

Environment and Communities Committee

Date of Meeting:	09 September 2021
Report Title:	Cheshire East Council Taxi Licensing Policy
Report of:	Paul Bayley, Director of Environment and Neighbourhood Services
Report Reference No:	ECC/22/21-22
Ward(s) Affected:	All Wards

1. Executive Summary

- 1.1.** This report advises Members of the publication of the Department for Transport (DfT) 'Statutory Taxi and Private Hire Vehicle Standards' (the Standards) and subsequent changes that are required to the existing Cheshire East Council Taxi Licensing policies and procedures to implement the recommendations within the standards.
- 1.2.** The report recommends a public consultation with regards to implementing those recommendations within the Standards that are not already implemented by the Council in existing policy.
- 1.3.** It also recommends that the consultation includes other proposed changes to policy/procedures such as environmental standards, vehicle age limits, signage, and vehicle testing standards.

2. Recommendations

- 2.1.** To consider the recommendations within the Standards summarised at paragraph 6.3 and set out in appendix 2;
- 2.2.** To approve a public consultation on the Draft Taxi Licensing Policy (as attached at Appendix 1).
- 2.3.** To note that following the consultation, the policy will be presented to the Environment & Communities Committee for final approval.

3. Reasons for Recommendations

3.1. To seek the views of interested parties on the recommendations within the DfT Statutory Taxi and Private Hire Vehicle Standards and on additional proposed changes to existing policy.

4. Other Options Considered

4.1. Licensing Authorities are obliged, under section 177 of the Police and Crime Act 2017, to have regard to the Statutory Standards, and are expected to adopt them unless there are compelling local reasons not to.

5. Background

5.1. The Taxi and Private Hire Vehicle Standards were published by the DfT in July 2020. As these standards form statutory guidance, Licensing Authorities must have regard to the recommendations when exercising relevant functions or justify why they have departed from them and the reason for that departure. However, this is not to say that all recommendations in the Standards should or must be adopted and any recommendations that are not appropriate can be left unadopted providing there is clear justification.

5.2. The DfT has published the Standards as Hackney Carriages and Private Hire Vehicles are considered a 'high risk environment'. For example, links between the licensed trade and child sexual abuse and exploitation have been established in many areas of the country, most notably in the reports following the investigations in Rotherham and Rochdale Councils.

5.3. The Police and Crime Act 2017 enables the Secretary of State for Transport to issue statutory guidance on exercising hackney carriage and private hire vehicle licensing functions to protect children and vulnerable individuals who are over 18 from the harm when using these services.

5.4. The main focus of the Standards is on protecting children and vulnerable adults. However, all passengers will likely benefit from the Standards to some extent. The Standards ultimately extend the requirements placed on licenced holders across the country and will bring a measure of parity in areas where some Councils may previously have lower policy considerations.

5.5. A copy of the standards can be found at Appendix 2, they cover the following points:

- Administering the Licensing Regime
- Gathering and Sharing Information
- Decision Making
- Driver Licensing
- Vehicle Licensing
- Private Hire Vehicle Operator Licensing
- Enforcing the Licensing Regime

5.6. The Council has already applied the majority of the recommendations within the Standards in existing licensing policies and procedures and licence conditions. A summary of the recommendations are set out below:

