

TEWKESBURY BOROUGH COUNCIL

Report to:	Licensing Committee
Date of Meeting:	25 July 2024
Subject:	Update on the Gloucestershire Common Standards
Report of:	Licensing Team Leader
Head of Service/Director:	Director: Communities
Lead Member:	Lead Member for Environmental Services
Number of Appendices:	None

Executive Summary:

This report sets out ongoing work being carried out by the Gloucestershire Licensing Officers Group (GLOG) with regards to outstanding work in relation to a common licensing approach across the county.

Recommendation:

To CONSIDER the update on the ongoing work being carried out within Gloucestershire in relation to taxi and private hire licensing.

Financial Implications:

None arising directly from this report.

Legal Implications:

The Statutory Taxi and Private Hire Standards were published by the Department for Transport under the powers set out in section 177 of the Policing and Crime Act 2017. Section 177(4) of the Policing and Crime Act 2017 states that any public authority which has licensing functions under taxi and private hire vehicle legislation must have regard to any guidance issued under this section. Failure to adopt these Standards could leave the Council open to legal challenge.

The Department for Transport Best Practice Guidance for Taxi and Private Hire licensing was updated and published in November 2023 and sets out recommendations in relation to these regimes.

Environmental and Sustainability Implications:

None arising directly from this report.

Resource Implications (including impact on equalities):

None arising directly from this report.

Safeguarding Implications:

None arising directly from this report.

Impact on the Customer:

None arising directly from this report.

1.0 INTRODUCTION

- 1.1** 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.
- 1.2** After these standards were published, GLOG worked closely together to create the Common Standards. This document ensures that all the licensing authorities in Gloucestershire work to the same standard in relation to driver applications. The document was incorporated into Tewkesbury Borough Council's Taxi and Private Hire Licensing Policy.
- 1.3** Tewkesbury Borough Council's Licensing team has successfully implemented the Common Standards with the final requirement being six monthly Disclosure and Barring Service (DBS) checks on all licensed drivers which commenced from 1 January 2024.
- 1.4** The DfT also updated the best practice guidance for taxi and private hire licensing, and this was published in November 2023. This provides advice on best practice for taxi and private hire licensing standards.
- 1.5** GLOG has now formed a working group that is meeting bi-monthly to pick up these outstanding pieces of work:
- CCTV
 - Joint authorisations
 - Immediate suspension and revocation policy
 - Safeguarding and Equality Awareness training
 - DfT Best Practice

2.0 CCTV

- 2.1** One of exceptions to local licensing standards covered by the DfT statutory guidance is CCTV. The standards state:
- 'All licensing authorities should consult to identify if there are local circumstances which indicate that the installation of CCTV in vehicles would have either a positive or an adverse net effect on the safety of taxi and private hire vehicle users, including children or vulnerable adults, and taking into account potential privacy issues'.
- 2.2** Cheltenham Borough, Gloucester City, Stroud District and Tewkesbury Borough Councils all carried out a consultation in 2022/23. The response rate was very poor, although responses were balanced in terms of the benefits of CCTV both for the passenger and the driver.
- 2.3** Due to the magnitude of the piece of work, it was decided to revisit this piece of work due to service capacity.
- 2.4** On 4 June 2024, a working group was held, and an industry expert attended. This was a useful meeting to understand the technical aspects of CCTV, case law and data controller requirements.

- 2.5 Three options came from the meeting, those being to stay as we are, update policy wording and promote CCTV or to mandate CCTV.
- 2.6 There are mixed views, but the group recognises the benefits of CCTV. Members are also keen to keep standards the same across the county due to historical issues with varying standards in districts.
- 2.7 The next working group will be held in August and a further conversation will be held.

3.0 JOINT AUTHORISATIONS

- 3.1 Section 9.1 of DfT Statutory Standards states ‘Licensing authorities should, where the need arises, jointly authorise officers from other authorities so that compliance and enforcement action can be taken against licensees from outside their area. An agreement between licensing authorities to jointly authorise officers enables the use of enforcement powers regardless of which authority within the agreement the officer is employed by and which issued the licence. This will mitigate the opportunities for drivers to evade regulation. Such an agreement will enable those authorities to take action against vehicles and drivers that are licensed by the other authority when they cross over boundaries.’
- 3.2 Currently, joint authorisations are agreed for joint operations such as Cheltenham Festival.
- 3.3 The working group will look at implementing a more permanent agreement in place to assist in compliance issues across the county.

4.0 IMMEDIATE SUSPENSION AND REVOCATION POLICY

- 4.1 Our current taxi and private hire policy sets out our enforcement and complaints policy and procedure. This sets out a clear expectation for scenarios such as an arrest or breach of licence conditions.
- 4.2 To be more transparent for suspension and revocation purposes, an immediate suspension and revocation policy will be written and included in the policy and on Council websites in the county.

5.0 SAFEGUARDING AND EQUALITY AWARENESS TRAINING

- 5.1 There have been two providers for this training in the county:
- Cheltenham Borough Council licensing team
 - DW Pact Limited (a mix of ex-police and also the current LADO (Local Authority Designated Officer) – this provider was the original training provider in 2018 when the County first implemented safeguarding training
- 5.2 From May 2024, all training will be delivered by DW Pact Limited.
- 5.3 The training content has been updated by the working group to include equality awareness and a short assessment at the end.
- 5.4 Following on from the DfT Best Practice guidance being published, the working group will also look at including disability awareness training.

6.0 DFT BEST PRACTICE GUIDANCE

6.1 The working group has assessed the guidance document against our existing policies. The standards across the county are high and the majority of the recommendations are already in place within the county.

6.2 From the DfT guidance, the following needs to be addressed:

- Accessibility – assessing if the fleet is accessible to all customers.
- Disability awareness training – including the requirements of accepting assistance dogs.
- Inclusive service plan (ISP) – this has been raised with the DfT as to what expectations there are and whether there is a template to follow.

7.0 CONSULTATION

7.1 None.

8.0 ASSOCIATED RISKS

8.1 The Council should be committed to ensuring that all statutory requirements and best practice guidance is in place to ensure the promotion of public safety.

9.0 MONITORING

9.1 The Licensing Team Leader will continue to appraise the Chair and Vice-Chair of the Licensing Committee on a monthly basis and report any progress to the Licensing Committee.

9.2 Any policy amendments will follow normal Committee and consultation requirements.

10.0 RELEVANT COUNCIL PLAN PRIORITIES/COUNCIL POLICIES/STRATEGIES

10.1 [Tewkesbury Borough Council Plan](#)

10.2 [Tewkesbury Borough Council's Taxi and Private Hire Licensing Policy January 2024](#)

Background Papers: [Licensing Committee – 14 October 2021 – adoption of Gloucestershire Common Standards](#)

[DfT Statutory Taxi and Private Hire Vehicle Standards July 2020](#)

[DfT Best Practice Guidance for Taxi and Private Hire Licensing November 2023](#)

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Appendices: None