

Cheltenham Borough Council
Cabinet – 6 March 2018
Review of Taxi & Private Hire Licensing Policy

Accountable member	Councillor Andrew McKinlay, Cabinet Member for Development & Safety
Accountable officer	Mike Redman, Director of Environment
Ward(s) affected	All
Key/Significant Decision	Yes
Cabinet summary	<p>The council's current licensing policy for private hire and taxis was adopted in July 2014.</p> <p>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.</p> <p>A full consultation has been undertaken and this report reports back on the consultation feedback received and sets out the next steps.</p>
Recommendations	<p>Cabinet is recommended to:</p> <ol style="list-style-type: none"> 1. Note the consultation feedback received; 2. Adopt the revised policy attached at Appendix 3 of this report; and 3. Delegate authority to the Director of Environment to take the steps necessary to implement the policy changes.

Financial implications	<p>There are no major financial implications of this change in policy however we will need to monitor if there is an impact on the no. of licenses issued and renewed due to this policy. This impact is expected to be minimal but will need to be monitored.</p> <p>Contact officer: Andrew Knott, Business Partner Accountant, Andrew.knott@cheltenham.gov.uk, 01242 264121</p>
Legal implications	<p>Should parts of the industry believe the authority's Taxi and Private Hire Licensing Policy is not sound it would be open to them to undertake judicial review proceedings.</p> <p>Contact officer: vikki.fennell@tewkesbury.gov.uk, 01684 272015</p>

HR implications (including learning and organisational development)	The Licensing Team Leader will need to keep under review the resource capacity required to implement the policy changes and proposals. Contact officer: Carmel Togher, HR Business Partner Email: carmel.togher@cheltenham.gov.uk Tel: 01242 775215
Key risks	As outlined in Appendix 1
Corporate and community plan implications	Enhancing and protecting our environment Strengthening our economy Strengthening our communities
Environmental and climate change implications	None – Emissions policy already in place to comply with EU emissions.
Property/Asset Implications	None Contact officer: David.Roberts@cheltenham.gov.uk

1. Background

- 1.1** The council's current licensing policy 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** The Cabinet Member for Development and Safety approved a draft policy for consultation in September 2017. A 12 week consultation was undertaken between September and December 2017 and this report sets out the consultation feedback and seeks approval by Cabinet to adopt the proposed revision of the policy as outlined in this report.

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 carriages (taxis) 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** A taxi policy review working group was set up by the Licensing Committee in April 2017 to facilitate the review of the policy. Representatives 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 Donoher (independent HC driver & proprietor)
 - Phil Cooper (CBC Licensing Officer)
 - Andy Fox (CBC Senior Licensing Officer)
- 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 and subsequent policy consultation. Copies of the working group minutes are attached at **Appendix 2**.
- 3.3** A copy of the revised policy is attached at **Appendix 3** incorporating the proposed changes.

4. Consultation and Feedback

- 4.1** A 12 week public consultation was undertaken on a number of proposed policy changes. In total 39 consultation responses were received. A breakdown of consultation responses are attached at **Appendix 4** of this report.

5. Proposals

Knowledge test

- 5.1** As part of the fitness assessment for licence holders, applicants are required to pass a knowledge test. This assessment is currently a comprehensive written test on a number of aspects including local geographical knowledge, Highway Code, basic literacy and numeracy and law and conditions.
- 5.2** Since the last policy review a number of factors relevant to the current local knowledge test have changed which has prompted the need for a review of the current assessment:
- The council has introduced a higher standard for its practical driving assessment;
 - Safeguarding training has been introduced for all licensed drivers and new applicants for a driving licence; and
 - The council has adopted a dedicated English proficiency policy and assessment service.
- 5.3** As a consequence, the council is proposing a number of changes to the current knowledge assessment:
- Replacing the written Highway Code section of the test with the higher practical driving assessment;
 - Introducing a learning day covering safeguarding, equality duty, law and conditions with a written/practical assessment at the end of the session;
 - Retaining the local geographical knowledge and basic numeracy elements of the test; and
 - Replacing the basic literacy written element of the test with the English proficiency policy and assessment service.
- 5.4** The majority of respondents supported this proposal. As a consequence it is proposed that Cabinet adopts this policy proposal as set out above.

