



# **Hackney Carriage & Private Hire Licensing Policy**

Colchester Borough Council

March 2021

# Foreword

Welcome to the latest edition of Colchester's Hackney Carriage and Private Hire Licensing Policy and Conditions.

Colchester is seeking to promote and enhance its reputation as a safe and vibrant, welcoming and prosperous borough and it recognises the importance of the licensed trade in helping to achieve this. Licensed drivers are both front line ambassadors in promoting Colchester to residents and visitors alike and a vital and integral part of Colchester's integrated transport strategy.

We recognise that drivers and operators need a licensing service which is dynamic and responsive, capable of adapting to changes in the economy in which they operate and with this in mind we have made a number of significant changes to the policy.

The policy sets out the relevant information on how applications will be determined and how drivers and operators are expected to operate to pursue and promote the following licensing objectives:

- Protection of the public, to safeguard and **promote the welfare of children and vulnerable persons**; and the prevention of crime
- The safety and health of drivers
- The establishment of professional and respected hackney carriage and private hire trades
- Vehicle safety, comfort and access
- Encouraging environmental sustainability
- Promoting Colchester as a vibrant, prosperous, thriving and welcoming place

We hope that this revised Licensing Policy is clear and easily understood and reflects the needs of both the trade and the travelling public.

We commend it to you and sincerely believe that it will make a positive difference to all parties.

Mike Lilley

**Portfolio Holder for Planning, Public Safety & Licensing**

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Colchester is Britain's oldest recorded town with a unique history and heritage attracting in excess of 6 million visitors' trips a year; the evening and night time economy attracting 1.14 million visitors. It is also a vibrant, thriving, prosperous and welcoming town and home to more than 180,000 residents living in communities based not only in and around the town centre but in the coastal, rural and riverside areas of the Borough. The population is expected to rise to 233,400 by 2035 with the regeneration of key areas of the borough and the creation of new communities.

The unique geography of the town centre means that the vast majority of licensed venues and a number of visitor attractions are located within the area circled by the old roman wall whilst the town's main railway station is a mile to the north of the town centre and the bus station located to the south just outside the roman wall. Hackney carriage and private hire vehicles are an integral part in the town's integrated transportation system and in addition provide a vital service in rural areas, late at night, and for persons with specific mobility needs.

## Introduction and Guide to the Policy

1.1 The Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976 provide the broad framework for the licensing of drivers, vehicles and operators but the detail relating to how this is done and the standards to be applied are matters for the Council to determine.

1.2 This Licensing Policy (hereafter referred to as 'the Policy'), states how the Council will exercise its functions in the determination of applications and issuing, reviewing, suspending or revoking licences; vehicle standards and limits on vehicle numbers; other relevant licensing matters; and how drivers and operators are expected to operate to pursue and promote the licensing objectives of:

- Protection of the public, to safeguard and promote the welfare of children and vulnerable persons; and the prevention of crime
- The safety and health of drivers
- The establishment of professional and respected hackney carriage and private hire trades
- Vehicle safety, comfort and access
- Encouraging environmental sustainability
- Promoting Colchester as a vibrant, prosperous, thriving and welcoming place

1.3 The aim of the Policy is to regulate and support the licensed trade as front-line ambassadors in promoting Colchester to residents and visitors alike and to facilitate well operated and responsible businesses which form a vital and integral part of Colchester's integrated transport strategy. The Council will work with partner agencies in order to promote the policy objectives and aims.

1.4 Where exercising discretion in the carrying out of its functions the Council will have regard to the Policy.

1.5 The Policy applies to:

- Hackney carriages – a public transport vehicle with no more than 8 passenger seats, which is licensed to ply for hire. This means it may stand at ranks or

- can be hailed in the street by members of the public
- **Private hire vehicles** – licensed to carry no more than 8 passengers but must be booked in advance by customers through an operator and may not ply for hire in the street
- **Drivers** of hackney carriage and private hire vehicles
- **Proprietors of hackney carriage and private hire vehicles and those with a registered interest in the vehicle**
- **Private hire operators**

1.6 The Policy comprises this document and the annexes and appendices set out below. The annexes and appendices contain detailed information on the Council's requirements and conditions and must be read in full alongside this document as they form part of the Policy.

