

**Licensing Committee**  
**Wednesday, 22 March 2023**

**Present:** Councillor Burrows, Councillor Chuah, Councillor Hagon, Councillor Harris, Councillor Hogg, Councillor McLean, Councillor Moore, Councillor T. Young

**Substitutes:**

**Also in attendance:** Councillor Buston\*, Councillor Laws\*

\*attended remotely

**167. Minutes of the previous meeting**

*RESOLVED* that: the minutes of the meeting held on 18 January 2023 be confirmed as a correct record.

**168. Have Your Say!**

Mr Madikazi attended the meeting and addressed the Committee in accordance with the Council's Have Your Say! arrangements. Although he used a card reader in his own vehicle, he considered that the network which the card readers relied upon was very unreliable across the city, and this caused taxi drivers a big problem. He believed that customers used the lack of network connectivity as an excuse not to pay the fare, and this was causing drivers to face hardship. He urged the Committee to take his points into consideration when making any decisions in relation to card payment machines.

In response to a question from the Committee, Sarah White, Licensing Team Leader, confirmed that the Council was not aware of any planned network Improvement works in the City, but reminded the Committee that the Council's Policy did provide for payment to be taken in advance where it was known that the destination was in an area which experienced network issues. It was appreciated that there were local network issues, and where this was a problem card payments could be taken up front.

**169. Electronic Payments in Licensed Vehicles – Policy changes**

The Committee considered a report setting out proposed changes to Colchester City Council's Penalty Point Scheme in relation to the requirement that all licensed vehicles were to be equipped with the means to accept electronic payments in

addition to cash. The report also detailed the proposed changes to Hackney Carriage and Private Hire Licensing Policy.

Sarah White, Licensing Team Leader, attended the meeting to present the report and assist the Committee with its deliberations. The Committee was being asked to consider the penalty points which would be allocated to proprietors or drivers under the Council's Penalty Point Scheme in relation to failure to provide a card machine in a vehicle, in the light of concerns which it had raised at its previous meeting. The suggestion before the Committee was to reduce the points to be allocated for this failure from 4 to 3, which would bring the penalty points under the Scheme in line with first offences for other matters. The Committee was also requested to consider adjustments to the Council's Hackney Carriage and Private Hire Policy which were required to amend the Hackney Carriage and Private Hire Vehicle Standards and Conditions as set out in the Officer's report.

In discussion, it was clarified to the Committee that penalty points imposed under the proposals would be for the failure to use a card machine which would be required to be installed in the vehicle. Such points would be treated in the same way as other penalty points, and would be removed over time in accordance with the Council's Policy. The Committee clarified that it was proposed to ask Full Council to approve the Policy amendments at its meeting in July 2023, and the proposals would come into effect after this time.

A Committee member requested clarification on how the process of refunding a card payment would work in areas of poor signal, considering that clarification on this issue was important before a final decision was made by Full Council. It was understood that any refund had to be made via the same method as the original payment, was it possible to make a refund in cash when the original payment had been made by card? The Committee requested that further information on this point be presented to Full Council when it was asked to consider adopting the proposal, in order that the decision be as informed as possible, and this request would be reflected in the resolution made by the Committee.

The Licensing Team Leader confirmed to the Committee that the approach which would be taken to approving card readers for use in the future would be a flexible one, based on the individual machine presented. It was intended that as much freedom as possible be afforded to proprietors when they selected a card machine they wished to use.

Councillor Buston attended the meeting remotely, and, with the permission of the Chair, addressed the Committee. He considered that the proposal which had been made was a sensible one, and reminded those present that the policy amendment did not preclude the use of cash to pay fares. He was confident that the proposed scheme would work well, and Officers would implement it effectively.

A Committee member clarified that the resolution that was proposed by the Committee was for the Policy changes proposed in the Officers report, however, the minutes of the meeting would show that Officers had been requested to provide

additional information to Full Council when the proposed Policy amendments were considered.

*RECCOMENDED TO COUNCIL* that:

Colchester City Council's Hackney Carriage/Private Hire Policy be amended to read as follows:

### **S.113 Penalty Point Scheme**

|            |  |    |   |   |   |
|------------|--|----|---|---|---|
| <b>113</b> | Failure to comply with the requirements relating to the provision and/or operation of an electronic payment device |    | x | x | x |
|            | 1 <sup>st</sup> offence  | 3  |   |   |   |
|            | 2 <sup>nd</sup> offence  | 6  |   |   |   |
|            | 3 <sup>rd</sup> offence  | 9  |   |   |   |
|            | 4 <sup>th</sup> offence  | 12 |   |   |   |

## **Annex 2 – Hackney Carriage Vehicles Licensing Standards and Conditions**

### Pre-Licensing Standards and Conditions

#### 15. Electronic Payment Device

15.1 The vehicle must be equipped with an electronic payment device.

### Conditions of Licence

#### 21. Electronic Payment Device

21.1 Vehicles must be equipped with the means to accept electronic payments in addition to cash. The vehicle must have a Colchester City Council approved electronic payment device (see 21.2 below) which can accept an electronic payment.

