



Colchester
City Council

Licensing Committee Meeting

**Grand Jury Room, Town Hall, High Street,
Colchester, CO1 1PJ
Wednesday, 20 March 2024 at 18:00**

The Licensing Committee deals with policy issues relating to licensing matters and applications and appeals concerning hackney carriage and private hire vehicles and drivers and other appeals.

Information for Members of the Public

Access to information and meetings

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<https://colchester.cmis.uk.com/colchester/MeetingCalendar.aspx>.

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COLCHESTER CITY COUNCIL
Licensing Committee
Wednesday, 20 March 2024 at 18:00

Members:

Councillor Appleton
Councillor Bloomfield
Councillor Michelle Burrows (Deputy Chair)
Councillor Roger Buston
Councillor Jeremy Hagon
Councillor Dave Harris (Chairman)
Councillor Mike Hogg
Councillor David King
Councillor Roger Mannion
Councillor Sam McLean
Councillor Carl Powling
Councillor Michael Spindler

Substitutes:

All members of the Council who are not Cabinet members or members of this Panel.

AGENDA - Part A
(open to the public including the press)

Members of the public may wish to note that Agenda items 1 to 5 are normally brief.

1 Welcome and Announcements

The Chairman will welcome members of the public and Councillors and remind everyone to use microphones at all times when they are speaking. The Chairman will also explain action in the event of an emergency, mobile phones switched to silent and live streaming of the meeting. Councillors who are members of the Committee will introduce themselves.

2 Substitutions

Councillors will be asked to say if they are attending on behalf of a Committee member who is absent.

3 Urgent Items

The Chairman will announce if there is any item not on the published agenda which will be considered because it is urgent and will explain the reason for the urgency.

4 Declarations of Interest

Councillors will be asked to say if there are any items on the agenda about which they have a disclosable pecuniary interest which would prevent them from participating in any discussion of the item or participating in any vote upon the item, or any other registerable interest or non-registerable interest.

5 Minutes of Previous Meeting

The Councillors will be invited to confirm that the minutes of the meeting held on 17 January 2024 are a correct record.

Licensing Committee draft Minutes 17 January 2024

7 - 12

6 Have Your Say! (Hybrid Meetings)

Members of the public may make representations to Cabinet meetings on any item on the agenda or any other matter relating to the business of the Committee. This can be made either in person at the meeting or by joining the meeting remotely and addressing the Committee via Zoom. Each representation may be no more than three minutes. Members of the public wishing to address the Committee remotely may register their wish to address the meeting by e-mailing democratic.services@colchester.gov.uk by 12.00 noon on the working day before the meeting. In addition, a written copy of the representation should be supplied for use in the event of technical difficulties preventing participation at the meeting itself.

There is no requirement to pre-register for those attending in person.

7 Vehicle Age Restriction – Consultation Responses

13 - 22

This report considers the responses received to the Council's consultation on whether the current vehicle age restriction for licensed vehicles stipulated in the Council's Hackney Carriage and Private Hire Licensing Policy should be removed.

8 Taxi Policy – Plate Exemption

23 - 52

This report considers whether the Council should amend its current Hackney Carriage and Private Hire Licensing Policy to permit private hire vehicles, used exclusively for chauffeured work, to be black.

9 **Work Programme 2023-2024**

53 - 54

The Committee will consider a report setting out its work programme for the current municipal year.

10 **Exclusion of the Public (not Scrutiny or Executive)**

In accordance with Section 100A(4) of the Local Government Act 1972 to exclude the public, including the press, from the meeting so that any items containing exempt information (for example confidential personal, financial or legal advice), in Part B of this agenda (printed on yellow paper) can be decided. (Exempt information is defined in Section 100I and Schedule 12A of the Local Government Act 1972).

Part B

(not open to the public including the press)

Licensing Committee
Wednesday, 17 January 2024

Present:

Councillor Appleton
Councillor Michelle Burrows (Deputy Chair)
Councillor Roger Buston
Councillor Jeremy Hagon
Councillor Dave Harris (Chair)
Councillor Mike Hogg
Councillor David King
Councillor Roger Mannion
Councillor Sam McLean
Councillor Carl Powling
Councillor Michael Spindler

Substitutes:

Also in attendance:

184. Urgent Items

The Chair of the Committee introduced an urgent item to the Committee which was contained in the supplementary agenda which had been published and circulated to the Committee. The supplementary agenda contained a letter to the Department for Transport which had been drafted following a resolution of Full Council in December 2023. Although the substance of the draft letter had to be confined to the Motion agreed at Full Council in December, the letter was presented to the Committee for its comments and any suggested minor amendments. The urgency in this matter was due to the need to send the letter, and the time which had elapsed since the Motion had been agreed by Full Council.