Three Strikes Policy

- 5.5** The council is proposing the introduction of a “Three Strikes Policy”. The purpose of such a policy is to improve the council’s means of dealing with complaints, allegations and witnessed incidents of misconduct or infractions of a type which, individually, are not considered sufficiently serious to justify a review of a person’s suitability to hold a taxi or private hire driver, vehicle or operator licence, but which may give rise to such concerns if repeated or if regarded cumulatively with other such incidents.
- 5.6** The proposed policy lists a number of misdemeanours that, should a licensed driver be found to be in breach of one or more of these, it will be recorded against the driver’s licence records. If the driver has at least three of these misdemeanours recorded against their licence, a review of their licence will be called in.
- 5.7** Consultation feedback on this proposal was mixed with a rough 50/50 split. Some respondents noted that the operation of the policy should be fair and a “strike” should only be awarded once a misdemeanour has been verified otherwise the policy will be unfair. Officers will administer the policy under the existing complaints investigation procedure that ensures that complaints are substantiated prior to any formal action being taken. The proposed changes suggested by the Licensing Committee have been incorporated in the draft policy.
- 5.8** It is important for the council to be able to discharge its statutory functions, particularly with regards to the fitness of licensed drivers, properly. It therefore considers the implementation of this policy as necessary and to this extent, Cabinet is recommended to adopt this policy proposal.

Working hours

- 5.9** There are no national standards or statutory regulations that strictly govern working hours for licensed taxi and private hire drivers.

- 5.10** Through the policy review, it has been identified that there may be a need for the council to be proactive in regulating this in so far as it is able and practical. To this end, the following proposed policy changes have been consulted on:
- a) Amending licence conditions to set out a reasonable expectation on working hours for licence holders, implementing a mechanism whereby licence holders may need to keep a record of their working hours and to submit these records to the council; and
 - b) Adopting a code of good practice for licensed drivers setting out the council's expectations on safe working practices and the implications for non-compliance with the code.
- 5.11** Respondents commented on the practical difficulties of enforcing a statutory regulation of working hours for licensed drivers. The council accepts this. However, it considers it necessary, in the interest of public safety, to be clear on what it considers to be safe working practices for licensed drivers.
- 5.12** To this end, it is proposed that the council adopts a code of good practice for licensed drivers setting out its expectations on safe working practices in the trade. In addition to the expectation the code will set, it can also be used more formally in individual cases where it is deemed necessary to maintain public safety.
- 5.13** It is therefore proposed that Cabinet adopts a code of practice that has been incorporated in the draft new policy.

Online criminal records checks (DBS)

- 5.14** The council is proposing to implement a requirement that all future criminal records checks be undertaken online. The council currently accepts paper copies of Disclosure and Barring Service (DBS) certificates. However, the DBS service now offers a convenient online checking service that is both quick and more cost effective for both the council and licence holders.
- 5.15** Some respondents suggested that this policy proposal will incur additional cost on licence holders. However, this is not the case because the online checking service costs a lot less than administering the criminal records check on paper.
- 5.16** The council is increasingly moving towards a paperless operating model. Given that there is a convenient and less costly alternative to paper based checks, it is therefore proposed that Cabinet implements this policy proposal.

Vehicle emissions

- 5.17** The current policy includes an emission policy for licensed vehicles. It is necessary for the council to review its current emissions policy because the current deadline for phasing out older vehicles expires this year.
- 5.18** The purpose of the revised policy is 1) to contribute to the local and national air quality strategy to improve air quality in the town and 2) to have a safe, modern and professional licensed fleet.
- 5.19** To this end, the proposed revised policy is:

New vehicles

- Retain 5 year rule for petrol cars (which will result in an automatic Euro Emissions Standard 5 compliance)
- Apply Euro Emissions Standard 6 for diesel (i.e. vehicles no older than 1/9/2015)
- Any age for Ultra-low emission vehicles - defined as 75g CO₂/km and under

Existing vehicles

Phase out older vehicles so to:

- Get all petrol vehicles to at least Euro 5 standard by 2021
- Get all diesel vehicles to Euro 6 standard by 2021

Given that by 2021 all licensed vehicles will be on the minimum Euro 5 emission standards, the council did not propose a maximum age limit in vehicles provided that they continue to be in exceptional condition and safe.

