there will be further information for passengers about how to make complaint.

Licensees who are found to not be displaying the complaint guidance face a suspension of their vehicle licence and a possible review of their driving licence.

Complaints will be recorded, investigated and appropriate action taken in accordance with the Enforcement and Complaints policy at **Appendix C**.

[Certificate of Good Character](#)

Where any applicant has been resident abroad at any time from the age of 18 prior to an application they must provide a Certificate of Good Conduct, a Criminal Record Check or similar document from each and every country within which they have been resident.

Residency for these purposes is considered by this Licensing Authority as where the person has lived in a country for longer than 6 months in a given calendar year. Where this Certificate has been produced in a non-English language, the applicant is required to produce a translation of the Certificate from the Embassy or Consulate of that country and provide the original document. An exception might be permitted where a refugee has been allowed to stay in the UK and has been given asylum, and this exception will only apply to that country.

[Criminal records checks for overseas applicants](#), will assist you further in obtaining this document.

Immediate suspension and revocation of licences

Where it comes to the attention of a licensing authority that the fitness of a licence holder has been called into question, which raises concerns as to whether the relevant licence holder should be allowed to continue to operate under their licence and that decision cannot wait until the next scheduled Licensing Sub-Committee, the licensing authority will decide if immediate action is necessary under its own scheme of delegation. Immediate action can include a decision to suspend or revoke the licence.

Circumstances that might give rise to concern about the fitness of a licence holder would include, for example, serious complaint, criminal investigation, serious allegation, formal caution, conviction or any other circumstances deemed sufficiently serious that requires immediate action.

For the avoidance of doubt, licence holder relates to a driver, vehicle and/or operator licence.

Hackney Carriage & Private Hire Drivers

Duration of licences

Hackney carriage and private hire driving licences will be granted for a standard period of three years.

Individual licensing authorities retain the right to issue shorter driving licences in exceptional circumstances where circumstances deems this appropriate.

Mandatory Training

Applicants for a hackney carriage or private hire driving licence must undertake mandatory safeguarding and equality awareness training prior to the issue of their licence. A common training approach and provision has been adopted by licensing authorities that have adopted these common standards.

Existing licensees will be required to undertake refreshers training every three years as a condition of the grant of their licence.

Language proficiency

The assessment of fit and proper includes an assessment of an applicant or licensee's English language proficiency. A lack of English language proficiency could impact on a driver's ability to understand written documents, such as policies and guidance, relating to the protection of children and vulnerable adults and applying this to identify and act on signs of exploitation. Oral proficiency will be of relevance in the identification of potential exploitation through communicating with passengers and their interaction with others.

Applicants for a hackney carriage or private hire driving licence must therefore have a sufficient English language proficiency and be able to demonstrate this.

Some applicants may not be required to take the English proficiency test. This is the case if they can demonstrate their ability to communicate in English by providing an appropriate educational certificate for a qualification related to English. Acceptable qualifications may include a GCSE (or equivalent) in a subject such as English language or literature, a degree in a subject containing substantial English content, or an NVQ or BTEC in a subject that requires its students to communicate well in English.

If applicants are unable to provide such a certificate, or if the licensing officer is not satisfied that the certificates provided sufficiently demonstrate the applicant's ability to communicate in English, the applicant will need to pass the English proficiency test.

English language proficiency requirements will apply to new applicants from date of adoption of these standards however, discretion remains to refer existing licence holder for an assessment on a case to case basis.

Hackney Carriage & Private Hire vehicle proprietors

Criminality checks for vehicle proprietors

Licensed vehicle proprietors will be subject to an annual basic disclosure check from the DBS unless they are also a licensed hackney carriage or private hire driver licensed with the same authority where they hold the vehicle licence.

Whether a licensed vehicle proprietor is fit and proper will be determined based on the definition set by the common licensing standards and the relevance of convictions policy at Appendix A.

Should the licensed vehicle proprietor cease to hold a driver hackney carriage or private hire driver licence a basic certificate should will be required immediately.

A refusal to license an individual as a hackney carriage or private hire driver or to suspend or revoke a driver licence, does not automatically mean that that individual cannot be issued or continue to hold a hackney carriage or private hire vehicle or private hire vehicle operator licence.

Under these circumstances, a decision on the fitness and propriety of a vehicle proprietor will be made independent of a driver licence refusal, based on the appropriate information and taking into consideration the individual circumstances of each case. An important consideration will be the information that would only be available via an enhanced DBS check but instead that which would be disclosed on a basic check. DBS certificate information can only be used for the specific purpose for which it was requested and for which the applicant's full consent has been given.

Private Hire Operators

Duration of licences

Private hire operating licences will be granted for a standard period of five years.

