

**Cheltenham Borough Council
Cabinet – 15 September 2015**

**Amendments to Licensing Policy, Guidance and Conditions for
Private Hire and Taxis Operating within the Borough of
Cheltenham**

Accountable member	Cabinet Member Development and Safety, Cllr Andrew McKinlay
Accountable officer	Director of Environmental & Regulatory Services, Mike Redman
Ward(s) affected	All
Key/Significant Decision	No
Executive summary	<p>The council has a statutory duty to ensure all of its licensed drivers are, and remain, fit and proper people.</p> <p>The council is committed to keeping its policies under review to ensure they continue to be effective and comply with the latest guidance and national best practice.</p> <p>This report is seeking permission from Cabinet to approve minor changes to the council's taxi and private hire licensing policy for consultation.</p>
Recommendations	<p>Cabinet is recommended to:</p> <ol style="list-style-type: none"> 1. Note the proposed changes to the current taxi and private hire licensing policy; and 2. Approve the proposed changes for consultation.

Financial implications	<p>There are no financial implications arising from this report.</p> <p>Contact officer: Sarah Didcote, sarah.didcote@cheltenham.gov.uk, 01242 264125</p>
Legal implications	<p>As set out in the report.</p> <p>Contact officer: Vikki Fennell, vikki.fennell@teWKesbury.gov.uk, 01684 272015</p>
HR implications (including learning and organisational development)	<p>There are no HR implications as a result of this report. It may be useful to ensure that officers and committee members have training to ensure that the policy changes are fully understood.</p> <p>Contact officer: Richard Hall, richard.hall@cheltenham.gov.uk, 01242 77 4972</p>
Key risks	As identified in Appendix 1

Corporate and community plan Implications	Communities feel safe and are safe.
Environmental and climate change implications	None
Property/Asset Implications	None Contact officer: David Roberts@cheltenham.gov.uk

1. Background

- 1.1** The council has a statutory duty to ensure all of its licensed drivers are, and remain, fit and proper people.
- 1.2** The council's policy sets out assessment criteria for assessing applicants' fitness. These include, amongst others:
 - Enhanced criminal records checks;
 - Enhanced medical checks; and
 - Mandatory training.
- 1.3** The council is committed to keep its policies under review to ensure they continue to be effective and comply with the latest guidance and national best practice.
- 1.4** Recently, a lot of national licensing focus has been on the Louise Casey report into Child Sexual Exploitation (CSE) in Rotherham that identified, amongst others, a variety of licence holders as key culprits in the scandal.
- 1.5** As a result of the report and the recommendations made in it, officers have taken the opportunity to review local policy and practice to ensure that these continue to be sufficiently robust to maintain a high standard of public safety.
- 1.6** On the whole officers are satisfied that Cheltenham continues to set a high standard of fitness for all its licensed drivers compared to acceptable national standards and best practice guidance.
- 1.7** It has however been identified that the council's conviction policy can be strengthened.
- 1.8** Furthermore, officers consider it appropriate that all licence holders receive mandatory safeguarding training.
- 1.9** This report therefore seeks approval from Members to consult on changes to the council's current convictions policy and a new policy requirement that all licence holders undergo mandatory safeguarding training.

2. Amendments to Convictions Policy

- 2.1** The council's current "Relevance of Convictions, Cautions and Fixed Penalty Notices in Relation to the Licensing of Drivers and Operators" policy sets out the council's assessment of the suitability of an applicant to be licensed, in terms of their criminal and driving records. Specifically, it is to be applied where an applicant for a driver or operator's licence has received a relevant conviction, caution or fixed penalty.
- 2.2** Additionally, it is also relevant and referred to where a relevant conviction, caution or fixed penalty has been received during the period of a driver or operator's licence, and used to help inform any decision as to the licensed drivers' continuing fitness to hold a licence.
- 2.3** The current policy is largely based on DfT Circular 2/92 which gives advice to local authorities on the procedures to adopt for checking criminal convictions for private hire and hackney carriage drivers.
- 2.4** This is an important policy for the council to safeguard the public against unfit licence holders and therefore it is important that it is sufficiently robust to properly vet applicants and licensed drivers. The above mentioned DfT circular has not been updated since 1992 when it was first published.

