

Licensing Committee

Wednesday, 28 September 2022

- Attendees:** Councillor Michelle Burrows, Councillor Helen Chuah, Councillor Jeremy Hagon, Councillor Dave Harris, Councillor Mike Hogg, Councillor Roger Mannion, Councillor Beverley Oxford, Councillor Tim Young
- Also Attending:**
- Apologies:** Councillor Roger Buston, Councillor Patricia Moore, Councillor Steph Nissen
- Substitutes:** Councillor Barbara Wood (for Councillor Roger Buston)

159 Minutes of Previous Meeting

RESOLVED that: the minutes of the meeting held on 20 July 2022 be confirmed as a correct record.

160 Card Machines in Licensed Vehicles

Jon Ruder, Licensing and Food Safety Manager attended the meeting to present the report and assist the Committee with its enquiries. The Committee heard that there had been ongoing issues with regard to card payment machines in licensed vehicles, both hackney carriage and private hire vehicles. Colchester Borough Council (the Council)'s Hackney Carriage and Private Hire Licensing Policy was kept under constant review, and the Committee was being asked to approve the commencement of a consultation period with regard to proposed modifications to the Policy which would require licensed vehicles to be equipped with the means to accept electronic payments, in addition to cash payments.

Mr Daniel attended the meeting and addressed the Committee in accordance with the Council's Have Your Say! provisions. The Committee heard that Mr Daniel had been a taxi driver for 44 years, and he currently worked from the taxi rank in the High Street, mostly at night. He had observed an increasing number of passengers who were under the influence of drink or drugs at night, and an increasing number of customers who, in his opinion, had no intention of paying to get home. He acknowledged that taxi drivers had to accept such losses from time to time, but his method of limiting his risk was to ask for a payment to be made up front in cash, especially for longer journeys. If the fare displayed on his taximeter at the end of the journey was less than the payment he had requested, he would always refund the difference, and this method prevented arguments and disputes over the fare. Mr Daniel considered that the safety of drivers had to be taken into consideration, and told the Committee of a taxi driver in Ipswich who had recently been attacked, possibly over an argument about a fare, and Mr Daniel himself had experienced a passenger jumping from the open window of his cab while it was moving to avoid paying the fare.

Mr Daniel had spoken to other drivers who did accept card payments, and who had advised him that one of the biggest issues was the occasional difficulty which was

experienced in being able to get a signal to use the card readers. This was exploited by some passengers who purposely asked to be dropped in an area with no signal to avoid having to make a payment, and, in addition to this, payments made with cards could later be rejected. Mr Daniel argued that self-employed taxi drivers were not highly paid, and it was unreasonable to require them to have the latest technology when their cost of running their business was approximately 50% of their turnover. Cash was legal tender, and Mr Daniel contended that it was his right to be paid how he chose for his work.

Mr Daniel understood that most complaints had been made by customers at Colchester North station, who were different customers than those seen at the High Street, and he suggested therefore that card readers should only be mandatory for those vehicles who had a permit to work at the station.

Mr Madikazi attended the meeting and addressed the Committee in accordance with the Council's Have Your Say! provisions. He was a taxi driver and supported the introduction of the requirement for vehicles to be able to take card payments, however, he acknowledged that there were some issues with accepting such card payments. There were a significant number of areas within Colchester where card payment machines would not work due to a poor signal, and the network needed to be improved to support card payments across the borough. Mr Ruder confirmed that he had discussed network issues with Mr Madikazi, and had subsequently reported these issues to the Colchester Business Improvement District (BID) who were investigating network issues across the town centre and surrounding areas.

Mr Aktashi attended the meeting and addressed the Committee in accordance with the Council's Have Your Say! provisions. He was a taxi driver and supported the introduction of mandatory ability to take electronic payments in licensed vehicles. He advised the Committee that most modern card payment machines did provide the facility to refund the customer if payment was made up front, but the fare on the taximeter was less than had been paid. He considered that having card readers was a good idea.

The Committee welcomed the contributions from all the Have Your Say speakers, who were asked to ensure that their comments were submitted as part of the proposed consultation.

In discussion, the Committee considered the issues posed by the lack of network availability to support the taking of card payments, and a Committee member advised the Committee that there were network less methods of taking payments which did not rely on having a signal to work. Some concern was raised about the charges that would be levied on the taxi drivers themselves for receiving card payments, and it was suggested that even having to pay a small charge for taking card payments would be a significant imposition on drivers. It was the experience of a Committee member that card payments were routinely accepted across the country in licensed vehicles, and, in fact most other industries, and it was considered that card payments were quicker and safer than cash payments.

In response to an enquiry from the Committee, Mr Ruder confirmed that the suggested likely cost of a card reader which had been mentioned in the Officers report

was based solely on initial consultation with other local authorities, and was not necessarily indicative of the cost machines that would be approved. Any feedback received as part of a consultation would be taken into consideration when proposing any final Policy amendments.

The Committee considered the safety benefits to the driver of not having to carry a lot of cash in the vehicle, and thought that the ability to take payment by either cash or card could potentially be an advantage to both the customers and the drivers. It did, however, acknowledge the initial cost of buying the required technology, and the potential costs of maintaining it.

The Committee indicated its support for the proposed consultation, considering that clarity was needed on the issue for both drivers and the public on what could and could not be done with regard to charging for fares and the use of card payments.

Mr Ruder assured the Committee that if the proposed consultation was approved by the Committee, then it would be possible to respond to this via the Council's website, and in addition to this, details of the consultation would be sent to every driver, proprietor and operator, and advertised through the local BID and Pubwatch schemes to ensure as broad a range of responses as possible.

RESOLVED that:

- for the purposes of consultation a change to the Hackney Carriage and Private Hire Licensing Policy to include the requirement that vehicles must be fitted with the means to accept electronic payments in addition to cash be approved,
- This matter be the subject of a six-week consultation with the trade.

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Licensing Committee Work Programme 2022-2023

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

The Committee was content that Officers liaise with the Chair of the Committee when considering items to be brought to the Committee at its future meetings.

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