

 <p><b>COTSWOLD</b> DISTRICT COUNCIL</p>	<p><b>COTSWOLD DISTRICT COUNCIL</b></p>
<p>Name and date of Committee</p>	<p><b>PLANNING AND LICENSING COMMITTEE – 8 SEPTEMBER 2021</b></p>
<p>Report Number</p>	<p><b>AGENDA ITEM 7</b></p>
<p>Subject</p>	<p><b>COTSWOLD DISTRICT COUNCIL'S HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY REVIEW</b></p>
<p>Wards affected</p>	<p>ALL</p>
<p>Accountable member</p>	<p>Cllr Juliet Layton Cabinet Member for Development Management and Licensing Email: <a href="mailto:juliet.layton@cotswold.gov.uk">juliet.layton@cotswold.gov.uk</a></p>
<p>Accountable officer</p>	<p>Michelle Bignell, Service Leader (Licensing and Business Support) Email: <a href="mailto:michelle.bignell@publicagroup.uk">michelle.bignell@publicagroup.uk</a></p>
<p>Summary</p>	<p>To provide the Planning and Licensing Committee with an opportunity to review the Draft Hackney Carriage and Private Hire Licensing Policy and to seek approval of the document.</p>
<p>Annexes</p>	<p><b>Annex A</b> – Draft Cotswold District Council's current Hackney Carriage and Private Hire Licensing Policy</p> <p><b>Annex B</b> – Department for Transport (DfT) Statutory Taxi and Private Hire Standards</p> <p><b>Annex C</b> – Draft Common Standards for Licensing Hackney Carriage and Private Hire Drivers in Gloucestershire</p> <p><b>Annex D</b> – Cotswold District Council's current Hackney Carriage and Private Hire Licensing Policy (April 2018)</p> <p><b>Annex E</b> – Comparison Table between current requirements and proposed requirements</p> <p><b>Annex F</b> – Institute of Licensing's Guide to determining suitability of applicants and licensees in the Hackney and Private Hire trades</p> <p><b>Annex G</b> – Copy of consultation responses</p>
<p>Recommendations</p>	<p>a) That the Committee considers the revised Hackney Carriage and Private Hire Licensing Policy in 'Annex A'; and</p> <p>b) subject to any further amendments approves the document to come into effect from 1 October 2021.</p>
<p>Corporate priorities</p>	<p>Delivering our services to the highest standards</p>
<p>Key Decision</p>	<p>NO</p>
<p>Exempt</p>	<p>NO</p>

Consultees/ Consultation	12 week consultation with various bodies as detailed in this report
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## 1. BACKGROUND

- 1.1. In July 2020, the Department for Transport (DfT) brought out updated guidance for local Councils on their approach to their Taxi/Private Hire licensing function. The Statutory Taxi and Private Hire Vehicle Standards Guidance is attached at **Annex B**.
- 1.2. The DfT recommended that Licensing Authorities should have reviewed their current policies against the document by January 2021 and have a plan to implement the Standards.

## 2. MAIN POINTS

### Joint approach

- 2.1. The Licensing team at Cotswold District Council (“the Council”) works closely with the other Licensing Authorities in Gloucestershire and it was felt that the best approach to the new Statutory Standards would be to set up a Working Group and develop a County approach.
- 2.2. The County approach would ensure that there is a level playing field when it comes to the licensing of drivers, operators and vehicles and enables the Council to set up information sharing agreements with the County Council, Gloucestershire Police and agree Joint Authorisations for Officers carrying out enforcement.
- 2.3. Looking at the DfT document, the requirements were put into a draft Common Standards for Licensing Hackney Carriage and Private Hire Drivers in Gloucestershire. The document is attached at **Annex C**.
- 2.4. The Council already has a high standard when it comes to the licensing of drivers, operators and vehicles to ensure that public safety is not jeopardised. The joint document has been amended in some areas where the Council has a higher standard than the County. For example, the mandatory requirement to sign up for the DBS (Disclosure and Barring Service) Online Update Service will be by 2023 for the County. However, this is already mandatory for the Council’s drivers to do this and so this has been amended.
- 2.5. The DfT Standards raises the Council’s standards even higher and focusses on the safeguarding of travelling passengers including children and vulnerable individuals who are over 18 from harm when using these services.
- 2.6. A copy of the Council’s current Hackney Carriage and Private Hire Licensing Policy is attached at **Annex D**.
- 2.7. A comparison document between the DfT Statutory Standards and the Council’s current policy requirements is attached at **Annex E**.