Individual licensing authorities retain the right to issue shorter driving licences in exceptional circumstances where circumstances deems this appropriate.

Criminality checks for private hire vehicle operators

Licensed private hire operator(s) will be subject to an annual basic disclosure check from the DBS unless they are also a licensed hackney carriage or private hire driver licensed with the same authority where they hold the operating licence.

Whether a private hire operator(s) is fit and proper will be determined based on the definition set by the common licensing standards and the relevance of convictions policy at **Appendix B**.

Should the private hire operator(s) cease to hold a driver hackney carriage or private hire driver licence, a basic certificate should will be required immediately.

Refusal to license in individual as a driver or to suspend or revoke a driver licence does not automatically mean that that individual cannot be issued or continue to hold a private hire vehicle operator licence.

Under these circumstances, a decision on the fitness and propriety of a private hire operator(s) will be made independent of a driver licence refusal, based on the appropriate information and taking into consideration the individual circumstances of each case. An important consideration will be the information that would only be available via an enhanced DBS check but instead that which would be disclosed on a basic check. DBS certificate information can only be used for the specific purpose for which it was requested and for which the applicant's full consent has been given.

A private hire vehicle operator licence may be applied for by a company or partnership. In this case, the 'fit and proper' test will apply to each of the directors or partners in that company or partnership.

A licensed private hire operator issued to a company or partnership must advise the licensing authority of any change in directors or partners. Any change to directors or partners will require additional criminality checks.

Booking and dispatch staff

Licensed private hire operator(s) will be subject to a licence condition ensuring that all booking and dispatch staff have had a basic DBS check. In addition, private hire operators must ensure they have written policies and procedures in place to:

- a. ensure criminality checks are undertaken on all booking and dispatch staff at appropriate intervals; and
- b. set out its approach on employing all booking and dispatch staff that are ex-offenders.

Where a licensed private hire operator has outsourced its booking and dispatch function that licensed private hire operator must ensure the third-party have adequate arrangements in place as outlined above.

Record keeping

As a common standard enforced by way of a licensing condition, all licensed private hire operators will be required to record the following information for each booking accepted:

- the name of the passenger;
- the time of the request;
- the pick-up point;
- the destination;
- the name of the driver;
- the driver's licence number;
- the vehicle registration number of the vehicle;
- the name of any individual that responded to the booking request;
- the name of any individual that dispatched the vehicle.

For Consultation

Appendix A - Table of Delegations

Matter to be dealt with	Full Committee	Sub-Committee	Licensing Officers
Full policy review	All cases		
Application for driver's licence, with no convictions			All cases
Application for driver's licence, with relevant convictions		Cases where referral for determination required, other than traffic offences	Cases in relation to traffic offences
Suspension of driver's licence (public safety)		All cases where referral for determination required	
Revocation of driver's licence (public safety, immigration)		Cases where referral for determination required	Cases where immediate effect required
Application for vehicle licence			All cases
Suspension of vehicle licence (public safety)			All cases with a reasonable cause
Revocation of vehicle licence (public safety)		Cases where referral for determination required	Cases where immediate effect required
Application for operator's licence			All cases
Application for operator's licence, with relevant convictions		All cases where referral for determination required	
Suspension of operator's licence (public safety)		All cases where referral for determination required	
Revocation of operator's licence (public safety)		Cases where referral for determination required	Cases where immediate effect required
Assistance dogs in taxis: exemption certificate request forms			All cases

Decision on whether a complaint is irrelevant, frivolous, vexatious, etc.			All cases
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For Consultation