- **Pre-Licensing Standards and Conditions for**
  - Drivers
  - Hackney Carriage Vehicles
  - Private Hire Vehicles
  - Operators
- **Convictions Policy**
- **Penalty Points Scheme**
- **Exemption Policy**
- **Hackney Carriage Plate Allocation Policy and Process**
- **Horse Drawn Vehicles**
- **Stretch Limousines**

Applications must be made, and will be determined, in accordance with the relevant processes and procedures set out in the Policy, its annexes and appendices.

## **The Strategic Plan and Aspirations for the Borough**

1.7 The Council's strategic plan is the overarching strategy for the Borough setting out the direction and potential for the Borough and integrating social, economic and environmental strategies to create a Borough that is vibrant, prosperous and welcoming. The Council seeks to promote its vision for the Borough by focusing on the priorities of growth, responsibility, opportunity and wellbeing.

1.8 The Policy aims to contribute to this vision 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.

## **Fees**

1.9 The Council sets the fees in relation to the licensing of vehicles, drivers and operators, under sections 53 and 70 of the Local Government (Miscellaneous Provisions) Act 1976.

## Relevant Legislation and Definitions

1.10 In writing the Policy and in exercising its functions the Council has had and will continue to have regard to all relevant legislation including, but not limited to, the Town Police Clauses Act 1847 and 1889; Local Government (Miscellaneous Provisions) Act 1976 (as amended); Transport Act 1985 and 2000; Crime and Disorder Act 1998; Environmental Protection Act 1990; Equality Act 2000; Road Traffic Acts; Health Act 2006; Human Rights Act 1998.

1.11 Any reference to “Committee” in this Policy is a reference to the Licensing Committee of Colchester Borough Council or any of its Sub-Committees as the context permits.

## Consultations and Implementation of the Policy

1.12 In reviewing the Policy the Council has consulted its licence holders, Essex Police, relevant Council departments, groups representing customers and the public.

1.13 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.

1.14 The Policy will be monitored and reviewed on a regular basis **and at no more than 5 yearly intervals**. 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.

**1.15 The Council will monitor its performance against the Policy and report the outcome of this review annually to the Licensing Committee.**

**1.16 Any changes in licensing requirements will be followed by a review of the licences already issued. If the need to change licensing requirements has been identified, this same need may be applicable to those already in possession of a licence.**

**1.17 Where changes are identified the Council will, in general, allow licence holders a reasonable time to comply with any change in licence requirements. Such changes will be communicated clearly to licence holders setting out the deadline dates by which they are expected to comply. Where a more subjective change is introduced, for example an amended policy on previous convictions, the Council will consider each case on its own merits.**

**1.18 The Council may deviate from its Policy where there are exceptional, clear and compelling reason to do so. Where a decision is taken to deviate from Policy the reasons for doing so will be recorded.**

## **Protection of the Public; Safeguarding Children and Vulnerable Persons; and the Prevention of Crime**

2.1 The key consideration of the Council in licensing hackney carriage and private hire drivers, operators and proprietors is the safety of the travelling public. The protection of the public; safeguarding children and vulnerable persons; and the prevention of crime are therefore key factors in this Policy.

### **Fit and Proper Test**

2.2 The application of the fit and proper test is essential to ensure that the Council's licensing scheme protects the public. The test requires that –

- The Council must not grant a licence unless it is satisfied that the applicant is a fit and proper person to hold a licence.
- The Council is also entitled to suspend or revoke a licence or may issue points under this Policy if there is evidence to suggest that the individual is not a fit and proper person, and specifically
  - if they have been convicted, or there has been an out of court disposal, since the grant of the licence of an offence involving dishonesty, violence or indecency.
  - for non-compliance with the licensing requirements of the relevant and related legislation.
  - for any other reasonable cause.

2.3 As with driver licensing, the objective of vehicle licensing is to protect the public, who trust that the vehicles dispatched are above all else safe. The Council must therefore be assured that those granted a vehicle licence also pose no threat to the public and have no links to serious criminal activity. Although vehicle proprietors may not have direct contact with passengers, they are still entrusted to ensure that the vehicles and drivers used to carry passengers are appropriately licensed and so maintain the safety benefits of the licensing regime.

2.4 The fit and proper test is an enduring duty placed on the Council which is relevant both at first licensing and for the lifetime of the licence. The Council will apply the relevant test(s) to all applicants under its licensing regime whether driver, operator, or vehicle proprietor.