2.5 The proposed changes to the policy that officers consider appropriate to maintain high standards of fitness are set out in **Appendix 2**.

3. Safeguarding Training

3.1 The council does not currently require licensed drivers to undertake any form of training relating to their safeguarding responsibilities and conduct when conveying passengers.

3.2 It is proposed that the council introduce a new policy requirement for all licensed drivers to undertake safeguarding training.

3.3 The introduction of the training will form part of the council's fitness assurance for licence holders.

3.4 Officers have been in discussion with neighbouring licensing authorities to draw up a countywide training program. The discussions have included Gloucestershire Safeguarding Children Board and Gloucestershire Constabulary who have agreed to do the training.

3.5 The proposed training will be free of charge to licence holders and they will only have to do it once. A number of morning and afternoon sessions will be offered around the county to ensure everybody has sufficient access to the training.

3.6 The proposed mandatory training will generally deal with the signs of CSE, trafficking and other safeguarding issues and how licensed drivers can identify these activities and the means of reporting this to the appropriate authorities.

3.7 It is also intended to ensure licensed drivers are themselves equipped to guard against false and misleading safeguarding related allegations.

3.8 There will be an exemption clause for licensed drivers who have already undertaken comparable training by a recognised training provider.

3.9 It is intended that the training be rolled out to other licence holders in the future.

4. Reasons for recommendations

4.1 To ensure they council's policies remain effective and sufficiently robust to maintain a high standard of public safety and protection.

5. Alternative options considered

5.1 Members can resolve not to approve the proposed changes to the policy for consultation and leave the policy unchanged. Officers would not recommend this as an appropriate course of action for the reasons set out in this report.

6. Consultation and feedback

6.1 A 4 week consultation with the trade and other relevant persons, the Licensing Committee and organisations will be undertaken.

6.2 A further Cabinet report will be submitted to give Members an opportunity to consider any feedback submitted and to make a decision with regards to the adoption of the amended policy.

Report author	Contact officer: Louis Krog, louis.krog@cheltenham.gov.uk, 01242 264217
Appendices	<ol style="list-style-type: none"> 1. Risk Assessment 2. Proposed changes to "Appendix J - Relevance of Convictions, Cautions and Fixed Penalty Notices in Relation to the Licensing of Drivers and Operators"
Background information	<ol style="list-style-type: none"> 1. Licensing Policy, Guidance and Conditions for Private Hire and Taxis Operating within the Borough of Cheltenham 2. DfT Circular 2/92

The risk				Original risk score (impact x likelihood)			Managing risk				
Risk ref.	Risk description	Risk Owner	Date raised	Impact 1-5	Likelihood 1-6	Score	Control	Action	Deadline	Responsible officer	Transferred to risk register
	<p>If the proposed amendments to the policy is not approved the council runs the risk of not being able to maintain its high standards for fitness of its licensed drivers.</p> <p>Any incidents that may occur could potentially be very damaging for the council's reputation and could have financial implications if it were found that the council had failed in its statutory duty.</p>	Licensing Team Leader	15/09/15	3	2	6	Accept	Approve amendments for consultation	15/09/15		
<p>Explanatory notes</p> <p>Impact – an assessment of the impact if the risk occurs on a scale of 1-5 (1 being least impact and 5 being major or critical)</p> <p>Likelihood – how likely is it that the risk will occur on a scale of 1-6 (1 being almost impossible, 2 is very low, 3 is low, 4 significant, 5 high and 6 a very high probability)</p> <p>Control - Either: Reduce / Accept / Transfer to 3rd party / Close</p>											