Statutory Guidance recommendation	Cheshire East's Position
<p>Licensing policy 3.6 Authorities should produce a 'cohesive policy document' that brings all procedures together (including a convictions policy). When formulating policies, the overriding objective must be to protect the public. Policies should be reviewed every five years.</p>	<p>Partially Implemented</p> <p>Existing Cheshire East policies are in separate documents and so this is an opportunity to undertake a comprehensive review of the documents and consolidate them into one document.</p>
<p>Duration of Licences 3.7 The Local Government (Miscellaneous Provisions) Act 1976 sets a maximum length of three years for hackney carriage and private hire drivers and five years for private hire vehicle operators. Any shorter duration should only be issued when the licensing authority considers it is appropriate in the specific circumstances of any case.</p>	<p>Implemented</p> <p>Cheshire East already issue hackney carriage and private hire driver licences for a period of three years and private hire vehicle operators for five years. This means that this will not need amending.</p>
<p>Whistleblowing 3.8 It is recommended that authorities have effective internal procedures for staff to raise concerns and procedures in place for any concerns to be dealt with openly and fairly.</p>	<p>Implemented</p> <p>A whistleblowing policy is already in place and contained within the Council's Constitution.</p>
<p>Consultation at local level 3.12 Licensing authorities should consult on proposed changes in licensing rules that may have significant impacts on passengers and/or the trade. Such consultation should include not only the taxi and private hire vehicle trades but also groups likely to be the trades' customers</p>	<p>Implemented</p> <p>The Licensing Team has already undertaken pre-engagement consultation with the trade on the recommendations set out in the statutory guidance and other proposed changes that fall outside of the guidance. It is proposed that a wider consultation period will not only be with the trade directly but also with those groups likely to be affected by any outcomes.</p>
<p>Gathering and sharing information 4.21 Licensing authorities must consider a full range of information available to them when making a decision whether to grant a licence and to meet their ongoing obligation to ensure licensees remain suitable to hold a licence</p>	<p>Partially Implemented</p> <p>The Licensing Team makes use of all available resources to meet the obligations, for example Police, HM Immigration and neighbouring authorities. This includes requests under the Data</p>

Statutory Guidance recommendation	Cheshire East's Position
	Protection Act 2018 and under existing data sharing agreements. The Council is seeking to make use of the National Register (NR3) which is a register that allows councils to record details of where taxi and private hire licences have been refused or revoked.
<p>Disclosure and Barring Service 4.2 The Disclosure and Barring Service (DBS) provides access to criminal record information through the disclosure service for England and Wales.</p>	<p>Implemented</p> <p>Cheshire East currently use the DBS. The Licensing Team undertakes enhanced checks which also check the children and vulnerable adults barring lists.</p>
<p>Disclosure and Barring Service Update Service 4.5 Subscription to the DBS Update Service allows those with standard and enhanced certificates to keep these up to date online and, with the individual's consent, allows nominees to check the status of a certificate online at any time.</p>	<p>Partially Implemented</p> <p>Cheshire East are looking to implement this as part of the policy change.</p>
<p>Common Law Police Disclosure 4.9 Common Law Police Disclosure replaced the Notifiable Occupations Scheme (NOS) in March 2015 and focuses on providing timely and relevant information which might indicate a public protection risk. Licensing authorities should maintain close links with the police to ensure effective and efficient information sharing procedures and protocols are in place and are being used.</p>	<p>Implemented</p> <p>The Licensing Team has a data sharing agreement with Cheshire Constabulary where information is regularly shared. However, this data sharing agreement does not extend to other forces across the country. There can be a general lack of awareness within the Police on the need to update licensing authorities.</p>
<p>Licensee self-reporting 4.12 Licence holders should be required to notify the issuing authority within 48 hours of an arrest and release, charge or conviction of any sexual offence, any offence involving dishonesty or violence and any motoring offence.</p>	<p>Implemented</p> <p>Cheshire East already has a requirement for self-reporting. However, this is dependent on compliance from the licence holder and an appropriate response from the General Licensing Sub-Committee where this is not complied with. For example, the Sub-Committee has the power to suspend or revoke a taxi driver licence.</p>
<p>Referrals to the Disclosure and Barring Service and the Police 4.14 A decision to refuse or revoke a licence as the individual is thought to present a</p>	<p>Not currently implemented</p> <p>Cheshire East's position is that we would following the guidance. The power for the Licensing Authority to make a referral in</p>