Appendix B – Relevance of Convictions Policy

GLOUCESTERSHIRE LICENSING AUTHORITIES – TAXI AND PRIVATE HIRE CONVICTIONS POLICY

INFORMATION FOR APPLICANTS AND EXISTING LICENCE HOLDERS

1. This policy is intended to provide guidance on determining suitability of new applicants and existing licence holders where the applicant or licence holder has been convicted of a criminal or driving offence.
2. The policy lists the types of offences that may give concern to the Licensing Authority. For the more serious offences the expectation is that an application will be refused or an existing licence holder will have their licence revoked. For other offences the policy gives the timescales that it is expected will have elapsed since the conviction before an application will be granted.
3. The Policy states that each case will be treated on its own merits. Where an applicant or Licence Holder has an offence listed in this policy it will not necessarily mean an automatic barring or revocation. However, the applicant or licence holder can expect that their application or licence will be put before a Licensing Sub-Committee for consideration who will take account of this policy. The obligation will be on the applicant or licence holder to put forward reasons and/or evidence in support of their case for the Licensing Sub-Committee to consider.
4. If an application is refused or a licence is revoked the applicant or licence holder will have right of appeal to the Magistrate's Court. The application to the Magistrates Court should be made within 21 days of the applicant or licence holder being notified by the Licensing Authority of the decision to refuse or revoke.
5. Where a licence holder is convicted of an offence where the Licensing Authority believes that the safety of the public may be at immediate risk, the licence may be suspended/revoked with immediate effect. The licence holder will have right of appeal to the Magistrates Court against a suspension issued with immediate effect however they may **not** use the licence until any decision is made by the Court.
6. Existing licence holders that have been granted licences previous to this policy coming into effect may have convictions on their record that fall within the timescales within this policy. The Licensing Authority will have made decisions on those licences based on policies in place at the time where the timescales may have been lesser or those offences not included. It is not reasonable that those licences should be automatically be revoked. The Licensing Authority will review all existing licences in light of this policy and where the Licensing Authority has concerns about a particular licence holder and/or there are further offences, breaches or complaint, the licence holder may be reviewed by a Licensing Sub-Committee who will take into account all matters including any previous offences that may now fall within this current policy. In particular, serious account will be taken of any history of safeguarding matters. Where appropriate, existing licence holders may be requested to apply for a new enhanced DBS certificate in order that the Council can review historic offences in line with this policy.

OVERVIEW

7. The function of licensing is the protection of the public. A member of the public stepping into a motor vehicle driven by a stranger must have the confidence that the driver is safe and suitable.
8. Taxi legislation provides that any person must satisfy the authority that they are a fit and proper person to hold a licence. If a licence holder falls short of the fit and proper standard at any time, the licence should be revoked or not renewed on application to do so.
9. These guidelines apply to all new applications for a taxi or private hire driver licence and all licensed taxi and private hire drivers.
10. In addition, where relevant, they will also be applied to taxi and private hire vehicle licence applicants and licence holders, and private hire operator licence applicants and licence holders. Where such applicants and licence holders are not applying for, or already hold a taxi or private hire driver licence they will be required to provide a basic criminal conviction checks on application and then at regular intervals. The Licensing Authority will take account of any current criminal convictions showing on the basic criminal conviction check, or criminal conviction received, in accordance with this policy.
11. Taxi legislation specifically identifies offences involving dishonesty, indecency or violence as a concern when assessing whether an individual is 'fit and proper' to hold a taxi or private hire vehicle licence.
12. This policy is based on the Statutory Taxi and Private Hire Vehicle Standards issued by the Department of Transport in July 2020, Annex - Assessment of Previous Convictions. <https://www.gov.uk/government/publications/statutory-taxi-and-private-hire-vehicle-standards>
- 13. The Licensing Authority will consider each case on its own merits, and applicants/licensees are entitled to a fair and impartial consideration of their application.**
14. In each case appropriate weight should be given to the evidence provided. This will include assessing the risk of re-offending and harm.
15. The Licensing Authority will be looking at the entirety of the individual when making the decision whether an applicant or licence holder is a safe and suitable person. Time periods are relevant and weighty considerations, but they are not the only determining factor. Other factors that the Licensing Authority will take into account when making a decision include but are not exhaustively:
 - Relevance and date of the offence
 - Sentence imposed by the court
 - Age of person and circumstances when the offence was committed
 - Subsequent periods of good behaviour
 - Overall conviction history
 - Any history of complaints made to the Licensing Authority against an existing licence holder. Unproven complaints may in some circumstances be taken into account if it is considered that there is a strong likelihood that the complaints are justified and the nature and/or number of complaints raise concern regarding suitability of applicant
 - Whether the applicant has intentionally misled the Licensing Authority or has lied as part of the application process