2.5 There is no definition within the act of 'fit and proper'. The Council and authorised officers therefore use the following tests when deciding upon the suitability of an individual –

Drivers - Would you (as a member of the Licensing Committee or other person charged with the ability to grant a private hire or hackney carriage driver's licence) allow your son or daughter, spouse or partner, mother or father, grandson or granddaughter or any other person for whom you care to get into a vehicle with this person alone?

Private Hire Operators - Would I be comfortable providing sensitive information such as holiday plans, movements of my family or other information to this person and feel safe in the knowledge that such information will not be used or passed on for criminal or unacceptable purposes?

Vehicle Proprietors – Would I be comfortable allowing this person to have control of a licensed vehicle that can travel anywhere, at any time of the day or night without arousing suspicion and be satisfied that he/she would not allow it to be used for criminal or other unacceptable purposes and that he/she would maintain it to an acceptable standard throughout the period of the licence.

and has regard to the following –

"Its purpose therefore is to prevent those being given to or being used by those who are not suitable people, taking into account their driving record, their driving experience, their sobriety, mental and physical fitness, honesty, and that they are people who would not take advantage of their employment to abuse or assault passengers". (Leeds City Council v Hussain 2002)

2.6 To assist in determining the question of whether a person is fit and proper, safe and suitable, the Council has drawn up a Convictions Policy to categorize and assess the risk to the public of a wide variety of criminal and motoring convictions. It should be noted that the convictions listed are by no means exhaustive; it is anticipated that any convictions not listed will have close enough themes to enable parallels to be drawn from other listed convictions. ~~Also included within the Convictions Policy is the stance to be taken on other forms of intelligence which can be considered by the Committee as part of its fit and proper test.~~

2.7 The Convictions Policy works alongside the Council's Penalty Point Scheme and points can be given under both schemes. Where the total of these points exceeds 12 in any one year a licence holder should expect consideration to be given by authorised officers and the Committee to the suspension or revocation of their licence.

2.8 In determining whether an applicant is fit and proper, safe and suitable, each case will be considered on its own merits and the Council will have regard to the following matters as appropriate -

- Right to Work in the United Kingdom
- **Certificate of Good Conduct where relevant**
- Convictions, cautions, penalty notices and other formal action etc. in line with the Council's Convictions Policy
- Disclosure and Barring report
- **Notification of any convictions disclosed as part of the application process**
- Police National Computer check where appropriate
- Penalty Points issued under the Council's Penalty Point Scheme
- Any complaints and allegations
- Any intelligence made available to the Council by the Police and other partner agencies
- Anything considered by the Courts which hasn't resulted in a conviction



- Motoring convictions and penalty notices in line with the Council's Convictions Policy
- Group 2 Medical
- Completion of the Knowledge Test
- Completion of the English language test
- Completion of Hackney Carriage/Private Hire Driver Assessment.
- Completion of a Passenger Assisted Transport (PAT) training course if driving a fully adapted disabled vehicle.
- Completion of the Council's Mandatory Safeguarding Training.
- Any other matter that might call into question the person's ability to meet the fit and proper person test.

## Sharing Information in the Interests of Public Safety

2.9 The Council is empowered by law to carry out verification with the Disclosure and Barring Service to confirm the existence and content of any criminal record and any other intelligence held in the person's name. The Council may also contact other agencies such as the Home Office, Police, **National Anti-Fraud Network** and benefits agencies to verify and request information held on a **person and will share information with such bodies where it is appropriate to do so.**

2.10 **Where a decision is taken to refuse or revoke a licence because it is thought that the licence holder presents a risk of harm to a child or vulnerable adult, the Council will notify its decision to the DBS. The Council will make such a referral when it is thought that the licence holder has:**

- **harmed or poses a risk of harm to a child or vulnerable adult**
- **satisfied the harm test**
- **received a caution for a relevant offence and**
- **is or might in the future be working in regulated activity.**

**On receipt of this information the DBS may consider it appropriate for the licence holder to be added to a barred list.**

2.11 **The Council works closely with the Police to ensure effective and efficient information sharing and will use any information shared by way of Common Law Disclosures in determining whether a licence holder is fit and proper. Action taken as a result of information received from the Police will be fed back to them together with details of any refusals or revocation of licences on public safety grounds.**

2.12 **The Council will check applicants against the National Anti Fraud Network register and where it considers appropriate to do so in the interests of public safety, it will share information with the NAFN in relation to revoked licence holders.**

2.13 The evidential threshold that will be applied by the Licensing Committee is based on the balance of probabilities and not on proving 'beyond reasonable doubt' which is the criminal standard of proof.

