

## COMMUNITY SERVICES AND LICENSING COMMITTEE

25 MARCH 2021

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<b>Report Title</b>	<b>TAXI POLICY REVIEW – CONSULTATION ON DRAFT COMMON TAXI AND PRIVATE HIRE STANDARDS FOR GLOUCESTERSHIRE</b>			
<b>Purpose of Report</b>	To introduce a draft document, 'Common Taxi and Private Hire Vehicle Standards for Gloucestershire', which has been developed by the Gloucestershire Licensing Officers Group (GLOG) with the aim of aligning local policies on matters included in the Statutory Taxi and Private Hire Vehicle Standards issued by Department for Transport in 2020. The Statutory Standards focus on safeguarding children and vulnerable adults.			
<b>Decision(s)</b>	<b>The Committee RESOLVES to:</b>  <b>a. Approve the draft 'Common Taxi and Private Hire Vehicle Standards for Gloucestershire' Appendix A</b> <b>b. Undertake formal local consultation as detailed in this report.</b>			
<b>Consultation and Feedback</b>	Consultation to take place between 13 <sup>th</sup> April and 6 <sup>th</sup> July 2021			
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<b>Options</b>	Not applicable			
<b>Background Papers</b>	1. <a href="#">Stroud District Council's current taxi and private hire policy</a> 2. <a href="#">Statutory taxi and private hire vehicle standards</a>			
<b>Appendices</b>	Appendix A – Draft Common Standards for Licensing Hackney Carriage and Private Hire Drivers in Gloucestershire  Appendix B – Comparison Table between Stroud District Council's current policy and Draft Common Standards			
<b>Implications (further details at the end of the report)</b>	Financial	Legal	Equality	Environmental
	No	No	No	No

## 1. INTRODUCTION / BACKGROUND

- 1.1 [Stroud District Council's current taxi and private hire policy](#) was approved in 2017 and is available on the Council's website. This policy lays out Stroud District Council's application criteria, conditions and other matters relating to driver, vehicle and operator licences.
- 1.2 In July 2020 the Department for Transport issued [Statutory taxi and private hire vehicle standards](#). These standards outline how licensing authorities should carry out their taxi licensing function with a focus on the safeguarding issues of protecting children and vulnerable adults. The standards mainly relate to driver suitability but also to vehicle proprietor and operator suitability. Some of the key points in the statutory standards are:
- DBS criminal checks
  - Working with the Police
  - Sharing information
  - Dealing with complaints
  - Training of decision makers
  - Safeguarding awareness training for licence holders
  - Language proficiency
  - CCTV in vehicles
  - Operator record keeping
  - Enforcement
  - Assessment of previous convictions
- 1.3 The Department for Transport expects local authorities to review their own local policies and implement the recommendations in the statutory standards unless there is a compelling local reason not to.

## 2. MAIN POINTS

- 2.1 Stroud District Council Licensing Officers are members of the Gloucestershire Licensing Officer Group (GLOG). Representatives from each of the 6 licensing authorities have worked together to align all the local taxi and private hire policies in relation to the statutory standards. This also supports the report of the Taxi Licensing Scrutiny Task Group to the Gloucestershire Economic Growth Scrutiny Committee in January 2021. The task group recommended that the 6 district Councils should work towards joint standards and enforcement across Gloucestershire.
- 2.2 It should be noted that much of the content of the statutory standards is already being applied by Stroud District Council and the other Gloucestershire licensing authorities.
- 2.3 A document called 'Common Standards for Licensing Hackney Carriage and Private Hire Drivers in Gloucestershire' has been drafted by GLOG members. It is Appendix A to this report. The aim is that each authority will adopt these common standards as part of their local policy. This will ensure consistency and mean safeguarding is at the forefront of taxi and private hire licensing throughout Gloucestershire. It will make the procedures clearer for applicant's and licence holders and will avoid unsuitable applicants 'cherry picking' authorities with lower standards.

