

**Cheltenham Borough Council**  
**Managing Director for Place & Economic Development – 3 April**  
**2020**  
**Urgent Licensing Policy Changes**

<b>Accountable member</b>	<b>Cabinet Member for Development &amp; Safety, Councillor Andrew McKinlay</b>
<b>Accountable officer</b>	<b>Managing Director for Place &amp; Economic Development, Tim Atkins</b>
<b>Ward(s) affected</b>	<b>All</b>
<b>Key/Significant Decision</b>	<b>Yes</b>
<b>Executive summary</b>	This report sets out urgent licensing changes in order to ensure continuity in service delivery during the current COVID- 19 emergency and in advance of awaited emergency Government legislation.
<b>Recommendations</b>	<p><b>The Managing Director for Place &amp; Economic Development is recommended to:</b></p> <ol style="list-style-type: none"> <li><b>1. Approve the urgent changes outlined at paragraph 2.1; and</b></li> <li><b>2. Approve the review period of 31 June 2020 as outlined in paragraph 2.2.</b></li> </ol>

<b>Financial implications</b>	<p>The majority of the policy changes do not have any significant financial implications. The main change that does is the temporarily suspending of new driving and operating licenses. In the period Apr-19 to Jun-19, we completed 25 new licenses at £225 each. Therefore if you assume that we would normally get this number of new licenses in normal times then we would lose £5,625 from this policy. However, due to the movement restrictions currently in place across the UK, it is unlikely that new taxi driving and operating licenses would be requested due to the lack of journeys taking place and therefore lack of profit for taxi drivers.</p> <p><b>Contact officer: Andrew Knott, Andrew.knott@publicagroup.uk, 01242 264121</b></p>
<b>Legal implications</b>	<p>The current COVID-19 pandemic and necessary social restrictions present a fast changing legislative landscape. It is necessary for the council to constantly keep the matter under review, following government advice and looking at its own business continuity arrangements to ensure it can continue to deliver the services.</p> <p><b>Contact officer: Vikki.fennell@tewkesbury.gov.uk, 01684 272015</b></p>

<b>HR implications (including learning and organisational development)</b>	There are no direct HR implications arising from this report. <b>Contact officer: Clare Jones, <a href="mailto:clare.jones@publicagroup.uk">clare.jones@publicagroup.uk</a></b>
<b>Key risks</b>	<b>As identified in Appendix 1</b>
<b>Corporate and community plan Implications</b>	None
<b>Environmental and climate change implications</b>	None
<b>Property/Asset Implications</b>	None <b>Contact officer: <a href="mailto:Dominic.Stead@cheltenham.gov.uk">Dominic.Stead@cheltenham.gov.uk</a></b>

## 1. Background

- 1.1** This report sets out urgent licensing changes in order to ensure continuity in service delivery during the current COVID- 19 emergency and in advance of awaited emergency Government legislation.
- 1.2** Since Government restrictions have been imposed, a number of important service delivery areas in licensing have been affected which required a response and change in position to ensure the service can continue to function without compromising
- 1.3** The service adjustments outlined in this report relates to licensing policy matters that, for the reasons outlined above, needs to be urgently implemented.
- 1.4** This urgent decision is made under the revised scheme of delegation as agreed by Council on 23 March 2020.

## 2. Licensing policy matters

- 2.1** Below is a list of urgent licensing policy changes to be implemented.

<b>Policy matter</b>	<b>Current policy position</b>	<b>Temp. policy amendment(s)</b>
<b>Licensed vehicle MOTs</b> Explanation: The Government has extended all MOTs for 6 months. Whilst taxis and PH vehicles are tested to a higher standard, MOT centres are closed or no longer able to offer MOTs. Whilst this is the case, temporary measures are required.	“Submit an application form along with the following documents: <ul style="list-style-type: none"><li>• Vehicle fitness test pass certificate;</li><li>• MOT pass certificate...”</li></ul>	Include additional provision: “Where a vehicle fitness test pass certificate cannot be obtained, the licence holder can temporarily rely on The Motor Vehicles (Tests) (Amendment) (Coronavirus) Regulations 2020 unless otherwise advised by the authority.”
<b>Testing of Older Vehicles</b> Explanation: As outlined above. Additional safeguards have been put in place to suspend or revoke licences of vehicles no longer deemed fit for licensing.	“Vehicles over 8 years of age will be subject to 6 monthly fitness inspections.”	Include additional provision: “Where a vehicle fitness test pass certificate cannot be obtained, the licence holder can temporarily rely on The Motor Vehicles (Tests) (Amendment) (Coronavirus) Regulations 2020 unless otherwise advised by the authority.”
<b>Medical assessment for licensed drivers and applicants</b> Explanation: GP surgeries and other suppliers are no longer accepting appointments for medical assessments. Licence holders are therefore unable to currently comply with this policy requirement. Safeguards have been built in to monitor licence holders with a	“Submit an approved medical questionnaire completed by an appropriate medical practitioner...”	Replace with: “Where a licence holder is unable to obtain a medical assessment through qualified medical practitioner, the licence holder should complete a medical self-declaration form approved by the authority until such a time when the licence holder is able to obtain a full medical report from a qualified medical