#### 21.2 Approved Electronic Payment methods

BarclayElectronic payment/App  
Cab:app Ltd (Miura M010)  
Cabvision Network Ltd (Ingenico)  
 Elavon  
Farepay Ltd (Miura M010)  
Ingenico  
iZettle (Miura M010)  
 LoPay

Payataxi (Miura M010)

PayPal (Miura M010)

SquareApp

SumUp (Miura M010)

Viva Wallet

Worldpay

Further electronic payment methods/Apps may be used upon application to, and approval by, the Council.

21.3 The Council considers the electronic payment facility to be part of the vehicle and as such it must be working at all times.

21.4 The vehicle must display the Colchester City Council approved stickers on both the rear passenger window and inside the vehicles indicating that debit and credit card payments are now taken.

21.5 If the means of making electronic payments is not working this must be reported immediately to the Council. The Council must be notified when any problems have been resolved and the payment facility is again operational.

21.6 If there is concern that the electronic payment facility may not work at the destination point, a fare may be agreed and paid in advance for the journey. This is permitted on condition that the meter is used, and if the metered charge is less than the agreed payment for the journey, the overpayment is refunded.

### **Annex 3 – Private Hire Vehicles Licensing Standards and Conditions**

#### **Pre-Licensing Standards and Conditions**

##### **15. Electronic Payment Device**

15.1 The vehicle must be equipped with an electronic payment device.

#### **Conditions of Licence**

##### **21. Electronic Payment Device**

21.1 Vehicles must be equipped with the means to accept electronic payments in addition to cash. The vehicle must have a Colchester City Council approved electronic payment terminal (see 21.2 below) which can accept an electronic payment.

##### **21.2 Approved Electronic Payment methods**

BarclayElectronic payment/App

Cab:app Ltd (Miura M010)

Cabvision Network Ltd (Ingenico)

Elavon

Farepay Ltd (Miura M010)

Ingenico

iZettle (Miura M010)

LoPay

Payataxi (Miura M010)

PayPal (Miura M010)

SquareApp

SumUp (Miura M010)

Viva Wallet

Worldpay

Further Electronic payment methods/Apps may be used upon application to, and approval by, the Council.

21.3 The Council considers the electronic payment facility to be part of the vehicle and as such it must be working at all times.

21.4 The vehicle must display the Colchester City Council approved stickers on both the rear passenger window and inside the vehicles indicating that debit and credit card payments are now taken.

21.5 If the means of making electronic payments is not working this must be reported immediately to the Council. The Council must be notified when any problems have been resolved and the payment facility is again operational.

21.6 If there is concern that the electronic payment facility may not work at the destination point, a request can be made to pay in advance for the journey.

## **170. National Register of Taxi Licence Revocations and Refusals**

The Committee considered a report setting out the responses to the consultation on the Council's proposed Policy on the use of the National Register of Taxi Licence Revocations and Refusals (NR3), which if approved would form an appendix to the Council's Hackney Carriage and Private Hire Licensing Policy.

Sarah White, Licensing Team Leader, attended the meeting to present the report and assist the Committee with its deliberations. The Committee was asked to consider the responses that had been received in relation to the Council's recent consultation on the Council's proposed Policy on the use of the National Register of Taxi Licence Revocations and Refusals (NR3). The responses received had been broadly supportive of the proposal, and the Committee was asked to note that the use of the NR3 database would be a statutory requirement from April 2023.

The Committee considered that the proposal was eminently sensible, and it noted that the use of the database would be required across the country and would form part of the application process for both new and existing licensed drivers.

*RECOMMENDED TO COUNCIL* that:

- the proposed National Register of Taxi Licence Revocations and Refusals (NR3) Policy be adopted for inclusion in the Hackney Carriage/Private Hire Licensing Policy.

#### **171. Work Programme 2022/2023**

Matthew Evans, Democratic Services Officer, introduced the work programme 2022-2023.

The Committee noted that this meeting was its last of the current municipal year, and wished to place on record its thanks to Councillors Moore and Chuah, who would not stand for re-election as Councillors for the forthcoming municipal year. Their years of service and dedication was noted by the Committee, and its gratitude was expressed.

*RESOLVED* that: the contents of the work programme be noted.