- 2.4 The parts of the draft common standards (Appendix A), which will mean a change to Stroud District Council's current licensing policy, are highlighted in blue.
- 2.5 The intention is that each of the 6 licensing authorities will formally consult on the Gloucestershire common standards document at the same time between 13<sup>th</sup> April and 6<sup>th</sup> July 2021.
- 2.6 The GLOG members have agreed that all central consultation, such as the Police, Gloucestershire County Council and other relevant agencies and bodies will be directed through Cheltenham Borough Council who will collate any central responses. This will ensure that the agencies do not get 6 duplicate requests for comment.
- 2.7 Each licensing authority will undertake local consultation with their taxi and private hire trade, members, town and parish councils and any other relevant local bodies or agencies.
- 2.8 Appendix B to this report is a comparison table showing and comparing Stroud District Council's current policy with the Gloucestershire common standards.
- 2.9 At the end of the consultation, each licensing authority will consider all central and local comments made. The aspiration is that each of the licensing authorities will then adopt the same, or similar, common standards as part of their own local policies.
- 2.10 A final 'Common Standards for Licensing Taxi and Private Hire in Gloucestershire' document will be brought to Stroud District Council's Community Services and Licensing Committee in September 2021, (for adoption and implementation in Stroud district).
- 2.11 Once a final Common Standards for Gloucestershire Document has been adopted by Stroud District Council, it will then become part of Stroud District Council's Taxi and Private Hire Licensing policy. The existing local policy will be adjusted and updated where appropriate.
- 2.12 The statutory taxi and private hire standards also include a section on CCTV in taxis as a safeguarding tool and suggest that licensing authorities may wish to consider whether mandatory CCTV is appropriate. GLOG felt that, at this time of the Covid pandemic, a proposal which may have significant cost implications on the taxi and private hire trade was not appropriate. In addition, there is no compelling obvious evidence to suggest that it is necessary. Therefore, CCTV was not included in the Gloucestershire Common Standards and it was felt it would be better to consider this as a second phase of policy review when there has been a recovery from Covid restrictions. It will be useful at this time, however, as part of this consultation, to include a question about mandatory CCTV to understand local views.
- 2.13 There are some aspects in Stroud District Council's current policy that are not covered in the statutory standards or draft common standards for Gloucestershire. These largely relate to vehicle criteria and conditions. These vary between each of the 6 licensing authorities. At this stage Stroud District's policy on these other aspects are not being reviewed and will remain unchanged. The Department of Transport has promised that it is developing best practice guidance for taxi and private hire licensing that should cover things like vehicle standards.

- 2.14 However, it will be useful to include a question in this consultation about our current vehicle conditions, including the current vehicle age policy, in order and to help direct a second phase of the taxi and private hire policy review once there has been a recovery from Covid restrictions.
- 2.15 Stroud District Council's current vehicle age policy is that a vehicle must be less than 5 years old when first licenced and cannot be renewed once it is over 10 years old. There are currently exemptions for wheelchair accessible vehicles and elite vehicles. This report recommended that under this current review, an additional exemption to the current vehicle age policy is made for electric vehicles to help encourage their use as part of the Council's aim to be carbon neutral.

### **3. CONCLUSION**

- 3.1 The Department for Transport's 'Taxi and Private Hire Statutory Standards' is an important document which aims to protect children and vulnerable adults and, by extension, the wider public when using taxis and private hire vehicles. The standards should be adopted by all local authorities unless there is a compelling reason not to do so. Adoption of the standards will ensure that authorities are putting safeguarding to the forefront and are making the right checks, decisions and enforcement actions to ensure that taxi drivers, vehicles owners and operators are suitable persons.
- 3.2 The common standards for Gloucestershire drafted by GLOG lay out how the statutory standards can be applied in Gloucestershire using an aligned approach. Taxi and private hire licensing remains a local authority function however it is hoped that each local licensing authority will adopt the Common Standards for Gloucestershire and incorporate it into their own local policies.
- 3.3 Other parts of Stroud District Council's local policy not covered in the Common Standards will be reviewed as a second stage once there has been recovery for the trade from the Covid restrictions. This will include vehicle criteria and conditions. It is recommended that at part of this first stage, that the current vehicle age policy is amended to give an exemption from the age restrictions to electric vehicles.

### **4. IMPLICATIONS**

#### **4.1 Financial Implications**

There are no financial implications associated with this report.

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#### **4.2 Legal Implications**

There are no significant implications within this category. However, 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.

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#### **4.3 Equality Implications**

There are not any specific changes to service delivery proposed within this decision.

#### **4.4 Environmental Implications**

There are no significant implications within this category.