### Convictions Policy

- 2.8. It was felt by the working group that the assessment of previous convictions in the DfT document was unclear and would not offer adequate guidance to Members, applicants and licence holders when faced with an application or review of a licence due to convictions.
- 2.9. The Convictions policy at Appendix B of the draft County document has been written by the Working Group. The Working Group took the proposed standards in the DfT document, the Institute of Licensing’s ‘Guidance on determining suitability of applicants and licensees in the hackney and private hire trades’ (copy attached at **Annex F**) and current policies from the County and drafted a widespread document so that Members have

extensive guidance to make decisions. It also lays out clear guidelines to licence holders and applicants and minimises the risk of deviating from the policy and facing appeals.

### **Consultation**

- 2.10. The Planning and Licensing Committee determined to commence a consultation on the proposed standards at its meeting in March 2021.
- 2.11. A 12 week consultation has been carried out with the following parties:
- All current licence holders (drivers, operators and vehicles)
  - Ward members
  - Town/Parish Councils
  - Trade customers
  - Trade associations
- 2.12. As this is a County-wide approach, this will be supported by press releases across the Councils in Gloucestershire.
- 2.13. Cheltenham Borough Council also consulted with County Authorities such as Gloucestershire Police and the County Council.
- 2.14. A copy of all responses is attached at **Annex G**.
- 2.15. Following an appraisal of the comments, it was felt that no amendments were considered necessary.
- 2.16. The current policy has been updated to reflect these changes. This document will be formatted in accordance with the Council's style guide prior to publishing on the website.

### **CCTV**

- 2.17. At present, CCTV is permitted in licensed vehicles as long as the licence holder complies with other data protection legal requirements.
- 2.18. The DfT document also states that *'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'*.
- 2.19. The County work is reviewing the driver standards. It is proposed that a second piece of work in 2021/22 will look at the vehicle part of the Council's Policy and review in line with the Council's climate change priorities.
- 2.20. A question was asked within the consultation whether there was a need to make CCTV a mandatory requirement. The responses are contained within **Annex G**.

## **3. FINANCIAL IMPLICATIONS**

- 3.1. There will be a financial impact as a result of these changes. Private Hire Operators will incur increased costs due to additional DBS checks upon staff.
- 3.2. The Council will face an increase in work to comply with the Statutory Standards. The cost of this work will be absorbed in the fee setting process in 2021/22.

#### **4. LEGAL IMPLICATIONS**

- 4.1.** Licensing should consult on any changes to the licensing rules or its policy that might affect passengers or trade. Such consultations should include not only the Taxi and Private Hire trades but also groups likely to be the trade's customers. In accordance with section 177(4) of the Policing and Crime Act 2017, Licensing Authorities must have regard to the DfT 2020 Guidance when exercising their functions.
- 4.2.** Privacy notices on the application forms will need to be reviewed to ensure that the changes proposed under the DfT 2020 Guidance are reflected.
- 4.3.** There are data protection implications arising from adopting the National Register of Taxi Licence Revocations & Refusals (NR3). Licensing has been working closely with the Data Protection Officer to ensure that the Council is fully compliant and follows the LGA Guidance on adopting the National Register of Taxi Licence Revocations & Refusals (NR3).

#### **5. ALTERNATIVE OPTIONS**

No alternative options are proposed.