

# TEWKESBURY BOROUGH COUNCIL

<b>Report to:</b>	Licensing Committee
<b>Date of Meeting:</b>	18 February 2021
<b>Subject:</b>	Taxi and Private Hire and Countywide Convictions Policy
<b>Report of:</b>	Interim Environmental Health Manager
<b>Corporate Lead:</b>	Head of Community Services
<b>Lead Member:</b>	Lead Member for Clean and Green Environment
<b>Number of Appendices:</b>	Two

## **Executive Summary:**

To advise the Committee on proposals to consult on changes to the Taxi and Private Hire Policy and Countywide Convictions Policy.

## **Recommendation:**

**To AGREE that the Borough's Taxi and Private Hire Policy and the Countywide Convictions Policy be consulted upon for a period of 12 weeks commencing on 13 April 2021 as set out in Paragraph 2.5 of the report.**

## **Reasons for Recommendation:**

The Council's Taxi and Private Hire Policy was reviewed in 2019 and consultation undertaken. This Policy review was not implemented. Countywide, the Licensing Group has considered the implications from the Department for Transport (DfT) statutory guidance requiring common standards and has developed a new policy for adoption. It is recommended that both policies are combined for the purposes of consultation.

## **Resource Implications:**

None specifically related to this report.

## **Legal Implications:**

Whilst there is no legal duty specifically placed on the Council to consult with respect to this type of policy, it is good practice to do so and is in line with guidance.

The Policy could be challenged by Judicial Review, but as the Council's decision-making process is believed to be lawful, a challenge is considered to be unlikely.

## **Risk Management Implications:**

There is a risk that the impacts of COVID-19 will mean that the service is unable to deliver and meet targets.

## **Performance Management Follow-up:**

Reporting will form part of the Licensing team's Key Performance Indicators.

**Environmental Implications:**

There are no direct environmental implications.

**1.0 INTRODUCTION/BACKGROUND**

- 1.1** Following the publication of the Department for Transport's ("DfT") Statutory Taxi and Private Hire Vehicle Standards ("the statutory guidance") in July 2020, the licensing authorities for Gloucestershire are proposing to adopt common standards for licensing of hackney carriage and private hire drivers, vehicle proprietors and operators.
- 1.2** The purpose of these common standards will be to set a common basic licensing standard for all licence holders and new applicants to promote best practice, maintain high safeguarding standards and to reduce the burden on licence holders and businesses.
- 1.3** The principle focus of the standards is on protecting children and vulnerable adults, however, all passengers will benefit from the recommendations which aim to better regulate the taxi and private hire vehicle sector.
- 1.4** Individual licensing authorities will retain the right to set their own licensing standards for aspects that are not included in scope.

**2.0 THE CURRENT POSITION AND WAY FORWARD**

- 2.1** It is suggested that the common standards be incorporated within the Council's Taxi and Private Hire Vehicle Policy.
- 2.2** The suggested common standards for consultation are set out in Appendix 1. These are in draft form and final amendments will be advised to the Committee prior to the start of consultation proposed for 13 April 2021.
- 2.3** The Council's Taxi and Private Hire Vehicle Policy was reviewed and went to consultation in August 2019. The outcomes of that consultation were not brought back to this Committee for approval.
- 2.4** The principles on common standards underpin any local policy therefore it is pertinent to review and consult again on the Council's policy. The existing policy review that went to consultation in 2019 is attached as Appendix 2.
- 2.5** It is suggested that the Council's policy be reviewed against this new criteria and consulted upon again alongside the consultation on the common standards and both consultations are carried out at the same time.
- 2.6** The policies contained with the council's own policy and not included within the scope of common standards are:
- Whistle blowing policy and procedure.
  - Data sharing agreements.
  - Procedures for immediate suspension and revocation or licenses as circumstances dictate.

**2.7** Common approaches are proposed for:

- The assessment of a 'Fit and Proper' person including Information sharing and registration with the national database NR3.
- Duration of Licenses.
- Mandatory Training.
- Language Proficiency.

**2.8** The licensing authorities propose that on adoption of these common standards collectively that a fair and robust enforcement scheme and approach will be in place. To this end, the following measures are proposed:

- Joint authorisation of enforcement officers off the licensing authorities that have adopted these common standards.
- Information sharing agreements between the licensing authorities that have adopted these common standards.

### **3.0 OTHER OPTIONS CONSIDERED**

**3.1** None.

### **4.0 CONSULTATION**

**4.1** As referred to in the report.

### **5.0 RELEVANT COUNCIL POLICIES/STRATEGIES**

**5.1** The Council's Corporate Plan.

### **6.0 RELEVANT GOVERNMENT POLICIES**

**6.1** Statutory Taxi and Private Hire Vehicle Standards 2020.

### **7.0 RESOURCE IMPLICATIONS (Human/Property)**

**7.1** Forms part of the licensing review.

### **8.0 SUSTAINABILITY IMPLICATIONS (Social/Community Safety/Cultural/ Economic/ Environment)**

**8.1** None.

### **9.0 IMPACT UPON (Value For Money/Equalities/E-Government/Human Rights/Health And Safety)**

**9.1** Forms part of the licensing review.

**10.0 RELATED DECISIONS AND ANY OTHER RELEVANT FACTS**

**10.1** None.

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**Background Papers:** None.

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**Appendices:** 1 - Common Standards for Licensing Hackney Carriage and Private Hire Drivers in Gloucestershire.  
2 – Draft Consultation Summary Document 2019.