## Protection of the Public

2.14 The protection of the public has been interpreted in its widest sense encompassing not only issues of safe driving and vehicle safety but also such matters of domestic violence and other indicators of aggression which demonstrate on the part of the perpetrator an inability to control their behaviour.

2.15 Other matters that will be considered by the Council in relation to this objective include, but are not restricted to, the failure to adhere to the Council's licensing conditions and procedures; any indicator of dishonesty; and omitting to work with the Council, Police and/or any other relevant enforcement agency.

2.16 Hackney carriage and private hire drivers are professional drivers charged with the responsibility of carrying the public. The licensing authority is looking for safe and suitable individuals, and once a pattern or trend of repeated offending is apparent, a licence will not be granted or renewed.

2.17 The Council has investigated a small number of complaints concerning drivers who have used details supplied to them for the purposes of their business to contact a passenger at a later date. Drivers must not engage in sexual conversations, make inappropriate comments or have sexual contact with passengers on or after their duty, even where there is consent. Any allegation of such behaviour will result in the Council carrying out a full investigation and may result in action being taken to prevent a person from driving even where evidence has not been tested in any other arena. Licence holders must not use contact details obtained in the course of their business for any purpose other than that business, neither should they respond to overtures from customers.

2.18 These matters will be considered and regulated through the Council's application procedures, enforcement activities, Convictions Policy and Penalty Point Scheme. The installation of CCTV in all licensed vehicles is an additional measure to assist the Council in ensuring the safety of the travelling public and the Council is committed to investigating the feasibility of its introduction in all licensed vehicles.

## Safeguarding Children and Vulnerable Persons

2.19 Everyone who comes into contact with children and vulnerable persons has a responsibility to protect them from harm. Licensed drivers, who are often working at times when other agencies are not operating or are poorly represented, can act as the eyes and ears of the town and by working in partnership with the Police, Council and other agencies can help to make a positive difference.

2.20 To support this role, and recognising the importance of licensed drivers in the local night time economy, the Council has introduced mandatory safeguarding training as part of the application process for licensed drivers wishing to obtain or renew a driver's licence. This training will address a variety of safeguarding concerns including child sexual exploitation, gangs and trafficking. Applicants who haven't completed the training will not be granted their licence and existing drivers who do not complete the training within the required timescale will be suspended unless they can prove exceptional circumstances that prevent them from complying. The Council's

safeguarding training is carried out through approved suppliers. The list of approved suppliers can be found on the website.

2.21 The Council's Code of Conduct for Working with Vulnerable Passengers is also designed to promote good safeguarding practices for drivers and the Council expects these standards to be embedded into a driver's working practice. The Council's commitment to investigating the installation of CCTV in all licensed vehicles is a further measure to assist in safeguarding the public.

2.22 The Council expects drivers and operators to report their concerns. [These concerns can be emailed to licensing.team@colchester.gov.uk](mailto:licensing.team@colchester.gov.uk) or a message can be left on the Council's safeguarding phone line 01206 506935. Matters that require immediate attention should be reported using 999.

2.23 The Council acknowledges that a small minority of licensed drivers across the country have abused their position of trust to sexually exploit children. Therefore, where there are safeguarding **concerns in relation to licence holders**, that arise from intelligence, the Council will carry out a full investigation; every decision will be made with the safety of the vulnerable person foremost. This may mean that action is taken to **revoke a licence** even where evidence has not been tested in any other arena.

## **Probationary Licences**

~~2.9—On occasions it may be appropriate to grant a one year probationary licence and in such cases the following condition will be applied—~~

~~If during the period of this probationary licence you receive any criminal or motoring convictions or any fixed penalty notices or any another form of restorative justice or do not fully comply with the Council's Hackney Carriage and Private Hire Licensing Policy, Annexes and Appendices or where complaints or intelligence are received which following a full investigation leads the Council to consider that a licence should not have been granted then the process to revoke the licence will commence.—~~

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## **Safety and Health of Drivers**

3.1 The Council recognises that licensed drivers are a valuable asset to the Borough and their safety and health is a key concern.

