

**Cheltenham Borough Council**  
**Director of Environment – 23 September 2016**  
**Provision of Taxi and Private Hire Driving Assessments**

<b>Accountable member</b>	<b>Councillor Andy McKinlay, Cabinet Member for Development &amp; Safety</b>
<b>Accountable officer</b>	<b>Mike Redman, Director of Environment</b>
<b>Ward(s) affected</b>	<b>All</b>
<b>Key/Significant Decision</b>	<b>No</b>
<b>Executive summary</b>	<p>The council is under a statutory duty to ensure that only persons deemed fit and proper are licensed as hackney carriage or private hire drivers. The council's licensing policy sets out the 'fit and proper' assessment criteria for applicants which includes, amongst others, a requirement for applicants to undertake a Driver and Vehicle Standards Agency ("DVSA") taxi driving assessment and to submit to the council an accredited pass certificate.</p> <p>In August the DVSA wrote to the council to advise that the DVSA will cease to undertake taxi driver assessments effective from 31 December 2016. As a consequence, it is necessary for the council to investigate alternative provision for taxi driver driving assessments.</p>
<b>Recommendations</b>	<p><b>The Director of Environment is recommended to:</b></p> <ol style="list-style-type: none"> <li><b>1. Approve the licensing policy amendments as set out in paragraph 2.3; and</b></li> <li><b>2. Delegate authority to the Licensing Team Leader, in consultation with the Head of Public Protection;</b> <ol style="list-style-type: none"> <li><b>a. to approve alternative assessment provider(s); and</b></li> <li><b>b. take the necessary steps to implement any new provision arrangements.</b></li> </ol> </li> </ol>
<b>Financial implications</b>	<p>Issuing driver licences is a chargeable function. Ceasing to issue licenses for any period of time will adversely impact council revenues. Alternative providers may charge different fees to the council than DVLA, so depending on the provider chosen, the budgeted cost for these fees may rise or fall.</p> <p><b>Contact officer: Myn Cotterill, <a href="mailto:myn.cotterill@cheltenham.gov.uk">myn.cotterill@cheltenham.gov.uk</a>, 01242 774958</b></p>
<b>Legal implications</b>	<p>There are no further legal considerations than those already addressed in the report</p> <p><b>Contact officer: <a href="mailto:Vikki.fennell@tewkesbury.gov.uk">Vikki.fennell@tewkesbury.gov.uk</a>, 01684 272015</b></p>

<b>HR implications (including learning and organisational development)</b>	<p>There are no direct HR implications in this report.</p> <p><b>Contact officer: Carmel Togher, HR Business Partner</b>  <b>Email: <a href="mailto:carmel.togher@cheltenham.gov.uk">carmel.togher@cheltenham.gov.uk</a></b></p> <p><b>Tel: 01242 775215</b></p>
<b>Key risks</b>	<b>As outlined in Appendix 1</b>
<b>Corporate and community plan Implications</b>	<b>None</b>
<b>Environmental and climate change implications</b>	<b>None</b>
<b>Property/Asset Implications</b>	<b>None</b>  <b>Contact officer: <a href="mailto:David.Roberts@cheltenham.gov.uk">David Roberts@cheltenham.gov.uk</a></b>

## 1. Background

- 1.1 The council is under a statutory duty to ensure that only persons deemed fit and proper are licensed as hackney carriage or private hire drivers.
- 1.2 The council's hackney carriage and private hire licensing policy sets out the 'fit and proper' assessment criteria for applicants which includes, amongst others, a requirement for applicants to undertake a Driver and Vehicle Standards Agency ("DVSA") taxi driving assessment and to submit to the council an accredited pass certificate.
- 1.3 In August the DVSA's Head of Driver and Driver Training Policy wrote to the council to advise that the DVSA will cease to undertake taxi driver assessments nationwide effective from 31 December 2016. A copy of the letter is attached as **Appendix 2** of this report.
- 1.4 As a consequence, it is necessary for the council to investigate alternative provision for taxi driver driving assessments.
- 1.5 In order for the council to do so, it will be necessary for it to make minor amendments to its licensing policy in order for it to approve alternative providers.
- 1.6 Officers have raised concerns about the DVSA's decision and are lobbying the Department for Transport via the Local Government Association, the local MP and the Institute of Licensing to review the decision. At present, it appears that the DVSA's decision will stand although it may agree to a postponement or extension of the implementation date.
- 1.7 Notwithstanding the above, given the uncertainty of the situation officers consider it necessary to make the recommended changes nonetheless to safeguard the council's ability to adequately discharge its statutory functions in respect of hackney carriage and private hire licensing.

## 2. Policy

- 2.1 Part 1 of the council's licensing policy deals with driver licensing. The section dealing with "First Application Procedure" sets out a requirement for applicants to successfully a DVSA driving assessment.
- 2.2 In light of the DVSA's decision, it is necessary for the council to broaden the policy requirement so that alternative providers can also be considered.
- 2.3 It is therefore proposed that the policy wording be amended:

Part 1 "First Application Procedure" point (f)	
From	To
"Submit an approved DVSA pass certificate."	"Submit a driving assessment pass certificate from a provider approved by the council."
Under "Driver assessment" on page 10	
From	To
"Applicants will be required to successfully pass a Driver and Vehicle Standards Agency (DVSA) Assessment for hackney carriage and private hire drivers."	"Applicants will be required to successfully pass a driving assessment for hackney carriage and private hire drivers from a provider approved by the council."

### **3. Reasons for recommendations**

- 3.1** To ensure the council is able to comply with its statutory obligations with regards to its duty to only licence fit and proper persons.

### **4. Alternative options considered**

- 4.1** There are no other viable alternatives that will ensure the council is able to adequately discharge its statutory duty.

### **5. Consultation and feedback**

- 5.1** Consultation has been undertaken with the relevant Cabinet Member, One Legal, GOSS HR and finance.
- 5.2** The licensed trade has also been updated on progress and the proposed changes to the licensing policy.

### **6. Performance management –monitoring and review**

- 6.1** Performance management will be undertake as part of the wider service KPIs and performance measures.

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<b>Appendices</b>	<ol style="list-style-type: none"><li>1. Risk Assessment</li><li>2. DVSA letter dated 31 August 2016</li></ol>
<b>Background information</b>	<ol style="list-style-type: none"><li>1. Licensing Policy, Guidance and Conditions for Private Hire and Taxis Operating within the Borough of Cheltenham (adopted 15 July 2014)</li></ol>

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
	If the council does not take action to address the problem created by the DVSA's decision, it will risk failing in its statutory duty.	Director of Environment	22/09/2016	2	4	8	Reduce	Adopt recommendations		Director of Environment	
	If licensed drivers' fitness is not adequately assessed, there will be a high risk of failure on the council's part to maintain standards of public safety and protection.	Director of Environment	22/09/2016	2	4	8	Reduce	Adopt recommendations		Director of Environment	
<b>Explanatory notes</b>											
<p><b>Impact</b> – 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><b>Likelihood</b> – 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><b>Control</b> - Either: Reduce / Accept / Transfer to 3rd party / Close</p>											