- Information provided by other agencies or other services at the Licensing Authority. This may include information disclosed by the Police or Safeguarding Services
 - Any other matters that are relevant
16. Convictions for attempt or conspiracy will be regarded as convictions for the substantive crime.
17. A caution is regarded in exactly the same way as a conviction.
18. Fixed penalties and community resolutions will also be considered in the same way as a conviction.
19. Hackney carriage and private hire drivers are exempt from the provisions of the Rehabilitation of Offenders Act 1974. This means that there are no “spent” convictions and that any and all criminal convictions (apart from “protected convictions” and “protected cautions” where they have been declared) can be taken into account by the local authority in assessing safety and suitability, but only relevant spent convictions should be considered
20. Where a period is given below, it should be taken to be a minimum in considering whether a licence should be granted or renewed in most cases. This places passenger safety as the priority while enabling past offenders to sufficiently evidence that they have been successfully rehabilitated so that they might obtain or retain a licence.
21. It is important to recognise that matters which have not resulted in a criminal conviction (whether that is the result of an acquittal, a conviction being quashed, decision not to prosecute or an investigation which is continuing where the individual has been bailed) can and will be taken into account by the licensing authority. In addition, complaints where there was no police involvement will also be considered.
22. Within this document, any reference to “conviction” will also include matters that amount to criminal behaviour, but which have not resulted in a conviction.
23. In the case of any new applicant who has been charged with any offence and is awaiting trial, the determination will be deferred until the trial has been completed or the charges withdrawn. Where an existing licensee is charged, it will be for the licensing authority to decide what action to take in the light of these guidelines.
24. Any offences committed, or unacceptable behaviour reported whilst driving a hackney carriage or private hire vehicle, concerning the use of a hackney carriage or private hire vehicle, or in connection with an operator of a private hire vehicle will be viewed as aggravating features, and the fact that any other offences were not connected with the hackney carriage and private hire trades will not be seen as mitigating factors.
25. In addition to the nature of the offence or other behaviour, the quantity of matters and the period over which they were committed will also be considered. Patterns of repeated unacceptable or criminal behaviour are likely to cause greater concern than isolated occurrences as such patterns can demonstrate a propensity for such behaviour or offending.
26. It is also important to recognise that once a licence has been granted, there is a continuing requirement on the part of the licensee to maintain their safety and suitability. The licensing authority has powers to take action against the holder of all types of licence (driver’s, vehicle and operator’s) and it must be understood that any convictions or other actions on the part of the

licensee which would have prevented them being granted a licence on initial application will lead to that licence being revoked.

27. Any dishonesty by any applicant or other person on the applicant's behalf which is discovered to have occurred in any part of any application process (e.g. failure to declare convictions, false names or addresses, falsified references) will result in a licence being refused, or if already granted, revoked and may result in prosecution.
28. Where an applicant/licensee is convicted of an offence which is not detailed in this guidance, the licensing authority will take that conviction into account and use these guidelines as an indication of the approach that should be taken.
29. These guidelines do not replace the duty of the licensing authority to refuse to grant a licence where they are not satisfied that the applicant or licensee is a fit and proper person.
30. Where a situation is not covered by these guidelines, the authority must consider the matter from first principles and determine the fitness and propriety of the individual.

OFFENCES

Crimes resulting in death

31. Where an applicant or licensee has been convicted of a crime which resulted in the death of another person or was intended to cause the death or serious injury (where there was an intention or strong likelihood of death) of another person they will not be licensed. A licence holder who is convicted of the above will have their licence revoked.

Exploitation

32. Where an applicant or licensee has been convicted of a crime involving, related to, or has any connection with abuse, exploitation, use or treatment of another individual irrespective of whether the victim or victims were adults or children, they will not be licensed. This includes slavery, child sexual abuse, exploitation, grooming, psychological, emotional, financial abuse, domestic abuse, harassment and stalking but this is not an exhaustive list.

Offences involving violence against the person

33. Licensed drivers have close regular contact with the public who could be at risk from violent behaviour. Drivers are often entrusted with the care of children, young persons and vulnerable adults. The Licensing Authority seeks to protect the safety of the public and minimise risk.
34. Where an applicant has a conviction for an offence of violence against the person, or connected with any offence of violence, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed. A licence holder convicted of the above will have their licence revoked

Examples of Violent offences include (this is not an exhaustive list)

- a. Arson
- b. Malicious wounding or grievous bodily harm
- c. Actual bodily harm
- d. Grievous bodily harm with intent

- e. Robbery
- f. Riot
- g. Assault Police
- h. Any racially aggravated assault
- i. Violent disorder
- j. Resisting arrest
- k. Common assault/battery
- l. Affray
- m. Obstruction

Possession of a weapon

35. Where an applicant has a conviction for possession of a weapon or any other weapon related offence, a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed. A licence holder convicted of the above will have their licence revoked

Sexual offences

36. As licensed drivers often carry unaccompanied and vulnerable passengers, the Licensing Authority will take a strong line in relation to applicants or existing licence holders with convictions for sexual offences. All sexual and indecency offences should be considered as serious.
37. Where an applicant has a conviction for any offence involving or connected with illegal sexual activity, a licence will not be granted. A licence holder convicted of the above will have their licence revoked
38. In addition to the above, the licensing authority will not grant a licence to any applicant who is currently on the Sex Offenders Register or on any barred list. A licence holder who goes on any of the above will have their licence revoked
39. Sexual/Indecency Offences include (this is not an exhaustive list)
- a. Rape
 - b. Assault by penetration
 - c. Offences involving children or vulnerable adults
 - d. Trafficking, sexual abuse against children and / or vulnerable adults and preparatory offences (as defined within the Sexual Offences Act 2003).
 - e. Making or distributing obscene material
 - f. Possession of indecent photographs depicting child pornography.
 - g. Sexual assault
 - h. Indecent assault
 - i. Exploitation of prostitution
 - j. Soliciting (kerb crawling)
 - k. Making obscene / indecent telephone calls
 - l. Indecent exposure
 - m. Any similar offences (including attempted or conspiracy to commit) offences
40. Any licence holder charged with, convicted or issued with a formal caution for any of the offences mentioned above should expect to have their licence revoked with immediate effect.

