

Cheltenham Borough Council

Cabinet – 12 November 2013

Review of Licensing Policy, Guidance and Conditions for Private Hire and Taxis Adopted by Council

Accountable member	Councillor Peter Jeffries – Cabinet Member for Housing and Safety
Accountable officer	Executive Director – Grahame Lewis
Ward(s) affected	All
Key Decision	No
Executive summary	<p>The Council's current Licensing policy, guidance and conditions for private hire and taxis ("taxi policy") was adopted by Council in October 2010.</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. Note the proposed amendments to the current taxi policy, and2. Approve the amended draft policy for consultation.
Financial implications	<p>There are no financial implications arising from this report</p> <p>Contact officer: Sarah Didcote, Sarah.Didcote@cheltenham.gov.uk, 01242 264 125</p>
Legal implications	<p>All of the proposed amendments to the licensing policy and conditions are in accordance with the Council's legal powers under the Local Government (Miscellaneous Provisions) Act 1976.</p> <p>Contact officer: Vikki Fennell, Vikki.Fennell@tewkesbury.gov.uk, 01684 272015</p>
HR implications (including learning and organisational development)	<p>There are no HR implications arising from this report</p> <p>Contact officer: Julie McCarthy, Julie.Mccarthy@cheltenham.gov.uk, 01242 264355</p>
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

1. Background

- 1.1 The Council's current Licensing policy, guidance and conditions for private hire and taxis ("taxi policy" hereafter) was adopted by Council in October 2010.
- 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 **appendix 2** is a copy of the amended policy and a breakdown of proposed changes at **appendix 3**.
- 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. A list of proposed consultees is attached at **appendix 4**.

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. Working Group

- 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. Members 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 has been incorporated in the amended policy attached at **appendix 2**.

4. Consultation

- 4.1 In accordance with normal practice, a 12 week consultation will be undertaken.
- 4.2 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 to adopt the policy will be a council function.

5. Reasons for recommendations

- 5.1 To ensure the Council's policies remain relevant and up to date.

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Appendices	<ol style="list-style-type: none"> 1. Risk Assessment 2. Amended Draft Policy Statement 3. Breakdown of Proposed Changes 4. List of Proposed Consultees
Background information	<ol style="list-style-type: none"> 1. Current Licensing Policy, Guidance and Conditions for Private Hire and Taxis Adopted by Council – October 2010 2. Report and minutes of Licensing Committee – 5 April 2013 3. HM Government Code of Practice on Consultation 4. Part 2 - Local Government (Miscellaneous Provisions) Act 1976 5. Town Police Clauses Act 1847

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 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 affect on public protection.	Licensing & Business Support Team Leader	12/11/13	3	3	9	Accept	Approve the review of the current taxi policy.		Louis Krog	
<p>Explanatory notes</p> <p>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)</p> <p>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)</p> <p>Control - Either: Reduce / Accept / Transfer to 3rd party / Close</p>											