- 5.20** Consultation feedback on this proposal was mixed. A number of respondents agreed with the implementation of this policy but the majority of respondents did not. However, very few of the respondents who disagreed with this policy change stated reasons for their disagreement and did not present the council with alternatives.
- 5.21** Those who did comment on the proposed transition arrangements for phasing out older vehicles. They pointed out that the council's revised policy did not specify a maximum age limit on vehicles and that the proposed phasing out arrangements may be unfair towards some licence holders.
- 5.22** In response, the council has made revisions to its proposed emissions policy taking into account the comments made. Cabinet is recommended to adopt the revised policy.

Testing arrangements

- 5.23** The council currently only has one approved testing station for licensed vehicles which is Ubico Ltd. It has operated under this policy for several years but a need to review this has arisen. Due to the expansion of Ubico and the growth of the local trade, Ubico's ability to continue to act as sole testing provider within the agreed service level agreement has become increasingly difficult.
- 5.24** This has facilitated a review of the sole use arrangement with Ubico and it is proposed that testing arrangements be opened up to other testing stations that can demonstrate to the council their ability to test to the standard expected by the council.
- 5.25** There was unanimous support for this proposal. To this end, Cabinet is recommended to approve the adoption of additional testing stations for licensed vehicles.

Grandfather rights

- 5.26** Different rules currently exist for hackney carriage vehicle licence holders depending on the licence plate number. A number of hackney carriage vehicle licence numbers have grandfather rights attached to them meaning that as long as the licence remains valid, these vehicles do not have to comply with the council's wheelchair-accessible vehicle ("WAV") policy.
- 5.27** The grandfather rights rules in effect means that those with saloon vehicles can continue to replace their vehicles with non-WAVs for the life of the licence.
- 5.28** This is in contrast to other newer licensed hackney carriage vehicles that do not have retained grandfather rights and which must be a WAV and can only be replaced with another WAV.
- 5.29** The council's Cabinet has indicated that it wants to make changes to the grandfather rights rules to improve the availability to accessible public hire vehicles in Cheltenham.
- 5.30** The council consulted on a number of options with regards to existing grandfather rights. These options were set out in the consultation document:
- a) Amend the grandfather rights so that these only apply to the current licensed vehicles and when the proprietor comes to replace that vehicle they are obligated to purchase a wheelchair-accessible vehicle and/or purpose built taxi;
 - b) Make no changes to the current system;

- c) Amend the grandfather rights rules so that those who retain it can interchange between saloon cars and wheelchair-accessible vehicles without those rights being affected.
- 5.31** The majority of respondents indicated that they were against making any changes to the current grandfather rights arrangements. It is worth pointing out that whilst the majority of respondents opposed any changes to the existing grandfather rights, very few actually gave further explanation for their opposition and additionally none provided the council with an alternative solution to increase the proportion of public hire WAVs.
- 5.32** The responses from those who did provide further comments with regards to their opposition can broadly be summarised as:
- A 100% wheelchair accessible fleet will discriminate against other people with mobility issues who will find it difficult to get in and out of wheelchair accessible vehicles since these vehicles tend to be higher than, for example, saloon vehicles;
 - Such a policy change will necessitate the replacement of a large amount of vehicles for replacements that are more costly than a normal saloon vehicle;
 - The choice to change vehicles should be that of the individual drivers whilst retaining grandfather rights, in effect retain a mixed fleet;
 - Demand for wheelchair accessible taxis does not exist because people in wheelchairs prefer to use pre-booked vehicles; and
 - The price of vehicles that benefit from the retention of grandfather rights demand a higher resale value than those which do not and as a consequence the change in policy will devalue those vehicles.
- 5.33** The council's Cabinet have indicated that their preferred option was to remove grandfather rights so that the WAV policy applies to all public hire vehicles irrespective of whether they are new vehicles or a replacement of an existing licensed vehicle. Clearly the preferred option must be evaluated in light of the consultation feedback received.
- 5.34** The council is still of the view that it must improve the proportion of accessible vehicles on its public hire fleet. The existing grandfather rights rules have resulted in a very slow increase in the number of public hire WAVs. The increase of public hire WAVs in Cheltenham is almost exclusively down to new vehicles that have had to comply with the council's WAVs policy.
- 5.35** At present, only 22% of licensed hackney carriage vehicles are WAVs. According to the DfT's official statistics, Cheltenham's proportion of accessible public hire vehicles is below the regional average (30%) and substantially below the national average (58%).
- 5.36** In addition to this, the council needs to be mindful of a number of other relevant issues.
- 5.37** Under the Council's public sector equality duty it has a statutory duty in the exercise of its functions, to have due regard to the need to:
- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
 - Advance equality of opportunity between people who share a protected characteristic and those who do not.
 - Foster good relations between people who share a protected characteristic and those who do not.
- 5.38** The equality duty covers the nine protected characteristics including age and disability.
- 5.39** The Government has made it clear that it expects local authorities to be proactive in improving the access to public hire vehicles. The Government's revised draft Accessibility Action Plan published in August 2017, for example, outlined proposals to strengthen its statutory guidance to local authorities that will seek "to increase the number of accessible vehicles" and "consult on best practice guidance for taxi and PHV licensing authorities, which will include strengthened recommendations on supporting accessible service..." .

