

STROUD DISTRICT COUNCIL

COMMUNITY SERVICES AND LICENSING COMMITTEE

16 SEPTEMBER 2021

Report Title	TAXI POLICY REVIEW – ADOPTION OF COMMON LICENSING STANDARDS FOR LICENSING HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS IN GLOUCESTERSHIRE AND AMEND STROUD DISTRICT COUNCIL’S VEHICLE POLICY TO EXEMPT ELECTRIC VEHICLES FROM THE CURRENT AGE REQUIREMENTS.
Purpose of Report	<p>To adopt the Common Licensing Standards for Licensing Hackney Carriage and Private Hire Drivers in Gloucestershire, following public consultation. The document was 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.</p> <p>Additionally, to amend Stroud District Council’s current vehicle age policy to exempt electric vehicles from the Council’s age requirements.</p>
Decision(s)	<p>The Committee RESOLVES to:</p> <ul style="list-style-type: none">a. Adopt the Common Licensing Standards for Licensing Hackney Carriage and Private Hire Drivers in Gloucestershire - Appendix Ab. Adopt the proposal to exempt electric vehicles from Stroud District Council’s current vehicle age policyc. Implement the above from 1st October 2021
Consultation and Feedback	Consultation took place between 13 th April 2021 and 6 th July 2021. Consultation comments are in Appendix B.
Report Author	Name, Rachel Andrew Email: rachel.andrew@stroud.gov.uk
Options	Not applicable
Background Papers	<ul style="list-style-type: none">1. Stroud District Council’s current taxi and private hire policy2. Statutory taxi and private hire vehicle standards - Department of Transport3. Community Services and Licensing Committee Report and Appendices 25th March 2021 Agenda Item 5
Appendices	Appendix A – Common Licensing Standards for Licensing Hackney Carriage and Private Hire Drivers in Gloucestershire for adoption Appendix B – Schedule of consultation comments about electric vehicles and recommended responses

Implications (further details at the end of the report)	Financial	Legal	Equality	Environmental
	No	Yes	No	No

1. INTRODUCTION / BACKGROUND

- 1.1 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. The Department of Transport expect local authorities to review their own local policies and amend them where appropriate taking account of the statutory standards.

2. MAIN POINTS

- 2.1 A document called Common Licensing Standards for Licensing Hackney Carriage and Private Hire Drivers in Gloucestershire was drafted by Gloucestershire Licensing Officers Group members (GLOG). The document incorporates the Statutory Standards into an aligned County document which will be adopted by each of the Gloucestershire Licensing Authorities and incorporated into their own local policies. This will ensure that each authority is applying the Statutory Standards consistency across Gloucestershire.
- 2.2 This draft document was approved by Community Services and Licensing Committee on 25th March 2021. The report that went to that committee (Item 5 Appendix B) included a [comparison table](#) between Stroud District Council Current policy and the draft Common Standards for Gloucestershire which details all the changes.
- 2.3 Some of the key changes for Stroud District Council include:
- Joint authorisation of enforcement officers across Gloucestershire.
 - All taxi and private hire drivers must subscribe to the DBS criminal convictions check update service by 31 December 2023.
 - Officers will make 6 monthly checks of drivers' criminal records through the DBS online service.
 - All new taxi and private hire drivers must take a mandatory safeguarding and equality awareness course before a licence will be issued. Existing licence holders must take refresher training every 3 years.
 - New taxi and private hire driver applicants must provide educational certificates for a qualification related to English or take an English proficiency test.
 - Vehicle proprietors and private hire operators must provide a basic criminal conviction certificate and private hire operators must undertake basic criminal conviction checks on booking and dispatch staff.