history of relevant medical conditions.		practitioner.”
<p><b>Suspension of new driving &amp; operating licence applications</b></p> <p>Explanation: The authority is not able to adequately verify the identity and right to work of new applicants not known to the authority. In addition, the authority cannot undertake mandatory safeguarding training or offer the local knowledge test. For this reason, and in the interest of safeguarding, new driver &amp; operator (where the applicant is not known the authority) licence applications are to be suspended temporarily.</p>	N/A	<p>Temporarily suspend the following parts of the policy:</p> <ol style="list-style-type: none"> <li>1. “New Driver Applications” (p. 8-10)</li> <li>2. Part 3 – Operators, section: “Application Procedure” (page 24)</li> </ol>
<p><b>Three Strikes Policy</b></p> <p>Explanation: With the closure of the Municipal Offices and the need for staff to work away from the Municipal offices, it is not possible for vehicle proprietors to return expired plates. Safeguards are in place to ensure tracking of expired plates will not be missed when normal service resumes.</p>	<p><b>Applicable infractions – drivers / vehicle proprietors</b></p> <ul style="list-style-type: none"> <li>• “Failing to return licence plate / badge (following expiry, suspension or revocation)”</li> </ul>	Temporarily suspend sanction.

**2.2** It is hard to estimate the length of disruption to service delivery. It is therefore proposed that an initial period of up to the 31<sup>st</sup> of June 2020 be set for this purpose and that this be reviewed in consultation with the relevant Cabinet Member with responsibility for licensing.

### **3. Non-Executive Functions**

**3.1** Table 4, Part 3D of the Council’s Constitution –Responsibility for Functions-makes provision for the Chief Executive to take an urgent decision in respect of a nonexecutive function, including a Significant Decision, in a situation where there is not sufficient time for a report to be considered by Council or Appropriate Committee unless it is a decision that in law can only be made by Council. Wherever possible this shall be done in consultation with the Mayor or Appropriate Committee Chair.

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

**4.1** The authority can opt not to implement these changes but this will have a significant impact on licence holder’s ability to continue to trade during the difficult time.

### **5. How this initiative contributes to the corporate plan**

**5.1** Not applicable.

### **6. Consultation and feedback**

6.1 Consultation has been undertaken with One Legal, HR & Finance Business Partners, Director of Environment and Cabinet Member for Development & Safety.

## 7. Performance management –monitoring and review

7.1 A three month review period is proposed in this report.

<b>Report author</b>	<b>Contact officer: Louis Krog, louis.krog@cheltenham.gov.uk</b> <b>01242 262626</b>
<b>Appendices</b>	1. Risk Assessment
<b>Background information</b>	1. Agenda and draft minutes, Council, Monday, 23rd March, 2020 2.30 pm 2. Licensing policy, guidance and conditions for private hire and taxis operating within the borough of Cheltenham

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 authority does not adopt these urgent matters there is a significant risk that may affected licence holders will be severely impacted as they will not have authorisations to continue to work.	Director of Environment	April 2020	3	3	9	Accept	Approve recommendations		Managing Director for Place & Economic Development	No
	If the authority does not adopt these urgent matters there will be an increased risk of unlawful activity as the authority's ability to proactively enforce and monitor expired licences is diminished.	Director of Environment	April 2020	3	2	6	Accept	Approve recommendations		Managing Director for Place & Economic Development	No
	If the authority does not adopt these urgent matters the authority will be unable to effectively discharge its licensing function in the interest of public safety.	Director of Environment	April 2020	3	2	6	Accept	Approve recommendations		Managing Director for Place & Economic Development	No
<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>											

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