

27 March 2019

Report of	Assistant Director (Communities)	Author	Jon Ruder ☎ 282840
Title	Changes to the Hackney Carriage and Private Hire Licensing Policy		
Wards affected	Not applicable		

1. Executive Summary

- 1.1 The report proposes changes to the Council's Hackney Carriage and Private Hire Licensing Policy in the light of recent operational experience and the 2018 unmet demand survey.

2. Recommended Decisions

- 2.1 It is recommended that the changes, set out in bold at Paragraphs 5.1 to 5.6, be made to the Council's Hackney Carriage and Private Hire Licensing Policy.

3. Reason for Recommended Decision

- 3.1 The Council has committed to keeping the Hackney Carriage and Private Hire Licensing Policy under review to ensure that it remains fit for purpose and is responsive to the changing licensing environment. The Policy has been in operation since January 2019 and a small number of changes have been identified which would aid the clarity of the Policy and its operation.

4. Alternative Options

- 4.1 To leave the Policy unaltered which would fail to address the recent issues identified.

5. Suggested Changes to the Policy

Unmet Demand Survey

- 5.1 The Committee, at its last meeting, considered a report by consultants LVSA on the unmet demand survey for hackney carriage vehicles. The report found no unmet demand and in the light of this it is suggested that the following changes be made to the Policy to give the Council discretion in the advertising plates should one become available -

Taxi Policy 2019

4.22 The Council restricts the number of hackney carriage vehicles **it licenses**. The **appropriate** figure **is** established **by means of an** unmet demand survey **commissioned by the Council and carried out every three years**. The most recent unmet demand survey, carried out in 2018, indicated that there was no significant unmet demand; **at the time of the survey there were 130 licensed hackney carriage vehicles on the road**.

4.23 Any vehicle to be used as a hackney carriage on plates 200 to **230** must be fully wheelchair adapted; this means having the facility to load and unload wheelchairs directly into the vehicle. All new vehicles on these plates must be adapted; this includes vehicles on renewal. **The door signs on these vehicles will carry the blue badge logo**.

4.25 The allocation or reallocation of a hackney carriage plate, should one become available, will be carried out **at the discretion of the Council** and in accordance with the Council's Hackney Carriage Plate Allocation Policy and Process.

4.26 If the most recent unmet demand survey indicates that there is no unmet demand, the Council may determine not to allocate or reallocate a Hackney Carriage Plate.

Temporary Plates

- 5.2 The current Policy permits the use of the temporary vehicles for which a temporary plate is issued. The amendments suggested are intended to clarify the process and ensure that the plate is returned to the Council at the end of the temporary period.
- 10.1 Where a vehicle cannot be used because **it has been involved in an accident or is unusable for mechanical reasons**, you may apply for a temporary plate for the replacement vehicle which will enable you to continue to operate. The temporary plate may be used for up to a month; this period may be extended in exceptional circumstances following the approval of the Council. **At the end of the period the plate must be returned to the Council.**

Penalty Point Scheme

5.3 To make changes to the penalty points as indicated below -

18*	Driver leaving a hackney carriage unattended on a rank	4	x	-	-
85	Driving or allowing a private hire vehicle to be driven without displaying the door signs or attaching the signs other than in accordance with the Council's Policy	To increase the tariff from 3 to 6 points as it was previously	x	x	x

Remove penalty point 57 dealing with unauthorised or illegal parking so as to cause and obstruction to pedestrians or other road users as this is already covered by Penalty Point 93

Signs, Notices and Advertisements, etc.

5.4 To remove the words 'when working' from 7.3 below as vehicles must always display their company signage.

7.3 Vehicles, **when working**, must display on the front doors of the vehicle a sign stating the trade name, address and telephone number of the Private Hire Operator. This sign must contain the words 'pre-booked only' and 'private hire'. It must not contain the words 'taxi' or 'cab' or any word of a similar meaning or appearance which may be taken to indicate that the vehicle is a hackney carriage which is licensed to ply for hire.

Vehicle Testing

5.5 To add the following paragraph in both the Hackney Carriage and Private Hire Licence Conditions to make clear the condition in which the vehicle must be maintained throughout the duration of the licence; and the requirements in the event that a vehicle should pass its MOT with minor defects.

1.7 Vehicles must be maintained to MOT standard at all times. Vehicles that Pass the MOT with minor defects will be required to carry out remedial works within 7 working days of the MOT. Proof of the completion of works must be presented to the Council within this period.

Consultations and Implementation of the Policy

5.6 It has become apparent since the new Policy has come into effect that occasional minor adjustments need to be made to ensure that the Policy remains responsive to the demands placed upon it. The current process, whilst providing for such changes to

be made without going through a full consultation process, requires these changes to go through full Council and this creates a delay in bring into force these minor changes. In view of the fact that the adjustments are in general to improve the clarity of the Policy, make changes to process, correct errors or remove duplication it is suggested that the ability to make these changes be delegated by full Council back to the Licensing Committee. If this is agreed the Policy would be amended as follows-

- 1.14 The Policy will take effect on 1 January 2019 and unless otherwise stated all the provisions contained within the Policy will come into immediate effect. The Policy will be monitored and reviewed on a regular basis. Any proposed significant changes will be subject to full consultation **and approval by full Council**; minor amendments which do not affect the substance of the Policy **and are intended to improve the clarity of the Policy, make changes to process, correct errors or remove duplication** will be made without consultation **following consideration by the Licensing Committee**.

6. Strategic Plan References

- 6.1 The Policy aims to contribute to the Council's vision of the Borough by ensuring that the licensed trade plays a significant role not only in the Borough's transport strategy but also in helping to promote Colchester and thereby enhancing our reputation as a destination and encouraging further investment.

7. Consultation

- 7.1 The changes seek to clarify the stance already taken in the Policy, which has previously been the subject of extensive consultation. It is therefore considered that no further consultation on the proposed amendments is required.

8. Publicity Considerations

- 8.1 The new revised Policy will be available for all on the Council's website.

9. Financial Implications

- 9.1 There may be costs incurred in defending any action brought against the Council which seeks to judicially review the policy.

10. Equality, Diversity and Human Rights Implications

- 10.1 The draft Policy has been developed in accordance with, and taken account of, all relevant legislation and national and local strategies.

11. Risk Management Implications

- 11.1 A flexible yet robust revised Policy will continue to provide the Council with a sound basis for decision making.

12. Health & Safety and Community Safety Implications

- 12.1 There are no known direct health & safety or community safety issues which might arise from the adoption of the revised Policy.