

Cheltenham Borough Council
Cabinet – 12 September 2017
Review of Taxi and Private Hire Licensing Policy

Accountable member	Councillor Andrew McKinlay, Cabinet Member for Development and Safety
Accountable officer	Mike Redman, Director of Environment
Ward(s) affected	All
Key/Significant Decision	No
Executive summary	<p>The Council's current Licensing policy, guidance and conditions for private hire and taxis ("taxi policy") was adopted in July 2014.</p> <p>While there is no statutory requirement to undertake a review of the taxi policy, there is a commitment set out in the policy to do so at least once every three years to ensure the policy remains up to date and relevant.</p> <p>Cabinet is asked to consider the proposed amendments to the current taxi policy and approve it for consultation.</p>
Recommendations	<p>Cabinet is recommended to:</p> <ol style="list-style-type: none"> 1. Approve the proposed policy changes as outlined in Appendix 2, 3 and 4 of this report for consultation.

Financial implications	<p>No financial implications directly arise from these changes in policy.</p> <p>Contact officer: Myn Cotterill, myn.cotterill@cheltenham.gov.uk, 01242 774958</p>
Legal implications	<p>There is no statutory requirement to undertake a review of the taxi policy but it is good practice to do so. Any legal implications are covered in the report.</p> <p>Contact officer: Vikki.fennell@tewkesbury.gov.uk, 01684 272015</p>
HR implications (including learning and organisational development)	<p>There are no direct HR implications identified in this report.</p> <p>Contact officer: Carmel Togher, HR Business Partner</p> <p>Email: carmel.togher@cheltenham.gov.uk</p> <p>Tel: 01242 775215@cheltenham.gov.uk, 01242</p>
Key risks	As outlined in Appendix 1

Corporate and community plan Implications	N/A
Environmental and climate change implications	
Property/Asset Implications	None Contact officer: David Roberts@cheltenham.gov.uk

1. Background

- 1.1 The Council's current Licensing policy, guidance and conditions for private hire and taxis ("taxi policy" hereafter) was adopted in July 2014.
- 1.2 Whilst there is no statutory requirement to undertake a review of the taxi policy, there is a commitment set out in the policy to do so at least once every three years to ensure the policy remains up to date and relevant.
- 1.3 Attached at appendices 2, 3 and 4 are a breakdown of proposed policy changes.
- 1.4 Cabinet is asked to consider the proposed amendments to the current taxi policy and approve it for consultation. Subject to the aforementioned, a 12 week consultation will be undertaken.

2. Licensing Policy, Guidance and Conditions for Private Hire and Taxis

- 2.1 The Council is responsible for the licensing and regulation of all hackney carriage and private hire drivers, vehicles and operators.
- 2.2 While there is no statutory requirement on the Council to have a taxi policy, it is common practice to do so. The taxi policy sets out how the Council intends to discharge its functions under the relevant legislation but also acts as a guide to Members, prospective applicants, licence holders and the wider public.

3. Policy review

- 3.1 To facilitate the review and better engage with key stakeholders a taxi policy review working group was set up by the Licensing Committee in April this year. Representatives from the trade, council officers and Councillors sat on the working group.
- 3.2 The working group met on five occasions to consider the proposed changes to the current policy. The feedback and recommendations from the working group have been incorporated in the amended policy.
- 3.3 The working group membership were:
 - Cllr Adam Lillywhite
 - Cllr Paul McCloskey
 - Cllr David Willingham
 - Rob Bates (Starline)
 - Leon Jackson (Starline)
 - Stuart Hawthorne (Hackney Carriage Assoc)
 - Gary Knight (Hackney Carriage Assoc)
 - John Donohoe (independent HC driver & proprietor)
 - Phil Cooper (CBC Licensing Officer)
 - Andy Fox (CBC Senior Licensing Officer)

4. Reasons for recommendations

- 4.1 To ensure the policy continues to be fit for purpose.

5. Alternative options considered

- 5.1 Cabinet can choose not to approve the proposed changes to the policy but this will leave the policy increasingly out of date and ineffective. This might also jeopardise public safety and confidence in the council's ability to regulate the trade and adequately protect the public.

6. Consultation and feedback

- 6.1 In accordance with normal practice, a 12 week consultation will be undertaken.
- 6.2 At the conclusion of the consultation period, a further report will be submitted to Cabinet to give Members an opportunity to consider the feedback. The responsibility for adopting policy in this area is a Cabinet function.

7. Performance management

- 7.1 The performance of the policy in terms of it achieving its intended outcomes is monitored continuously. This will continue to be the case once the new policy is in place.

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Appendices	<ol style="list-style-type: none">1. Risk Assessment2. Proposed policy changes3. Proposed "Three strikes policy for taxi & private hire licences"4. Code of Good Practice for Licensed Driver's Working Practices
Background information	<ol style="list-style-type: none">1. Current taxi and private hire licensing policy, adopted 15 July 20142. Agenda, decisions and minutes, Cabinet Tuesday, 12th November, 2013 6.00 pm

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 Cabinet does not approve the proposed changes for consultation the policy will become increasing out of date and ineffective.	Director of Environment		2	4	8	Accept	Approve policy for consultation			
	If Cabinet does not approve the proposed changes for consultation, it may jeopardise public safety and confidence in the council's ability to regulate the trade and adequately protect the public.	Director of Environment		3	3	9	Accept	Approve policy for consultation			

Explanatory notes

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)

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)

Control - Either: Reduce / Accept / Transfer to 3rd party / Close