- 5.40** The revised updated guidance from the Department for Transport (DfT) has not, to date, been published. The current DfT guidance (March 2010) however states: "...it is for individual licensing authorities to reach their own decisions both on overall policies and on individual licensing matters, in the light of their own views of the relevant considerations. This Guidance is intended to assist licensing authorities but it is only guidance and decisions on any matters remain a matter for the authority concerned."
- "Different accessibility considerations apply between taxis and PHVs [private hire vehicles]. Taxis can be hired on the spot, in the street or at a rank, by the customer dealing directly with a driver. PHVs can only be booked through an operator. It is important that a disabled person should be able to hire a taxi on the spot with the minimum delay or inconvenience, and having accessible taxis available helps to make that possible. For PHVs, it may be more appropriate for a local authority to license any type of saloon car, noting that some PHV operators offer accessible vehicles in their fleet."
- 5.41** The council is mindful of the fact that the DfT guidance is not statutory guidance but it must nonetheless be mindful of it.
- 5.42** The council remains of the view that it must act to improve the proportion of public hire accessible vehicles. In light of the lack of alternative proposals put forward by respondents during the consultation, the council has taken the view that it has no other alternative approach to take in order for it to improve the number of public hire accessible vehicles available in Cheltenham.
- 5.43** To this end, it is proposed that the council adopts its preferred option referred to above.
- 5.44** Cabinet must be mindful of the Licensing Committee's view on this too. The committee acts as lead consultee on these matters. The committee was not in unison on the issue of changes to grandfather rights. The majority (4) of the committee voted in favour of option C (see. 5.30) with the remaining Members (3) voting in favour of option A. The committee did comment that it thought a more proportionate implementation of the policy change would be when affected vehicles are replaced as opposed to when they are due for renewal. They did however acknowledge that that approach will extend the implementation of the policy by many years.
- 5.45** The council acknowledges that WAVs may have ambulatory accessibility issues. However, there are no current accessibility standards that apply to vehicles other than WAVs. This has left the council with no real alternatives. Furthermore, the council is aware that a number of other local authorities have already adopted a 100% WAV policy.
- 5.46** The council is minded that any change to grandfather rights needs to be proportionate to manage the impact of such a policy change on the licensed trade. The trade has highlighted the fact that the council's preferred option will necessitate the replacement of a large amount of licensed vehicles. Respondents to the consultation suggested that replacement vehicles can cost anything from £10,000 to upwards of £30,000 which is significantly more than what it will cost to replace a saloon type vehicle with another saloon vehicle.
- 5.47** This policy review also includes proposals for adopting higher emission standards for licensed vehicles. The proposed emissions policy will in itself require some vehicles to be replaced in accordance with the proposed implementation period.
- 5.48** To this end, the council is proposing to phase in the changes to the grandfather rights rules. It is proposed that it will implement the new policy requirements by 2021 which means that all public hire vehicles licensed by the council will be required to comply with the council's WAV policy by this date. The council considers a 4 year implementation period to be proportionate.
- 5.49** The council acknowledges the trade's feedback that people in wheelchairs do not tend to use hackney carriage vehicles preferring instead to pre-book a licensed vehicle and so there is no need for the grandfather rights to be changed. Whilst this may be the case as far as it relates to designated ranks, the council is aware that hackney carriages also undertake private hire work for the companies that fulfil these pre-booked journeys. To this extent users of wheelchairs do regularly use licensed hackney carriages.
- 5.50** Finally, respondents have highlighted the implications a change to grandfather rights will have to

the “value” of their business investment.