### **Driver Safety**

3.2 The Council's mandatory safeguarding training and its Code of Conduct for Working with Vulnerable Persons is designed not only to ensure that drivers are aware of the issues around safeguarding but also to ensure that they are aware of the steps they need to take to protect themselves from possible allegations of misconduct.

3.3 Licensed drivers provide a service to the public and there is a reciprocal aspect to this trade. In recognition of this the Council supports the use of a Driver and Passenger Charter which sets out the behaviour that drivers can expect of their passengers together with that expected of them. Drivers are encouraged to display this in their vehicles.

3.4 The Council supports the installation of security measures such as a screen between the driver and passengers however care must be taken to ensure such measures don't impede the ability of the driver and passenger to communicate.

3.5 The installation of CCTV has proved to be an essential tool for drivers in protecting themselves against allegations of misconduct and in helping to identify culprits in where problems have occurred. The Council is committed to investigating the feasibility of its introduction in all licensed vehicles.

3.6 The Council will continue to update the relevant parties on matters in relation to driver safety to ensure that they have the relevant information to make informed choices.

### **Taxi Rank Marshalling**

3.7 The Council values greatly the work of the taxi marshals; their work helps to ensure the orderly management of queues, reducing the potential for conflict between drivers and passengers and helping to ensure the swift dispersal of patrons from town centre venues. Where taxi marshals are operating, the Council expects its licensed drivers to pay them due regard.

### **Driver Health**

3.10 The Council requires drivers to meet Group 2 Standards of Medical Fitness; this is the same standard applied by the DVLA to the licensing of lorry and bus drivers. The Council has taken this view because drivers are on the road for longer hours than most car drivers; they may have to assist disabled passengers and handle luggage; and carry members of the public who have expectations of a safe journey. Where a driver is not

found fit to drive by a Doctor their licence will be revoked.

3.11 In recognition of the fact that drivers report increasing difficulty in booking a doctor's appointment for their medical, and that the cost of such appointments are rising, the Council has lifted the requirement from drivers to use their own GP to carry out the medical. Drivers will now also be able to use Cotswold Medical Limited to carry out the Group 2 medical in addition to their own GP.

## **Age Limits**

3.12 The Council does not set maximum age limits for drivers beyond the statutory periods for holding a full driver licence. Applicants and licensed drivers seeking to renew their licence will be considered on an individual basis.

3.13 Drivers seeking to renew their licence after the age of 65 will be required to have an annual medical irrespective of their renewal date in line with the requirements of the Group 2 Standards of Medical Fitness applied by the DVLA.

## **Establishment of Professional and Respected Hackney Carriage and Private Hire Trades**

4.1 The Council supports the aim of regulating and supporting the licensed trade by setting clear and transparent standards and procedures and enforcing these in a consistent and fair manner. These standards and procedures are set out in Policy including its annexes and appendices.

4.2 It is important that the Policy remains a responsive document capable of change to reflect an evolving business environment. The Council is therefore committed to continued engagement with the licensed trade through a variety of mediums.

### **Competency Tests**

4.3 In determining the licensing process for its hackney carriage and private hire drivers, the Council has had regard to the overriding objective of the protection of the public. To support this objective the Council requires applicants to pass a number of competency tests designed to confirm their suitability for the role and their knowledge of the requirements and expectations that come with being a licensed driver.

4.4 In line with its duty to ensure the safety of the travelling public and in order to address the persistent complaints relating to driver standards the Council requires all new drivers to complete and pass a hackney carriage/private hire driver assessment test with a Council approved driving assessor. The standard of the test complies with the former Driver and Vehicle Standards Agency taxi driver assessment.

4.5 If the Council receives a complaint in relation to a licence holder's driving or has concerns in relation to the number of DVLA points on a licence, it may require the licence holder, at their own expense, to undertake a hackney carriage/ private hire driver's assessment with a Council approved driving assessor. The list of approved driving assessors can be found on the Council's website.

