

# **Cheltenham Borough Council**

## **Miscellaneous Licensing Sub-Committee – 7 July 2021**

### **Response to Consultation on Common Hackney Carriage & Private Hire Licensing Standards for Gloucestershire**

#### **Report of the Licensing Team Leader**

#### **1. Background**

- 1.1 The Licensing Committee acts as lead consultee to the Cabinet Member Customer & Regulatory Services on all licensing related matters.
- 1.2 A consultation on proposed common Hackney Carriage & Private Hire licensing standards for Gloucestershire has been launched giving this committee an opportunity to respond.

#### **2. Background to consultation**

- 2.1 The Department for Transport (DfT) published its Statutory Taxi and Private Hire Vehicle Standards in July 2020 with a strong focus to protect all passengers and users of taxis and private hire transport services.
- 2.2 The statutory guidance makes it clear that the Government expects the recommendations contained within it to be implemented unless there is a compelling local reason not to. Furthermore, it is noted that the statutory standards document sets out a framework of policies that, under section 177(4), licensing authorities “must have regard” to when exercising their licensing and safeguarding functions.
- 2.3 In light of the DfT statutory standards and requirements contained within it, the licensing authorities in Gloucestershire have collectively undertaken a review of their hackney carriage and private hire licensing policies. As a result of this combined effort, the licensing authorities in Gloucestershire have drafted proposed common licensing standards for the county based on the requirements in the statutory standards document.
- 2.4 The DfT statutory standards principally relate to driver and private hire operator licensing. As such, areas not in scope of the DfT statutory standards, for example vehicle fitness and licensing standards, are not included in the consultation and remain unaffected by the draft common licensing standards.
- 2.5 The only exception to local vehicle fitness and licensing standards covered by the statutory guidance is CCTV. However, further work is required on this and a separate consultation will be undertaken on the statutory guidance’s requirements with regards to CCTV.
- 2.6 At the moment, each of the six licensing authorities in Gloucestershire decide on their own taxi and private hire licensing standards and policies. The practical implication of this is six different interpretations on the question of “fit and proper” person and other standards designed to protect the public.
- 2.7 The draft common taxi and private hire licensing standards will mean that the same high standards will apply to anywhere in the county, based on national guidance and best practice to promote public safety, protection and, as a secondary consideration, reduce unnecessary bureaucracy for businesses that operate across district boundaries.

**2.8 The Committee is recommended to:**

- 2.8.1 Note the revisions to the revised policy as outlined in this report; and**
- 2.8.2 Acting as lead consultee to the Cabinet Member Customer & Regulatory Services, submit any comments or response this committee wish to make for consideration by Cabinet.**

**Summary of implications**

Legal As outlined in the report.

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**3. Common Licensing Standards for Taxi and Private Hire Licensing**

- 3.1 As mentioned above, the DfT statutory standards principally relate to driver and private hire operator licensing.
- 3.2 A copy of the draft common standards is attached at appendix 2 of this report.
- 3.3 A number of important aspects to promote public safety have been included in the draft common licensing standards. These are:
  - 3.3.1 A definitive definition of “fit and proper” and assessment criteria to assist Members when making decisions;
  - 3.3.2 Requirements for every licensed driver in Cheltenham, and the county, to be subscribed to the DBS update service which will also allow officers to undertake more frequent bulk checking of licence holders against DBS records;
  - 3.3.3 An updated “Relevance of Convictions Policy” taking into account national best practice from both the DfT and Institute of Licensing;
  - 3.3.4 An updated and common “Enforcement and Complaints Policy”;
  - 3.3.5 Criminality checks for vehicle proprietors;
  - 3.3.6 Criminality checks for private hire vehicle operators; and
  - 3.3.7 Requirements on licensed private hire operator(s) ensuring that all booking and dispatch staff have had a basic DBS check.

**4. Cheltenham Supplementary Consultation**

- 4.1 In addition to the common standards consultation, the opportunity will also be taken to consult on a number of local policy changes not in scope of the DfT statutory guidance.
- 4.2 The supplementary consultation is included in the consultation document at appendix 2 for reference.

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**Background Papers**

**Contact Officer**

**Licensing Team Leader**