Dishonesty

41. Drivers of hackney carriage and private hire vehicles are expected to be persons of trust. It is comparatively easy for a dishonest driver to defraud the public by demanding more than the legal fare and in other ways. In certain situations, drivers will know that a property is empty whilst the occupants are away on holiday for a set period of time after taking them to the airport or railway station. For these reasons convictions of dishonesty are treated very seriously
42. Where an applicant has a conviction for any offence where dishonesty is an element of the offence, a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed. A licence holder convicted of any of the above will have their licence revoked
43. Dishonesty offence includes (this is not an exhaustive list)
- a. Theft
 - b. Burglary
 - c. Fraud
 - d. Benefit fraud
 - e. Handling or receiving stolen goods
 - f. Forgery
 - g. Conspiracy to defraud
 - h. Obtaining money or property by deception
 - i. Other deception
 - j. Any similar offence

Drugs

44. Where an applicant has any conviction for, or related to, the supply of drugs, or possession with intent to supply or connected with possession with intent to supply, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.
45. Where an applicant has a conviction for possession of drugs, or related to the possession of drugs, a licence will not be granted until at least five years have elapsed since the completion of any sentence imposed. In these circumstances, any applicant may also have to undergo drugs testing for a period at their own expense to demonstrate that they are not using controlled drugs. A licence holder convicted of the above will have their licence revoked

Discrimination

46. Where an applicant has a conviction involving or connected with discrimination in any form, a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed. A licence holder convicted of the above will have their licence revoked
47. Examples of Discrimination offences include (this is not exhaustive list)
- a. Racially aggravated common assault
 - b. Any racially-aggravated offence against a person or property.

- c. Any offences (including attempted or conspiracy to commit offences) that are similar to those above.
- d. Offences under Equality Act 2010
- e. Any offence considered as hate crime. Hate crime is any criminal offence which is perceived by the victim, or anybody else, to be motivated by hostility or prejudice towards someone's: race, religion, sexual orientation, transgender identity, disability.

Motoring convictions

48. Hackney carriage and private hire drivers are professional drivers charged with the responsibility of carrying the public. It is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence would not prohibit the granting of a licence. However, applicants with multiple motoring convictions may indicate that an applicant does not exhibit the behaviours of a safe road user and one that is suitable to drive professionally.
49. For the purposes of this policy a minor traffic offence is one where the DVLA has imposed no more than 3 penalty points on the applicant's DVLA driving licence for the offence. A major conviction is one where the DVLA has imposed more than 3 penalty points on the applicant's DVLA driving licence for the offence. There is more information about endorsement codes and penalty points on the Government's website. <https://www.gov.uk/penalty-points-endorsements/endorsement-codes-and-penalty-points>
50. For the purposes of this policy, a 'valid' traffic offence is the same definition as used by the DVLA. Points that stay on a DVLA licence for 4 years are 'valid' for 3 years. Points that stay on a DVLA driving licence for 11 years they are 'valid' for 10 years. There is more information on the Government's website <https://www.gov.uk/penalty-points-endorsements/how-long-endorsements-stay-on-your-driving-licence>
51. Where an applicant has more than one minor traffic offence a licence would be refused whilst the relevant points remain 'valid' on their driving licence.
52. Where an applicant has a major conviction the application will be refused whilst the relevant points remain 'valid' on their driving licence.
53. Any motoring conviction while a licensed driver demonstrates that the licensee may not take their professional responsibilities seriously. However, it is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence may not necessitate the revocation of a taxi or private hire vehicle driver licence providing the Licensing Authority considers that the licensee remains a fit and proper person to retain a licence.
54. Where there is a second occurrence of a minor traffic offence, whilst the first minor traffic offence is valid, or a single occurrence of a major traffic offence of up to 6 points, a licence holder can agree to complete a driving assessment, at their own expense, through an approved provider, as an alternative to a review/revocation of their licence by a Licensing Sub-Committee
55. Where a licence holder has more than 6 valid penalty points for driving offences their licence will be revoked.

