

# Cheltenham Borough Council

## Licensing Committee – 4 September 2024

### Review of Licensing policy, guidance and conditions for private hire and taxis

#### Report of the Head of Public Protection

#### 1. Introduction

- 1.1 The authority is currently consulting on revisions to its adopted licensing policy, guidance and conditions for private hire and taxis.
- 1.2 This report outlines the revised policy proposals for the Licensing Committee to consider these and provide a response as it sees necessary and appropriate.
- 1.3 The Licensing Committee acts as consultee to Cabinet Member on recommendations/responses for the adoption and review of licensing policy. It is with this in mind that the Licensing Committee is asked to consider the policy proposals and provide a response to these.

#### Recommendations:

- 1.4 The Licensing Committee is recommended to:
  - 1.4.1 Note the proposed revisions to the authority's adopted licensing policy, guidance and conditions for private hire and taxis; and
  - 1.4.2 Provide formal recommendations and/or responses to the Cabinet Member Safety & Communities in relation to the proposed revisions of the licensing policy.

#### Implications

Legal	<b>One Legal</b> E-mail: <a href="mailto:legalservices@onelegal.org.uk">legalservices@onelegal.org.uk</a>
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#### 2. Licensing policy, guidance and conditions for private hire and taxis

- 2.1 The substantive existing licensing policy was adopted in March 2018, although has seen a number of minor changes and updates since. A copy of the existing adopted policy is available [on the authority's website](#).
- 2.2 The licensing policy, as it relates to licensing of drivers and operators, is largely based on common standards for Gloucestershire. This is not the same for vehicle licensing where individual licensing authorities retained their own policies based on local issues and circumstances.
- 2.3 As is outlined below, most proposed changes relate to vehicle licensing matters. Where proposals relate to driver licensing, it is to reflect the recently published Taxi and private hire vehicle licensing best practice guidance for licensing authorities in England.

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### 3. Proposed Policy Changes

3.1 The points below summarise the proposals being consulted on by the authority:

- Requirement for drivers of licensed vehicles to display approved information advising passengers how that can submit comments (either complaints or compliments) in relation to the driver or vehicle.
- Technical clarification of the type of DBS checks licensed drivers should apply for when supporting their applications to this authority.
- The frequency of medical fitness assessments to be brought in line with the recommendations of the DfT best practice guidance.
- Clarification on the specification of temporary replacement vehicles.
- Lessening the burden on vehicle proprietors for hackney carriage taximeter tests by reducing the frequency of these tests by proposing to remove the requirement to undertake a taximeter test when submitting renewal applications.
- Lessening the maximum period of time a vehicle test may be carried out before the start date of a new vehicle licence to 1 month. Currently vehicle fitness testing can be done up to 2 months prior to a licence application being submitted. Reducing the requirement to 1 month prior to the licence application is considered more appropriate to promote public safety by ensuring the mechanical soundness and/or safety of the vehicle in question does not deteriorate in the lead up to the application being submitted.
- Clarification of the approved Hackney Carriage roof sign dimensions.
- Implementing a requirement that all taximeters in hackney carriages must be calendar controlled by 1st January 2025.
- Implementation of requirements for a director or person with management responsibility for each PHV operator to have carried out safeguarding training.
- Clarification of the situations where first aid kits and fire extinguishers should be used - where it is safe to do so, and the driver has sufficiently competence to use.
- Implementation of requirement for hackney and PHV proprietors to fit and ensure a card machine or device is available to take card payments, and sanctions for non – compliance without good cause or in certain situations, such as loss of mobile data signal.
- Changes proposed to make the medical exemption process less burdensome, whilst ensuring the system remains robust and is not open to abuse.

#### **Specific matters relating Wheelchair Accessible Vehicles (WAV)**

3.2 In addition to the more general proposals above, the policy consultation also seeks views on a number of specific matters relating to the licensing of wheelchair accessible (WAV) Hackney Carriages.

3.3 The authority's previous policy that aimed to ensure a 100% wheelchair accessible taxi fleet was postponed in December 2021 following further consultation with the licensed trade. An interim policy was adopted while a more comprehensive review of the Hackney Carriages fleet's future accessibility requirements is undertaken in conjunction with work to transition the licensed fleet to a carbon neutral fleet by 2030.

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- 3.4 As part of this comprehensive review, the authority undertook engagement with residents and disability groups. There was a clear response that a mixed fleet was the most appropriate option. Furthermore, the newly published Department for Transport’s “Taxi and private hire vehicle licensing best practice guidance for licensing authorities in England” (November 2023) made clear that a “truly inclusive transport system is one where a mixed fleet is available”.
- 3.5 Considering the above, the authority has taken the view that a mixed licensed fleet with an appropriate mix of WAV and non-WAV vehicles is the correct policy. To this end, the authority is proposing to make the following changes to the current policy, with the exemption as outlined in 3.6:
- 3.5.1 The authority will only licence new hackney carriages from 1st January 2030 where they emit zero emissions.
- 3.5.2 The authority will only permit replacement applications for existing licence holders from 1st January 2030 and renewal applications from 00:01 hours on 1st January 2030, where the vehicle subject to the application emits zero emissions.
- 3.5.3 Where a hackney carriage is currently licensed as a WAV, it can only be replaced with another WAV, that meets the policy criteria.
- 3.6 With effect from 1st July 2025, the only exception will be for vehicle proprietors who can demonstrate to the satisfaction of the Licensing Section that they changed their previously licensed non-WAV for a WAV in the lead up to 31st December 2021 (the postponed policy).
- 3.7 The authority proposes that in such instances, the WAV should continue to be licensed as a hackney carriage vehicle (providing it meets the requirements of this policy) but that the vehicle proprietor concerned will be permitted to licence an additional non-WAV as a hackney carriage. The authority may allow such a vehicle to be licensed as a new private hire vehicle and would exempt it from the relevant maximum age on first licensing.
- 3.8 The proposed exemption exists to recognise that certain vehicle proprietors acted to comply with the December 2021 policy that was postponed and liable to change under this consultation.

#### 4. Consultation

- 4.1 The [draft revised policy document is available on the authority’s website for reference](#).
- 4.2 The public consultation is open until 15 September 2024 with consultees able to respond using an online form or a downloadable form that can be sent to the licensing section.
- 4.3 To assist the committee with considering its response, a copy of the downloadable form is attached at appendix 1.
- 4.3 Cabinet will consider the policy proposals and consultation feedback in due course following the conclusion of the consultations.

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**Background Papers**

Service Records

**Report Author**

**Contact officer:** Mr Louis Krog  
**E-mail:** [licensing@cheltenham.gov.uk](mailto:licensing@cheltenham.gov.uk)  
**Tel no:** 01242 262626

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