### **Training**

4.6 In addition to the requirement for new licence holders to undertake mandatory safeguarding training, the Council, during the lifetime of a licence, may require a licence holder to undertake reasonable and appropriate training to meet the needs and demands of the job. In requiring such training, the Council will set a reasonable timeframe for its completion and these requirements will be notified to the licence holder in writing. If they refuse or fail to attend or do not attain the necessary training accreditation the licence may be suspended and consideration given to its revocation. The cost of such training will be borne by the licence holder. In general, it is expected that mandatory training must be completed. However, if a driver/applicant can provide evidence that they have received up to date training elsewhere, they may apply to be exempt from the training. Each case will be considered on its own merits.

4.7 The driver of any wheelchair accessible vehicle must undertake appropriate training, approved by the Council, to ensure that passengers' needs are addressed appropriately and that they are conveyed safely.

## Dress Code

4.8 The Council regards its drivers as ambassadors for the Borough and therefore first impressions are important. All drivers are required to be respectably dressed, clean and tidy in appearance and must adhere to the Council's dress code as set out below:

### Permitted clothing

- Tops, shirts, blouses, t-shirts, polo shirts or sweat tops – These should cover the shoulders and be capable of being worn inside trousers/skirts and shorts. Shirts or blouses can be worn with a tie or open necked.
- Trousers, skirts, shorts - Trousers may either be full length or shorts, if tailored. Clothing should be of sufficient length when the driver is seated as to not offend against decency.
- Footwear – This should be smart and appropriate for driving; and must fit around the heel of the foot.
- Cultural dress – This is acceptable providing it meets similar standards of decency and smartness.

Clothing not permitted – unclean or damaged clothing, clothing bearing offensive or suggestive words, graphics or logos; vests or singlets; track suit or jogging bottoms; ripped jeans; sports shirts (e.g. football, rugby or cricket tops); clothing with studs or similar adornments; beach type footwear such as mules and flip flops; baseball caps; and any clothing that obscures the face.

This list is not exhaustive and where you are unsure please contact the Licensing Team for further advice.

## Enforcement

4.9 It is essential for the safety of the public and the reputation of the trade that licensed drivers, operators and proprietors; and their vehicles comply with the terms of their licence and the requirements of the Council's Policy.

4.10 Effective hackney carriage and private hire regulation depends on partnership working and in particular the relationship between the trade, Council departments, the Police, DBS Service, DVLA and VOSA. The Council has an intelligence sharing protocol in place with Essex Police that enables relevant information to be shared even before an arrest or conviction is made.

4.11 The principles of enforcement are:

- Taking firm action against those who flout the law or act irresponsibly.
- Assisting the trade in meeting their legal obligations.
- Promptly acting on complaints and issues of concern.



## **Complaints**

4.12 Customers are able to report complaints online using the Taxi Complaint Form or via the Council's Customer Service Centre. All complaints will be assessed by the Licensing Team and those found to be genuine will be investigated.

## **Penalty Point Scheme**

4.13 The Council's Penalty Point Scheme provides a stepped enforcement process for those licence holders who have contravened licence conditions or associated legal provisions. This scheme does not prejudice the Council's ability to take any other action it is entitled to take under conditions, bylaws or regulation. In relevant cases, where it is considered necessary, an existing licensed driver may also be required to take the Council's knowledge test and/or driving assessment at their own expense.

4.14 There is a right of appeal against the award of penalty points.

## **Cross Border Working**

4.15 The Council recognises that cross border hiring, whereby private hire vehicles and/or drivers which have been licensed to operate by another Council work in the Borough, is a potential problem. The driver and/or vehicle may have been licensed by an authority which has lower standards than those that apply in the Borough. The Council has no powers to take direct action where any conditions of the licence are broken or the driver provides poor service to customers; the contraventions must be referred on to the relevant local authority. This matter is being kept under review by the Essex Licensing Officers Forum.

4.16 Drivers will be expected to be able to provide proper evidence of cross border working if requested by an authorized officer.

## **Fares**

4.17 The hackney carriage tariff for fares is determined by the trade and implemented at its request by the Council. The Council takes the view that the fees scales are best determined by the trade itself as they have a direct relationship with the market and are also best placed to determine their costs.

4.18 The tariff is a maximum tariff and the Council welcomes competition, particularly in relation to telephone bookings, with firms offering a differentiation in services, for example off peak reductions.

4.19 The Council has no power to set fares for private hire vehicles.

## **Number of Vehicles**

4.20 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.

4.21 Any vehicle to be used as a hackney carriage on plates 200 onwards 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.