Drink driving/driving under the influence of drugs

56. Where an applicant has a conviction for drink driving or driving under the influence of drugs, a licence will not be granted until at least seven years have elapsed since the completion of any sentence or driving ban imposed. In the case of driving under the influence of drugs, any applicant may also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs. A licence holder convicted of the above will have their licence revoked

Using a hand-held device whilst driving

57. Where an applicant has a conviction for using a held-hand mobile telephone or a hand-held device whilst driving, a licence will not be granted until at least five years have elapsed since the conviction or completion of any sentence or driving ban imposed, whichever is the later. A licence holder convicted of the above will have their licence revoked.
58. Where the offence is dealt with as driving offence and penalty points have been imposed on a DVLA licence, the licence will not be granted until at least four years have passed. This is the length of time these points remain current of the DVLA licence. A licence holder who has had penalty points imposed on their DVLA licence for using a held-hand mobile telephone or a hand-held device, will have their licence revoked.

Hackney Carriage and Private Hire Offences

59. Where an applicant has any offences under any relevant hackney carriage or private hire legislation a licence will not be granted until at least 7 years have elapsed since the conviction. A licence holder convicted of the above will have their licence revoked

Appendix C - Enforcement and Complaints Policy & Procedure

Enforcement

This policy takes a risk based proportionate, targeted and flexible approach to inspection and enforcement and where appropriate will work with external agencies such as the Police.

When a potential breach or offence is identified Licensing Officers will investigate the matter.

If it is in relation to a licensed vehicle the licence holder may be requested to bring in the vehicle for an inspection by a Licensing Officer or to take the vehicle to an MOT approved garage for a full inspection.

If it is in relation to a licensed driver or operator the licence holder may be requested to attend an interview. If the licence holder is suspected of a criminal offence or an offence under Hackney Carriage law the interview may be carried out under caution in accordance with the Police and Criminal Evidence Act 1984 (PACE) codes of practice.

Complaints by the Public

The public are able to make complaints to the licensing service about licensed drivers and operators. This could include such issues as offensive comments by a driver, unsafe driving, failure or lateness of attending bookings and refusal to take guide dogs.

Licensing Officers will normally ask the complainant to put their complaint in writing or by email giving details of the nature of the complaint with date, time and location if relevant.

All such complaints will be recorded and investigated and the licence holder notified. Licensing Officers may request the licence holder to attend an interview in order determine the facts. If the licence holder is suspected of a criminal offence or an offence under Hackney Carriage law that interview may be carried out under caution in accordance with the Police and Criminal Evidence Act 1984 (PACE) codes of practice.

Some complaints such as those alleging a serious criminal offence, traffic offence, violence or verbal abuse may be referred to the Police.

Actions that may be Taken Following Enforcement or Complaint

When deciding what action to take the Licensing Officers will consider each case on its own merits and will consider all relevant matters including:

- Seriousness of the offence, breach or complaint
- Any history of previous offences, breaches and/or complaints
- Consequences of non-compliance
- Effectiveness of any action
- Danger to the public
- In the case of an unproven allegation the seriousness of the allegation and the likelihood and risk of danger to the public

Action	Examples (but not an exhaustive list)
Take no action	<ul style="list-style-type: none"> Breach, offence or complaint is proven to be false. Matter is minor or unproven and there is no previous history
Verbal or written advice for example recommendation to re-take driver assessment test	<ul style="list-style-type: none"> Matter is minor and/or due to misunderstanding by the licence holder
Verbal or written warning	<ul style="list-style-type: none"> Complaint made by the public Minor traffic offence Contravention of the code of conduct or dress code
Fixed penalty notice	<ul style="list-style-type: none"> Smoking offences in a licensed vehicle
Immediate suspension or revocation of licence	<ul style="list-style-type: none"> Suspension of vehicle (S 68) issued when on inspection of a vehicle Officers believe that it has a defect or is potentially unsafe for passengers or the meter is defective Suspension of driver licence (s 61 (2B) if in interest of public safety for example failing a medical, safeguarding or serious criminal allegations Suspension of driver licence (s 61) if driver fails to provide relevant documentation by expiry e.g. DBS/Medical
Suspension of licence – 21 days notice	<ul style="list-style-type: none"> Suspension of a vehicle licence (s60) for failure to have a Council Vehicle Inspection or provide relevant document or visual condition of vehicle is not satisfactory
Simple caution issued by authorised officer	<ul style="list-style-type: none"> A licence holder admits to committing a less serious offence and the issuing of such a caution is likely to reduce re-offending
Review of the licence by the Licensing Sub-Committee	<ul style="list-style-type: none"> A licence holder receives criminal conviction, police caution, major motoring offence, safeguarding concern or serious complaint or allegation A licence holder has a history of complaints and/or offences. In the case of complaints by the public these complaints could be unproven if there is previous history of such complaints or a likelihood that the complaint is justified and the public could be at risk A licence holder that had received more than 3 warnings from Officers for breaches of conditions, policy or legislation within a 12 month period A licensed driver who has accumulated more than 6 current points on their driving licence Any matter where a possible outcome is the revocation of the licence
Prosecution	<ul style="list-style-type: none"> Using an unlicensed vehicle Unlicensed driver driving a licensed vehicle Unlicensed operator Driving without valid insurance Refusing to carry a guide dog