Statutory Guidance recommendation	Cheshire East's Position
risk of harm to a child or vulnerable adult, should be referred to the DBS.	this context arises from the undertaking of a safeguarding role.
<p>Working with the Police 4.17 As part of building an effective working relationship between the licensing authority and the police, action taken by the licensing authority as a result of information received should be feedback to the police.</p>	<p>Partially Implemented</p> <p>Cheshire East's position is that we do not, as a matter of procedure, inform the police of any driver or vehicle revocations or suspensions. This will mean a change to our procedures. Where we receive any information from the police which causes us to take any action we do inform them of the outcome.</p>
<p>Sharing licensing information with other licensing authorities 4.20 Applicants and licensees should be required to disclose if they hold or have previously held a licence with another authority. An applicant should also be required to disclose if they have had an application for a licence refused, or a licence revoked or suspended by any other licensing authority. Licensing authorities should explicitly advise on their application forms that making a false statement or omitting to provide the information requested may be a criminal offence.</p>	<p>Partially Implemented</p> <p>All of these measures are in place and application forms contain all the required information. Data is regularly shared between the Licensing Authorities in Cheshire and Merseyside. Other matters mentioned within 4.22 and 4.25 of the guidance concerning liaison with other authorities, the use of the NR3 (National register of refusals and revocations) mentioned above, would assist Cheshire East's Licensing Team with meeting this recommendation.</p>
<p>Multi-Agency Safeguarding Hub (MASH) 4.26-4.28 All licensing authorities should operate or establish a means to facilitate the objectives of a MASH (i.e. sharing of necessary and relevant information between stakeholders). The Children's commissioners 2013 enquiry into Child Sexual Exploitation in Gangs and Groups found that both police and local authorities still identified the inability to share information as a key barrier to safeguarding children from sexual abuse and exploitation.</p>	<p>Implemented</p> <p>The Council has established such a group. This group is normally attended by the Head of Regulatory Services and/or the Licensing Team Leader when there are relevant matters on the agenda.</p>
<p>Complaints against licensees 4.29 All authorities should have robust system for recording complaints, including analysing trends across all licensees as well as complaints against individual licensees. Licensees with a high number of complaints made against them should</p>	<p>Implemented</p> <p>Cheshire East already meet these requirements. All complaints are recorded on the Licensing Team's databases. Drivers are contacted and often spoken to personally regarding any</p>

Statutory Guidance recommendation	Cheshire East's Position
<p>be contacted by the licensing authority and concerns raised with the driver and operator (if appropriate). To ensure that passengers know who to complain to, licensing authorities should produce guidance for passengers on making complaints directly to the licensing authority that should be available on their website. Ways to make complaint to the authority should be displayed in all licensed vehicles. Licensing authorities must ensure that drivers are aware of a requirement to display information on how to complain.</p>	<p>complaint. The website contains details on how to make a complaint and this also includes an online complaint form. A notice of how to make a complaint is contained on the interior licence plate and it is a condition of the licence to display this at all times.</p>
<p>Oversees convictions 4.34 – 4.35 DBS cannot access criminal records held overseas, only foreign convictions that are held on the police national computer may, subject to the disclosure rules, be disclosed. Licensing authorities should seek or require applicants to provide where possible criminal records information or a certificate of good character from overseas in this circumstance to properly assess risk and support the decision-making process.</p>	<p>Implemented</p> <p>All of these measures are already met.</p>
<p>Administration 5.1 – 5.2 Licensing authorities should ensure that all individuals that determine whether a licence is issued or refused are adequately resourced to allow them to discharge the function effectively and correctly. This function may be delegated to a committee, a sub-committee or an officer which should be set out within a clear scheme of delegation.</p>	<p>Implemented</p> <p>Cheshire East Council Constitution sets out the relevant delegated powers. All Members of the Licensing Committee receive training on their duties and powers.</p>
<p>Training decision makers 5.3 – 5.5 All individuals that determine whether a licence is issued should be required to undertake sufficient training. As a minimum, training for members of a licensing committee should include licensing procedures, natural justice, understanding the risk of CSAE, disability and equality and the making of difficult and potentially controversial decisions. Training should not simply relate to procedures, but should include the use of</p>	<p>Implemented</p> <p>Cheshire East has, in the past, carried out training via a number of different methods, including; online training, face to face training, and recognised legal advisors undertaking training presentations. Member training is provided by Licensing Officers, Legal Officers, and Democratic Services Officers. Training records for Members</p>