A Committee member stated that the Committee's sole aim was to promote public protection, and suggested there were issues in the taxi and private industry which were wider than those covered by the Motion approved by Full Council. He suggested that a nationally approved set of standards and fees was required to ensure that operators were not able to take advantage of authorities which may have lower fees and licensing standards. To address these issues may require the Committee to consider writing a supplementary letter.

The Committee suggested that the final line of draft letter be amended to include the word "positive" before the word "response".

RESOLVED that: the draft letter which had been presented to the Committee be sent subject to the last line being amended to read:

"I look forward to your positive response to the motion."

185. Minutes of the previous meeting

RESOLVED that: the minutes of the meeting held on 8 November 2023, and of the Licensing Committee Driver Appeal Hearing held on 26 June 2023 be confirmed as a correct record.

186. Have Your Say!

Shaun Moore attended the meeting and addressed the Committee in accordance with the Council's Have Your Say! procedures. He was a hackney carriage driver in Colchester and wished to raise a number of his concerns and suggestions to the Committee, which included:

- Private hire vehicles parking in and around town when not engaged on jobs, including parking on taxi ranks.
- Out of town private hire vehicles working for private hire companies in Colchester, were these vehicles subject to spot checks from Colchester Officers?
- Unlawful parking by take away delivery company vehicles, and parking of vehicles on the taxi rank at Head Street - was it possible to for a 'traffic warden blitz' to take place in the town centre after 9.00pm to stop this?
- The installation of barriers along the High Street taxi rank to encourage customers to queue in an orderly fashion when taxi marshals were not available to control disorder.
- The use of mystery shoppers by the Council to enforce standards in the licensed trade.
- Would licenced taxis, and not private hire vehicles, be allowed to use the bus lanes around Colchester, as this would reduce congestion and lower fares for passengers. Taxis were allowed to use bus lanes in other local districts such as Chelmsford.

Paul Donaghy, Licensing, Community Safety & Safeguarding Manager, thanked Mr Moore for addressing the Committee and confirmed that he was aware of some of the issues which had been raised, having recently had a meeting with the Chair of the Colchester Hackney Carriage Association. Consideration was being given to using Officers who were unknown to the hackney carriage and private hire trade (the trade), and in his personal opinion it would be advantageous for taxis to be able to use bus lanes. Continued dialogue with Mr Moore covering all the points which had been raised would take place after the meeting.

A Committee member noted that the Council's official position was that to cycle or walk was healthy and better for population, and to make it safer it was sometimes necessary to construct cycle lanes, which overall relieved congestion as well as conferring an air quality benefit. The Council was absolutely not anti-car or anti-taxi but had to represent different interests to provide people with a choice.

Christine Bell, owner of Panther Cabs in Colchester, attended the meeting and addressed the Committee under the Council's Have Your Say! provisions. She was the manager of the largest fleet of licensed vehicles in Colchester and the third

largest in Essex, and had been involved with the licensed trade for over 40 years. She requested that the Committee give consideration to relaxing the age requirements for buying vehicles from 5 years to 7 years to reflect the difficulties being caused by the current economic climate. She raised concerns about the length of time which it was taking for driver's badges to be issued by the Council. A friend of hers had taken 14 weeks to get a badge and had been out of work during this time. She considered that there were lots of problems and issues to be sorted out in the trade, and would like a meeting with the licensing team to discuss these issues. The most important issue at the present time was drivers and vehicles licensed by Wolverhampton Council working in Colchester. Did the Council know who they were, were they subject to Disclosure and Barring Service (DBS) checks, were the vehicles roadworthy, and did the Council have contact details for the drivers? Serious issues with the taxi trade in Rochdale had been in the news recently, and similar occurrences had to be prevented in Colchester. Had drivers licensed by Wolverhampton taken a safeguarding course which was required by Colchester Council? The public needed to be sure that every driver in Colchester had been checked before being allowed to work here, and she was anxious to ensure that safety standards were as high as they could be to protect vulnerable members of society.

Christine expressed disappointment that she had only recently been in contact with the Licensing, Community Safety & Safeguarding Manager, who responded to clarify that his role was significantly different from that of his predecessor with a wider range of responsibilities which extended beyond the licenced trade. He was happy to set up regular meetings with the trade to discuss any issues which had arisen.

The Committee discussed the issue of vehicles and drivers licensed by the City of Wolverhampton working in Colchester for a local company, and noted that this was a new issue for Colchester, although had occurred elsewhere in Essex. The Committee hears that the Council did not have the power to conduct its own checks on any Wolverhampton drivers working in Colchester, as they were licensed by Wolverhampton, however, direct contact had been made with the Enforcement Manager at Wolverhampton, who sent out teams to carry out enforcement across the country, and who would visit Colchester when they were in the Essex later in the year. The model which allowed vehicles and drivers to operate in this way was entirely legal, and there was noting that the Council could do to prevent this way of working at this stage, save for raising its concerns to national government.