- 5.51** Whilst the council is mindful of this, licence plates remain the property of the council and to that extent it carries no value. The “value” attached to the economic benefit of having a licence is an unofficial one.
- 5.52** The council is of the view that the purpose of the licensing regime is not to provide an economic benefit to licence holders but to provide a safe and well-managed local transport service to passengers. To this extent the council does not consider this to be a relevant consideration. In any event, it has been pointed out in common law that circumstances and policies are subject to change and a licence holder will have made a business judgment about whether a certain price was worth paying, and took a business risk. A licence holder could not have reasonably or legitimately expected that a "premium" was protected against the possibility of a future policy change.

Vehicle standards and specifications

- 5.53** A review has been undertaken of the council’s suitability standards for vehicles to be licensed.
- 5.54** The policy review sought views on the suitability of rear loading wheelchair accessible vehicles to continue to be licensed.
- 5.55** The council’s current policy permits both side-loading and rear loading wheelchair accessible vehicles. The review was prompted by comments submitted by the public hire trade.
- 5.56** The main arguments in favour of disallowing rear loading wheelchair accessible vehicles to be licensed relates to safe access and egress from such vehicles.
- 5.57** It has been pointed out that in order for a wheelchair passenger to enter a rear-loading vehicle, it is necessary for them to be moved into the road either facing, or with their back to, oncoming traffic. This also requires the wheelchair user to be manoeuvred down a kerb which can cause further injury, pain or discomfort to some wheelchair users if not done with care.
- 5.58** Wheelchair passengers in a rear-loading vehicle are seated at the back in the rear impact zone and are therefore at higher risk of injury in the event of an accident. Where the rear doors or tailgate of the vehicle are damaged it would be impossible for a wheelchair user to escape whilst in their wheelchair.
- 5.59** A review of the suitability of continuing to license rear loading wheelchair accessible vehicles has been undertaken including taking into account comments submitted during the consultation period.
- 5.60** Whilst difficulties with rear loading vehicles have been highlighted, there are also some advantages to these types of vehicles that must be considered:
- Rear loading vehicles generally offer more headroom for passengers who would otherwise be forced to bend their head to enter in to a vehicle from the side particularly for larger type of wheelchairs.
 - Passengers loaded into a vehicle from the rear will immediately be facing the front or the back. This is in contrast with side loading vehicles where a wheelchair entered into the vehicle from the side will be required to be turned to a 90 degree angle to face the front or back. It is important the wheelchair faces the front or back so that it can be secured and the brakes applied. If the chair remained facing sideways it is likely that it would tip over in the event of ascending or descending a steep incline or if the taxi was forced to break suddenly.
 - Rear loading vehicles are considered to be more beneficial to drivers in that it is easier to load and secure the wheelchair without being responsible for moving the passenger as much as is required when fitting a wheelchair into a side loaded vehicle.
- 5.61** Clearly any policy decision must be evidence based. Since the policy changed 4 years ago, the

council have not had any substantiated recorded complaints from passengers complaining about access issues when using rear loading vehicles.

- 5.62** The Law Commission published a report in 2014 on taxi and private hire law reform. The report was published after extensive consultation.
- 5.63** The report stated: "Many wheelchair accessible vehicles are rear-loading, and some passengers prefer that. Others, however, prefer a side-loading vehicle. From a safety point of view a rear-loading vehicle can present problems because the passenger can only access the vehicle from the road. This means that a longer ramp is required because the kerb cannot be used, which can present access problems...it is our view that a mixed fleet would, in general, more appropriately meet the needs of disabled people. It is clear that one size does not fit all...Even amongst those who use wheelchairs there are different requirements. This is one of the reasons why the Department for Transport has found it so difficult to identify a "universal" vehicle in order to implement provisions in the Equality Act 2010 and make regulations on taxi accessibility."
- 5.64** The Law Commission's report concluded that "...we recommend that authorities should aim to ensure a mixture of different types of taxi in their area."
- 5.65** Locally, a large number of rear loading wheelchair accessible vehicles also undertake private hire work. It has been noted that the public hire trade commented that wheelchair users prefer to use pre-booked services and tend to not use taxi ranks. It may be for this reason that access difficulties associated with rear loading vehicles working off a taxi rank has been minimal.
- 5.66** The review undertaken by officers has concluded that both types of vehicles (rear and side loading) pose problems and different types of vehicle are preferred by various wheelchair users. There is therefore no consensus as to what are the most suitable vehicles for wheelchair users.
- 5.67** To this end, it is not proposed that the council makes any changes to its policy on the suitability of rear loading vehicles. The council will keep this policy under review to keep it in line with best practice and Government guidelines.