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<p>case study material to provide context and real scenarios. All training should be formally recorded by the licensing authority and require a signature from the person that has received the training.</p>	<p>are maintained by the Democratic Services Team.</p>
<p>Fit and Proper Test 5.12 – 5.14 Licensing authorities have a duty to ensure that any person to whom they grant a taxi or private hire vehicle driver's licence is a 'fit and proper person' to be licensed.</p>	<p>Implemented Cheshire East's draft policy sets out a guide to an individual's fit and proper' status which officers believe meets the guidance. This test has been used within Cheshire East for a number of years.</p>
<p>Criminal Convictions and rehabilitation 5.15 – 5.17 In considering an individual's criminal record, licensing authorities must consider each case on its merits. In order to achieve consistency and to mitigate the risk of successful legal challenge, licensing authorities should have a clear policy for the consideration of criminal records.</p>	<p>Implemented Cheshire East have in place a criminal convictions policy which is to be reviewed as part of this process.</p>
<p>Criminality checks for drivers 6.1 – 6.4 Licensing authorities are entitled to request an enhanced criminal record certificate with check of the barred lists from the DBS for all drivers licence holders or applicants. In the interest of public safety, licensing authorities should as part of their policies issue a licence to any individual that appears on either barred list. All licensed drivers should also be required to provide continuous registration with the DBS Update Service to enable the licensing authority to routinely check for new information every six months.</p>	<p>Partially implemented Cheshire East Council do not currently require applicants/licence holders to sign up to the DBS Update Service and this is being considered as part of this review. Enhanced checks and barring list checks are currently undertaken and have been for a significant period.</p>
<p>Safeguarding Awareness 6.5 – 6.7 All licensing authorities should provide safeguarding advice and guidance to the trade and should require taxi and private hire vehicle drivers to undertake safeguarding training.</p>	<p>Not currently implemented Cheshire East is exploring the possibility of delivering a safeguarding awareness course, in consultation with the Cheshire East Safeguarding Team. It is proposed that this will be mandatory for all existing licence holders and operators and a condition will be added to any licence. There will also be a requirement for new applicants to provide evidence of</p>

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	attendance at the training prior to being issued a licence.
<p>County Lines Exploitation 6.8 – 6.13 Safeguarding awareness training should include the ways in which drivers can help to identify county lines exploitation.</p>	<p>Not currently implemented</p> <p>Cheshire East are exploring the possibility of including this within the safeguarding training (as above). Safeguarding training for Licensing Committee Members was provided by Cheshire Constabulary. However, there has been a change in Membership of the Committee since this was provided.</p>
<p>Language proficiency 6.14 – 6.15 A licensing authority's test of a driver's proficiency should cover both oral and written English language skills to achieve the objectives stated above.</p>	<p>Partially Implemented</p> <p>Cheshire East does not have a specific language test in place, however applicants are required to hold an NVQ or BTEC. Students are usually assessed on their English language skill priors to acceptance on these types of courses. Notwithstanding, a local knowledge test is a licensing requirement. Without a basic understanding of the English language, applicants would be unable to complete the test successfully.</p>
<p>Criminality checks for vehicle proprietors 7.2-7.6 Licensing authorities should require a basic disclosure form the DBS and that a check is undertaken annually.</p>	<p>Not currently implemented</p> <p>Cheshire East does not currently require a DBS from persons who are sole vehicle proprietors. As the majority of the vehicles are driven by the vehicle proprietor, they would have undertaken an enhanced DBS as part of the driver licence process. This has been included in the consultation.</p>
<p>In-vehicle visual and audio recording – CCTV 7.7 All licensing authorities should consult to identify if there are local circumstance which indicate that the installation of CCTV in vehicles would have either a positive or an adverse effect on the safety of taxi and private hire vehicle users, including children or vulnerable adults, and taking into account potential privacy issues.</p>	<p>Partially Implemented</p> <p>Cheshire East does not currently mandate CCTV in vehicle. It is left to individual vehicle proprietors to make a decision on whether to install CCTV within their vehicle. This means that the vehicle proprietor is the data controller and are required to register with the Information Commissioners Office as the data controller. If the Council were to mandate the requirement for CCTV, this means that the Council becomes the data</p>