4.22 In the event that application is made for a horse drawn hackney carriage vehicle a special identification hackney carriage plate specific to this use will be issued; applications in respect of novelty vehicles will be considered on a case by case basis.

4.23 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.

4.24 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

## **Vehicle Safety, Comfort and Access**

5.1 The Council has a duty of care to the public and central to this duty is the safety of licensed vehicles. To maintain standards of safety the Council has set out its requirements in terms of vehicle testing, accident reporting and the age of vehicles etc. in its Private Hire Vehicles Licensing Standards and Conditions and Hackney Carriage Licensing Standards and Conditions.

### **Accessibility**

5.2 The Council is committed to social inclusion and therefore considers it a high priority that people with disabilities have access to all forms of public transportation.

5.3 The trade has a duty to provide a service to people with disabilities in the same way as it provides a service to any other passenger and therefore the Council is committed to work with operators and drivers to improve drivers' awareness of the needs of disabled people and to ensure best practice. Where complaints have been made in relation to the carrying of a disabled passenger any driver may be required to undertake disability awareness training at their own expense.

5.4 Tactile medical exemption certificates will be introduced for licence holders with exemptions.

## Encouraging Environmental Sustainability

### Air Pollution

6.1 European wide emission limits are improving air quality and the Council is therefore committed to improving, as far as possible, the efficiency of vehicles licensed by the Council.

6.2 The Council supports measures to reduce the levels of carbon dioxide, nitrogen dioxide and particulate matter emitted. Liquid Petroleum Gas (LPG) conversions are therefore acceptable if carried out by an approved converter.

6.3 Objective 4 of the Colchester Low Emission Strategy is to develop and implement measures to encourage emission reductions in Colchester. In line with the Healthier Air for Colchester Air Quality Action Plan the Council has set the following compliance dates and standards for emissions from licensed vehicles –

- Euro 5 for diesel vehicles/Euro 4 for petrol from 2018
- Euro 6 for diesel vehicles / Euro 4 for petrol from 2020
- From 2025 all new registrations to meet an LPG, low emission or electric hybrid standard

6.4 The Council further requires that drivers of licensed vehicles turn off their engines when waiting in the Borough's Air Quality Management Areas as set out on the plan at Appendix 1 and when they are sitting stationary. There may be exceptional circumstances when drivers are permitted to wait with their engines idling. An Air Quality Management Area, is an area which is likely to, or already exceeds the limits for the air pollutant Nitrogen Dioxide. These limits are designed for the protection of human health. Vulnerable groups are particularly at risk from the effects of air pollution. These include elderly adults, children, people with underlying heart and lung conditions or diseases and pregnant women.

6.5 Air pollution is associated with a range of health impacts including asthma, respiratory disease, coronary heart disease, stroke and lung cancer. There are emerging links showing impacts on diabetes, low birth weight and dementia. It is estimated that air pollution was a contributory factor within 5.5% of deaths (or 1 in 20 deaths) in the borough in 2018.

6.6 Vehicle emissions are the largest contributor to poor air quality within Colchester. By switching off and reducing unnecessary engine idling, drivers will decrease the output of air pollutants into the local environment.

## **Promoting Colchester as a vibrant, prosperous, thriving and welcoming place**

7.1 Colchester is proud to be famous for being the oldest recorded town in the Country and receives visitors from all over the world. It is seeking to promote and enhance its reputation as a safe and vibrant, welcoming and prosperous borough and it recognises the importance of the licensed trade in helping to achieve this.

### **Ambassadors for the Borough**

7.2 Licensed drivers are both front line ambassadors in promoting Colchester to residents and visitors alike. The Council therefore welcomes the support of its licensed drivers in fulfilling this role and has acknowledged the importance of this role by including general questions on Borough, tourism and entertainment within the Knowledge Test.

7.3 To be such an ambassador could not be easier and quite simply comes down to the way in which passengers are treated and how the views of our Borough are shared. First impressions are generally lasting impressions and a negative attitude from a licensed driver towards visitors, or the Borough can have a detrimental effect on their stay and whether they return. Visitors support many local trades and businesses and therefore not only directly support many jobs, but also help in the creation of much needed employment for the Borough as a whole.

7.4 A positive, friendly and helpful manner when dealing with both residents and visitors alike promotes the trade, making it far more likely that the public will wish to use the service again in the future. Such an attitude therefore promotes both Colchester and the individual business.