Equality Act 2010: Taxi and private hire requirements

- 5.68** The council is seeking to implement the new statutory requirements placed upon it by the newly enacted section 167 of the Equalities Act 2010 as part of this policy review.
- 5.69** Section 167 places a new duty on the council to provide a list of wheelchair accessible hackney carriages and private hire vehicles for publication. It also places certain obligations on drivers of vehicles on this list to carry wheelchair users and not to impose any additional charges for doing so.
- 5.70** The legislation leaves it to the council to decide what type of licensed vehicles should be included on the designated list. The statutory guidance however makes it clear that these must be vehicles capable of carrying wheelchairs.
- 5.71** To this end, the council has taken a view similar to that recommended by the statutory guidance whereby all vehicles licensed by this council to carry, as a minimum requirement, a "reference wheelchair" will be added to the designated list.
- 5.72** This list will be published in order for people who require the services of a wheelchair accessible vehicle to easily find this information.
- 5.73** The majority of respondents either support this proposal or offered no comment. It is therefore proposed that Cabinet adopts this proposal.

Licensed Operators Conditions

- 5.74** There is an increasing issue of out of town vehicles working in Cheltenham due to the relaxation of out of district sub-contracting rules.
- 5.75** The council cannot enforce against vehicles and drivers not licensed by it (unless it is a criminal

offence committed). It is therefore proposed that the council amend its conditions for licensed private hire operators to introduce a new requirement on them that, when they subcontract a booking to an operator not licensed in Cheltenham, they take all reasonable steps to ensure that the vehicle dispatched is not silver. The rationale behind this is to try to avoid members of the public confusing out of town vehicles with Cheltenham's predominantly silver hackney carriage fleet.

- 5.76** Respondents commented on the practical difficulties the council may have in enforcing such a condition. Furthermore, comments were also submitted commenting on the practical implications of such a condition due to the fact that the council cannot control the operation of operators outside its boundaries.
- 5.77** Taking this into account, it is not proposed that the council adopts this policy proposal.

6. Reasons for recommendations

- 6.1** To ensure the council continues to comply with its statutory duties and able to maintain a safe, accessible and well managed taxi and private hire service in Cheltenham.

7. Alternative options considered

- 7.1** Cabinet can decide not to adopt all or some of the proposals put forward. The implications of the alternative options are set out in the report.

8. Performance management – monitoring and review

- 8.1** The performance of the policy changes will be measured by its implantation and the implications of these changes as outlined in the report.

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Appendices	<ol style="list-style-type: none">1. Risk Assessment2. Minutes of working group meetings3. Draft revised policy4. Consultation feedback
Background information	<ol style="list-style-type: none">1. Consultation responses2. Local Government (Miscellaneous Provisions) Act 19763. Taxi and private hire vehicle licensing: best practice (March 2010)4. Licensing Policy: Private Hire And Taxis Operating within the Borough of Cheltenham (July 2014)

Risk Assessment

Appendix 1

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 implement the proposed changes to its emissions policy, it risks slipping on its local air quality management plan.	Director of Environment	March 2018	2	3	6	Accept	Approve adoption of revised policy that includes measures to address AQ in taxi/PH licensing.	Throughout life of policy	Licensing Team Leader	N/A if the recommendations of this report are agreed.
	If Cabinet does not adequately address relevant equality issues associated with the regulation of the trade then it risks failing in its public sector equality duty.	Director of Environment	March 2018	3	3	9	Accept	Approve adoption of revised policy that includes measures to address equality issues associated with the regulation of the trade.	Throughout life of policy	Licensing Team Leader	N/A if the recommendations of this report are agreed.
	If Cabinet fails to approve a review of this policy there is a risk that the policy will become out of date and irrelevant. This may result in the council being unable to effectively discharge its functions which could have an adverse effect on public protection.	Director of Environment	March 2018	3	3	9	Accept	Approve adoption of revised policy.	Throughout life of policy	Licensing Team Leader	N/A if the recommendations of this report are agreed.

If Cabinet does not approve reasonable implementation periods for these policy changes, particularly those that will have a significant impact on licence holders, then it risks legal challenges on the grounds of proportionality and reasonableness.	Director of Environment	March 2018	3	4	12	Accept	Ensure policy implementation periods are managed properly.	Throughout life of policy	Licensing Team Leader	N/A if the recommendations of this report are agreed.

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