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	controller and would have to have the facilities and resources to administer such role. Cheshire East have included this within the consultation process.
<p>Stretch Limousines 7.14-7.15 Licensing authorities are sometimes asked to licence small (those constructed or adapted to carry fewer than nine passengers) limousines as private hire vehicles, these vehicles may be used to transport 'school proms' as well as for adult bookings. It is suggested that licensing authorities should approach such requests on the basis that these vehicle – where they have fewer than nine passenger seats – have a legitimate role to play in the private hire trade.</p>	<p>Implemented Cheshire East currently has the ability to licence limousines and therefore this recommendation is met.</p>
<p>Criminality checks for private hire vehicle operators 8.2 – 8.6 Enhanced DBS and barred list checks are not available for private hire vehicle operator licensing. Licensing authorities should request a basis disclosure from the DBS and that a check is undertaken annually.</p>	<p>Not currently implemented Cheshire East does not currently require a basic criminal disclosure. Therefore, this has been included within the draft policy document.</p>
<p>Booking and dispatch staff 8.7-8.12 Licensing authorities should be satisfied that private hire vehicle operators can demonstrate that all staff that have contact with the public and/oversee the dispatching of vehicles do not pose a risk to the public. Licensing authorities should, as a condition of granting the operator licence, require a register of all staff that will take bookings or dispatch vehicles is kept.</p>	<p>Not currently implemented Cheshire East do not currently require this and has included this within the draft licensing policy.</p>
<p>Record keeping 8.13-8.15 Licensing authorities should as a minimum require private hire operators to record specific information for each booking.</p>	<p>Partially Implemented Specification for the recording of journey is currently mandated in the Council's conditions. Changes to these requirements have been included within the draft licensing policy.</p>
<p>Use of passenger carrying vehicles (PVC) licensed drivers 8.16 – 8.17 The use of a driver who holds a PCV licence and the use of a public service vehicle (PSV) such as a minibus to</p>	<p>Not currently implemented This is not currently within the Cheshire East policy, therefore this will need to be</p>

Statutory Guidance recommendation	Cheshire East's Position
undertake a private hire vehicle booking should not be permitted as a condition of the private hire vehicle operator's licence without the informed consent of the booker.	considered as part of the consultation process.
Joint authorisation of enforcement officers 9.2 Licensing authorities should, where the need arises, jointly authorises officers from other authorities so that compliance and enforcement action can be taken against licensees from outside their area.	Partially Implemented Cheshire East officers currently undertake joint enforcement operations. However, Officers will use their own powers and are not authorised by multiple Licensing Authorities. This is something that Cheshire East may need to explore further, in consultation with neighbouring authorities. It is only within our gift to authorise officers under our powers. As a Council we cannot authorise our officers in other areas, that is within the gift of that Council.
Setting expectations and monitoring 9.3 – 9.4 Licensing authorities should ensure that drivers are aware of the policies that they must adhere and are properly informed of what is expected of them and the repercussions from failing to do so.	Implemented Upon the grant of the licence, Cheshire East Council provides a copy of the conditions to all licence holders. All information is provided on the Licensing Team's web pages.
Suspension and revocation of licences 9.5 – 9.10 Section 61 of the Local Government (Miscellaneous Provisions) Act 1976 provides a licensing authority with the ability to suspend or revoke a driver's licence.	Implemented Cheshire East enforcement policy sets out our approach to this. It is also detailed within the draft policy.

5.7. Members have previously resolved that letters lobbying for national standards be sent to the Department for Transport, the Local Government Association, the Institute of Licensing, and the local Members of Parliament. While the DFT standards go some way to bring parity across the country, there are still concerns that they do not go far enough from a public safety and safeguarding point of view. Other Council's will still have the potential to set lower standards than Cheshire East, particularly as the guidance calls for a relevance of convictions policy but is silent on any specific criteria. Members may wish to consider if it is appropriate to continue to lobby for such changes as:

- 5.7.1. A set of national minimum standards for licensed vehicles and powers of suspension given to all authorised officers where these standards are not met.
- 5.7.2. A set of national minimum standards for licensed drivers, to include the requirement to under a take a professional qualification & Safeguarding/CSE awareness training (to include refresher training) and a national policy in relation to the relevance of convictions.
- 5.7.3. To reintroduce the power to suspend drivers suspected of serious offences while under investigation where it is in the interest of public safety. This was general practice until the judgement in R (app Singh) v Cardiff City Council (2012) where the High Court ruled that suspension could not be an interim sanction.
- 5.7.4. That relevant Ministers consider how to best to regulate and control cross-border hiring.