- Amendments to the offences and timescales in the convictions policy.
- 2.4 The document has been out for consultation between 13th April and 6th July 2021. Each authority consulted locally with their taxi and private hire trade, members, town and parish councils and any other relevant local bodies or agencies. No local objections were made about the Gloucestershire Common Standards.
- 2.5 At the same time Cheltenham Borough Council hosted a central consultation for Gloucestershire bodies such as the Police, Gloucestershire County Council and other relevant agencies. Cheltenham have reported that there was support for the document from the Disclosure and Barring Service at Gloucestershire Constabulary. There were no central objections.
- 2.6 Stroud District Council's consultation also included an additional local proposal to exempt electric vehicles from the Council's current vehicle age policy. The aim is to provide confidence to licence holders who are considering investing in electric vehicles which are generally more expensive than petrol or diesel vehicles. This supports the Council's aim to be carbon neutral by 2030. The 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.
- 2.7 Comments from the local consultation on electric vehicles are shown in the schedule of comments in Appendix B. The schedule shows responses recommended by the Principal Licensing Officer.
- 2.8 The main comment was from Dursley Town Council who felt that in the interests of fairness and equality there should be no special exemption for electric vehicles. The Principal Licensing Officer's recommendation is that the exemption is of benefit for the reasons detailed in paragraph 2.6 and is the first step in further work to move from an age policy to an emission-based policy for vehicles.
- 3.1 It is recommended that Committee should adopt the Common Licensing Standards for Licensing Hackney Carriage and Private Hire Drivers in Gloucestershire to ensure Stroud District Council is 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 and to enable a consistent approach by all the Gloucestershire licensing authorities.
- 3.2 If the Committee is satisfied with the recommendations in appendix B it should agree to amend Stroud District Council's current vehicle age policy to exempt electric vehicles.
- 2.9 It is proposed that the Common Standards and amendment for electric vehicles should be implemented from 1st October 2021 and will form part of Stroud District Council's local policy. The Common Standards include provision to give existing licence holders a period of time to comply with the new common standards.

3. FUTURE WORK

- 3.1 There are some aspects in Stroud District Council's current policy that are not covered in the Department for Transport Statutory Standards or the Common Taxi and Private Hire Standards for Gloucestershire. These largely relate to vehicle criteria and conditions.

These currently vary between each of the 6 licensing authorities and most likely will continue to do so due to the different characteristics and demands of each district.

- 3.2 Later in 2021 Stroud District Council Licensing Officers will begin a further review of Stroud District Council's taxi and private hire policy to consider the vehicle criteria and conditions. In particular we will look at moving from a vehicle age condition to an emission-based condition. This action is included in Stroud District Council's corporate delivery plan under the priority of protecting and enhancing our environment and leading the district to carbon neutrality in 2030.
- 3.3 Additionally, there are further points in the Department of Transport's Statutory Standards that were not covered in this first stage of the review. The main issue remaining is the recommendation in the Statutory Standards that Council's should consider whether it is appropriate to make CCTV mandatory in taxi and private vehicles. The Gloucestershire Licensing Officers Group (GLOG) will look at this as a second phase.

4. CONCLUSION

- 4.1 The Department for Transport's Statutory Taxi and Private Hire Vehicle 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.
- 4.2 The Common Licensing Standards for Licensing Hackney Carriage and Private Hire Drivers in 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 each local licensing authority will adopt the Common Standards for Gloucestershire and incorporate it into their own local policies.
- 4.3 Consultation has been undertaken locally and on a County basis and there has been no objection to the proposed Common Standards. This report recommends that the Common Licensing Standards for Licensing Hackney Carriage and Private Hire Drivers in Gloucestershire, which are Appendix A to this report, are adopted by this committee and then implemented from 1st October 2021
- 4.4 Consultation was also undertaken locally on a proposal to exempt electric vehicles from the council's current vehicle age policy. This report recommends this proposal is adopted.
- 4.5 Further work will be undertaken as a Stage 2 review of Stroud District Council's taxi and private hire licensing policy to consider vehicle criteria and CCTV in vehicles.

5. IMPLICATIONS

5.1 Financial Implications

There are no financial implications associated with this report.

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5.2 Legal Implications

The Statutory Taxi and Private Hire Standards (“Standards”) have been 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.

There are data protection implications arising from the adoption of the Standards, particularly around joint authorisation of enforcement officers and subsequent information sharing between licensing authorities. It is recommended that the relevant privacy notices and associated documents are reviewed and updated as necessary to reflect the proposed changes.

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5.3 Equality Implications

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

5.4 Environmental Implications

There are no significant implications within this category.