	<ul style="list-style-type: none"> Exceeding the number of passengers on the plate
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Review of the Licence by the Licensing Sub-Committee

The licence holder will be invited to a Licensing Sub-Committee meeting. The licence holder will be given reasonable notice of the meeting. However if the licence holder does not attend without reasonable cause the panel may undertake the review in his/her absence. The licence holder may bring another person with them to the review to support or represent them or they may wish to put comments in writing for the panel to consider. After considering all the facts the panel may take any action they feel appropriate. Below is a list of possible actions.

- No action
- Oral or written warning
- Requirement to take action within a time period for example recommendation to take a anger management course, safeguarding or disability awareness training, speed awareness course or driving assessment
- Suspend the licence until an action or requirement has been met
- Suspend the licence for a period of time as a deterrent to ensure future compliance
- Revoke the licence
- Recommend a simple caution
- Recommend prosecution

Right of Appeal

A licence holder has a right of appeal to the Magistrates Court for any decision by the Council to refuse, suspend or revoke a driver, vehicle licence or operator licence or against any conditions added to a licence. This appeal must be made within 21 days of the notification of the Council's decision.

There is an exception to the above right of appeal in the case of a decision to refuse to grant a Hackney Carriage vehicle licence. In this case the right of appeal is to the Crown Court.

There is no right of appeal against an immediate suspension of a vehicle licence (s68).

Cheltenham Borough Council Supplementary

Relevant to Cheltenham Only

1. Driver Medicals

Cheltenham Borough Council is proposing to amend the driver licensing medical requirement. At present, the policy requires a driver to obtain full medical records from their own GP. We are consulting on including an additional provision that would allow driver to option to obtain medical based on a 'summary of medical records' from a suitably qualified medical practitioner.

The current requirement goes against developing common practice on driver medicals. Based on advice, all of the important medical information required to safely determine a candidate's fitness to drive is easy to review on a good computerised summary of medical records. This summary is easier to access and less time consuming for the driver, and is also less onerous for the surgeries dealing with these requests.

Do you agree with the proposal to amend the policy that would allow drivers the option to obtain a medical based on a 'summary of medical records' from their own GP or another suitably qualified medical practitioner?

Do you have any other comments to make in relation to this proposal?

2. Vehicle fitness test pass certificates

The current taxi and private hire licensing policy does not currently prescribe a maximum time limit for valid vehicle fitness test pass certificates. We acknowledge there are times when a vehicle fitness test could be out of sync with licence renewals or other circumstances that might require an additional vehicle fitness test. By setting a maximum time limit for vehicle fitness test pass certificates, the need for additional testing could be avoided without compromising on public safety.

For a vehicle licence renewal, we propose to only accept a vehicle fitness test pass certificate issued a maximum of 8 weeks before the vehicle licence renewal date.

Do you agree with this proposal? Do you have any other comments to make in relation to this proposal?

3. Taximeter calibration tests

The council is considering removing the requirement for annual taximeter calibration tests. If approved, the council will require a taximeter calibration test on initial application, for fare changes and at the request of the council for individual vehicles where concerns have been raised about the accuracy of the taximeter calibration.

Do you agree with this proposal? Do you have any other comments to make in relation to this proposal?

4. Policy on medical exemptions

The council proposes a formal policy on processing applications for medical exemptions from the duties placed on licence holders under the Equality Act 2010. A draft policy is attached at the end of this supplementary.

Do you have any other comments to make in relation to the draft medical exemption policy?

Other proposed changes:

1. Clarifying in the policy that the council will accept temporary cover notes where an annual certificate was not available at the time of licensing
2. Clarifying that the council does not issue reminders for 6 monthly MOTs. These are a condition of the individual vehicle licence and printed on the licence. We seek to further clarify that failure to comply with the 6 month MOT requirement will result in a vehicle licence suspension for a maximum period of 2 months.
3. Appendix C, paragraph e – add clarification that 5 year age limit is assessed at the point of licensing to clarify that the vehicle must be less than 5 years old on the date when the licensing application is submitted.
4. Additional policy section on Equality Duties of drivers, operators and proprietors - We are proposing to include a new section in the policy on the statutory equality duties placed on licensed drivers, operators and proprietors. The section will reflect the statutory duties in the Equality Act but with reference to local enforcement approach and policies.