6. Consultation and Engagement

- 6.1. The DfT formally consulted on the Standards from 12 February to 22 April 2019. The consultation document was entitled 'Taxi and Private Hire Vehicle Licensing: Protecting Users – Consultation on Statutory Guidance for Licensing Authorities.
- 6.2. This report is seeking approval to consult on proposed changes to the existing taxi and private hire vehicle, driver and operator policy and procedures with a view to potentially incorporating the recommendations of the Standards. All holders of driver, vehicle and operator licences will be consulted. Additionally, other relevant stakeholders and members the public will have the opportunity to comment.
- 6.3. It is proposed that the following recommendations within the standards form part of the consultation:
 - DBS Update Service
 - Licensee self-reporting (arrest and release, charge or conviction)
 - National register of taxi and private hire vehicle driver licence refusals and revocations – NR3*
 - Basic disclosure checks on vehicle proprietors
 - CCTV
 - Use of passenger carrying vehicles (PCV) licensed drivers
- 6.4. As part of the review of the policies, there is also an opportunity to review all our taxi licensing policies and consider updates outside the scope of the DfT Standards document. Therefore, this consultation will also be used to consider the following additional changes:
 - Register of Wheelchair Accessible Vehicles;
 - Safeguarding Awareness Training for all Drivers
 - Age limits for vehicles on initial licence**

- Emission Limits***
- 6 month vehicle inspections for vehicle of 5 years and older
- How to deal with accident replacement vehicles (streamline the process)
- Safeguarding training for Private Hire Operators and their staff
- Operator booking records to be kept for 2 years
- Records of complaints to Operator to be kept for 2 years

*NR3 is a national register that allows councils to record details of where taxi and private hire licences have been refused or revoked and allows local authorities to check new applicants against the register. It is designed to ensure that those who may have been deemed unsuitable for licensing in one area are brought to the attention of other Councils if they apply elsewhere. Cheshire East Council already shares this information with Councils across the Cheshire and Merseyside region and with regular shares information with Cheshire Police.

**Cheshire East Council is consulting on the introduction of a lower age limit for vehicles upon initial licence with consideration given to granting grandfather rights for existing vehicle licence holders. Many Councils do this to ensure a younger and more environmentally friendly fleet of vehicles.

***Cheshire East Council is committed to lowering its vehicle emissions and therefore will consult on proposals to amend the current Euro requirements for vehicles (or UK equivalent) with consideration given to granting grandfather rights for existing vehicle licence holders.

6.5. The Licensing Service has already undertaken a pre-engagement survey with existing licence holders, seeking their views on the Standards and changes to the policy/conditions that fall outside the scope of the Standards as given above. As a result, the licensing service received a number of comments. A summary of the pre-consultation survey will be included within any wider consultation process and an appraisal will be given within a further report to this Committee.

6.6. The consultation strategy is set out below. As well as publishing the consultation on the Council’s website, the Council will consult directly with stakeholders (existing licence holders, trade representatives and also businesses that may be affected by the amendments). Consultation will also take place widely with the general public and partners including neighbouring authorities, police and other agencies (i.e. safeguarding agencies).

WHO	HOW
Statutory Consultees	Direct mail/email
Cheshire East Council Members	
Organisations/Partnerships affected by the amendments i.e. Parish and Town Councils, Community Safety Partnership, Faith Groups, Council for Voluntary Services, TSS, Cheshire East Approved MOT Garages, Disability Groups, Local Residents	Letter/email/Council website

Other businesses	Information regarding draft policy via business newsletter directing to Cheshire East Council's website
Licensing Committee	Draft Policy document and consultation responses (with Officer comments) to be presented to the Committee

6.7. The results of the consultation exercise will be reported back to the Licensing Committee for them to consider any appropriate and proportionate changes. The Licensing Committee will subsequently make a recommendation to the Environment & Communities Committee to adopt the final policy.