5. Strengthening Enforcement

The council will continue to work with all stakeholders in respect of the night time economy in Cheltenham. It shall continue to ensure that people feel safe. The council will take a zero tolerance policy to justified or substantiated complaints involving drivers against women passengers. Due process will be followed in all instances, but inappropriate words and actions will not be tolerated.

The council will take a harsh line with any licensed driver that is found to have not carried out any legal responsibilities in connection with equality legislation, and in particular in carrying disabled people.

The council may carry out test purchase exercises in respect of the following activities:

- Monitoring/ auditing proper use of the taximeter;
- Monitoring/ auditing compliance with duties under the Equality Act 2010.

Medical Exemption Policy

1. Background Information

The Equality Act 2010 means that employers and service providers must make 'reasonable adjustments' or changes to take account of the needs of disabled employees and customers.

Cheltenham Borough Council is committed to an accessible public transport system in which disabled people have the same opportunities to travel as other members of society. Taxis and Private Hire vehicles are a vital link in the transport chain. It is important that people who use wheelchairs or guide, hearing or other assistance dogs can have confidence that drivers will accept them and their wheelchair or assistance dog and carry them at no extra charge.

The Equality Act 2010, Section 165, places the following duties on drivers of designated wheelchair accessible Taxis and Private Hire Vehicles;

- To carry the passenger while in the wheelchair;
- Not to make any additional charge for doing so;
- If the passenger chooses to sit in a passenger seat, to carry their wheelchair;
- To take such steps as are necessary to ensure that the passenger is carried in safety and reasonable comfort;
- To give the passenger such mobility assistance as is reasonably required

In addition, Sections 168 and 170 places the following duty on drivers of Taxis and Private Hire vehicles;

- To carry the passenger's dog, allowing it to remain with the passenger and not make any additional charge for doing so.

A driver who fails to comply with any of the above is guilty of an offence and may receive a fine if convicted.

2. What is a Medical Exemption?

In some circumstances a driver of a designated Taxi or Private Hire vehicle may be unable to fulfil the requirements of the Equality Act 2010 for medical reasons, either short or longer term.

Section 166 of the Act allows licensing authorities to exempt drivers from the duties to assist passengers in wheelchairs if they are satisfied that it is appropriate to do so on medical grounds or because the driver's physical condition makes it impossible or unreasonably difficult for them to comply with the duties.

Sections 169 and 171 of the Act allow licensing authorities to exempt drivers from the duties to transport assistance dogs if they are satisfied that it is appropriate to do so on medical grounds.

3. How to apply for a Medical Exemption

To apply for a Medical Exemption Certificate, a driver must submit an exemption application form and obtain a doctor's note detailing exactly what duties cannot be undertaken and why.

Upon receipt of the doctor's note, the Licensing Section will provide a temporary exemption certificate which will cover the driver for a period of up to three months. The Licensing Section will also initiate a driver referral to the preferred, authorised Occupational Health provider, the cost of which must be borne by the applicant.

If the doctor's note states that the driver is unfit to carry passengers in wheelchairs and/ or assistance dogs for a specified period of time, a temporary exemption notice will be issued with an expiry date in line with the information provided on the doctor's note. Upon expiry, the Licensing Section will deem drivers fit to undertake all duties unless a second doctor's note is received. Upon receipt of a second doctor's note, the referral process will be initiated as detailed above.

Upon expiry of the temporary exemption certificate, the certificate must be returned to Licensing Section. Failure to do so in a reasonable timeframe might result in the suspension of a driver's licence on the basis of being fit and proper.

When the referral process is initiated, the driver will receive further information from the Occupational Health provider. The licensing section will contact the driver to discuss the outcome of the referral.

- If the driver is declared fit for work, the temporary exemption certificate must be returned to the Licensing Section.
- In the event of a recommendation to make reasonable adjustments, the licensing section will consider an extension to the temporary exemption certificate to allow the driver to make necessary reasonable adjustments.
- If the driver is declared permanently unfit to carry passengers in wheelchairs and/ or assistance dogs an Exemption Certificate will be issued. The exemption may be reviewed every one to five years, with reference to expert medical evidence, and each case will be reviewed on its own merits.

4. Appeals Process

If the driver does not agree with the decision to refuse the application for a medical exemption, they are able to appeal the decision to the magistrates' court. The driver has 28 days from the date of refusal to appeal.

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