7. Implications

7.1. Legal

7.1.1 The granting of licences is a legal function of the Council and the introduction of the national standards by the Department for Transport must be applied to the Council's policies and procedures unless there is good reason not to do so. The final policy will need to be adopted by the Environment & Communities Committee.

7.2. Finance

7.2.1. The cost of the consultation and officer time will be met by existing Licensing Budgets.

7.2.2. Implementing the DfT Standards will require a significant amount of officer time and may result in changes to policies and practices that incur additional costs to the licensing regime e.g. additional training for officers and Members, additional DBS checks. Any additional costs arising from the implementation of the standards could potentially lead to an increase in fees levied to the trade.

7.2.3. There is the potential for challenges by the trade to any change in policy that are brought in, such challenges may incur legal costs to defend. Additional budgetary resources may need to be identified if this is the case. It is not possible at this time to say whether or not a legal challenge will be made or indeed how much the costs of withstanding any challenge will be.

7.2.4. The financial implications of any changes in policy will be continually reviewed and any further financial implications identified will be reported in subsequent reports.

7.3. Policy

7.3.1. The DfT Standards are not legislation, however the DfT expects these recommendations to be implemented unless there are compelling local reasons not to. The document makes it clear that the Standards have been developed as a result of past failings of licensing regimes

and makes reference to both the Jay and Casey reports (i.e. Rotherham and Rochdale Councils) and lists several local authorities where taxi licensing policy and practices had failed to offer the necessary protection of children.

7.3.2. The Council has, on a number of occasions, written to the Department for Transport, Local Government Association, and local Members of Parliament to express our concerns in the different standards applied across the Country. This had the potential to allow applicants deemed unsuitable by one Council to be licensed by a different Council who applied their own policy. This could include those with criminal convictions. As a result of cross-border hiring the applicant could work anywhere in the country. Even in areas where they may have been refused a licence. The DFT Standards will go some way to ensuring that scenario is less likely.

7.3.3. The duty is to 'have regard', this means that the Council must take the Standards into consideration and must give clear reasons for departing from policy.

7.3.4. The Council's Corporate Plan 2021-25 sets out our vision for a more open, fairer, greener Cheshire East. The plan also sets out priorities under the three broad aims including "welcoming, safe and clean neighbourhoods". This policy review will support the priority to protect residents and improve our environment and in particular the action to have a robust licensing regime for alcohol, gambling, and hackney carriage and private hire vehicles.

7.4. Equality

7.4.1. There are no equalities implications arising from this report at this stage. However, an Equality Impact Assessment will be undertaken before the final policy is recommended to the committee for approval.

7.5. Human Resources

7.5.1. There are no Human Resources implications arising from this report. However, the proposed changes may have an impact on resources to deliver some of these changes, such as the additional DBS checks proposed, implementation of the NAFN NR3 register.

7.6. Risk Management

7.6.1. There are no known risks other than those already highlighted within the report.

7.7. Rural Communities

7.7.1. There are no known implications to rural communities arising in this report.

7.8. Children and Young People/Cared for Children

7.8.1. The main focus of the standards is on protecting children and vulnerable adults, however all passengers will benefit from the standards.

7.9. Public Health

7.9.1. There are no known public health implications arising from this report.

7.10. Climate Change

7.10.1. The policy will seek to implement measures to reduce the effects of climate change and will be in accordance with the Council's Carbon Reduction Plan. The draft policy specifically mentions the possible licensing of electric and zero emission vehicles.

Access to Information	
Contact Officer:	Kim Evans, Licensing Team Leader / Amanda Andrews, Licensing Enforcement Officer Kim.evans@cheshireeast.gov.uk /Amanda.andrews@cheshireeast.gov.uk 0300 1230 5015
Appendices:	Appendix 1 – Draft CEC Taxi Policy 2021 – 2025 Appendix 2 – DFT Standards Appendix 3 – Report following pre-consultation with licence holders
Background Papers:	Statutory Taxi & Private Hire Vehicle Standards – Department for Transport July 2020