The Committee acknowledged that vehicles which were licensed by another local authority were lawfully entitled to operate in Colchester provided they complied with legislative requirements, however, it was concerned that the Council had no control over this. Consideration was given to writing a letter expressing this concern to the relevant government minister, as it was considered that these issues could only be effectively addressed at a national level by the introduction of national standards. The Committee noted that if a complaint was made about a driver working in Colchester who was licensed by Wolverhampton, then such a complaint would be dealt with in Wolverhampton by the Council or potentially the Magistrates Court, and the difficulty in dealing with complaints at such a geographical distance was a further cause for concern.

The Community Safety & Safeguarding Manager confirmed to the Committee that drivers who were licensed by Wolverhampton did have to produce an enhanced

Disclosure and Barring Service (DBS) check, and were also required to undergo comprehensive safeguarding training. Additional dialogue would be sought with Wolverhampton Licensing Officers, and this was supported by the Committee.

RESOLVED that: a letter be written to the Minister for Transport outlining the concerns felt by the Committee with regard to cross-border hiring, and calling for the introduction of national standards in relation to the hackney carriage and private hire licensing regime.

187. Taxi Policy – Vehicle Age Restriction

The Committee will consider a report requesting that it consider approving, for consultation purposes, the removal of the age restriction on licensed vehicles and that the vehicle testing programme be used to determine the continuing road worthiness of licensed vehicles.

Sarah White, Senior Licensing Officer, attended the meeting to present the report and assist the Committee with its enquiries. The Department for Transport had issued updated hackney carriage and private hire best practice guidance, and in light of this, and the concerns which had been raised by the trade in recent years, the Committee was requested to consider approving for consultation the possible removal of age restrictions for licensed vehicles from the Council's Policy. The testing regime would be relied on to ensure that vehicles which were licensed continued to remain fit for service. Any vehicle which was licensed, irrespective of its age, would still be required to meet the relevant emissions standards.

In discussion, the Committee voiced its support for the proposal being put to consultation, noting that when the age restriction for licensed vehicles had first been introduced, vehicles had not been so safe or reliable. Modern vehicles had made significant improvements in safety and efficiency, and it was considered that reliance on a rigorous testing regime may support the proposed policy change by ensuring that licensed vehicles remained of a high standard.

The Chair of the Committee encouraged all members of the licensed trade to respond to the consultation, and the Senior Licensing Officer confirmed that details of the consultation would be emailed out to the trade, and the Council's website would be updated with details of this as well.

RESOLVED that: The proposed amendment to the Council's Hackney Carriage and Private Hire Licensing Policy to remove the age restrictions for licensed vehicles, be the subject of a six week consultation period.

188. Work Programme

The Committee considered a report setting out its work programme for the forthcoming municipal year.

The Committee requested that consideration be given to amending the Council's Hackney Carriage and Private Hire Licensing Policy to address the specific requirements of executive hire firms, which the current Policy may not meet.

RESOLVED that: an additional report relating to an Executive Hire Policy be presented at the meeting of the Committee in March 2023.



Licensing Committee

Item
7

20 March 2024

Report of	Head of Public Protection	Author	Sarah White
Title	Vehicle Age Restriction – Consultation Responses		
Wards affected	All Wards		

1. Executive Summary

- 1.1 This report considers the responses received to the Council's consultation on whether the current vehicle age restriction for licensed vehicles stipulated in the Council's Hackney Carriage and Private Hire Licensing Policy should be removed.

2. Recommended Decision

- 2.1 That the age restriction on licensed vehicles be removed and the vehicle testing programme be used to determine the continuing road worthiness of licensed vehicles.

3. Reason for Recommended Decision

- 3.1 The consultation responses indicated a broad level of support for the proposed changes. The changes would bring the Council into line with the Department of Transport's Best Practice Guidance.

4. Alternative Options

- 4.1 To leave the Policy unaltered and to continue with the existing licensing regime.

5. Detailed Information

- 5.1 At its meeting on 19 January 2024, the Committee approved a consultation on the the proposed removal of age restrictions on licensed vehicles and on the use of the vehicle testing regime and Euro emission standards to determine the continuing suitability of a vehicle to be licensed.
- 5.2 The consultation ran from 23 January to 4 March 2024. The responses to the consultation are set out in Appendix 1 to this report.
- 5.3 The majority of responses are in favour of the removal of restrictions and many reference the increasing cost of vehicles and the difficulty the trade has experienced in finding suitable and affordable vehicles that meet the Council's current licensing requirements.
- 5.4 In light of the responses received and the Department of Transport's updated Taxi and Private Hire Best Practice Vehicle Guidance issued in November 2023, it is recommended that the that the current vehicle age restriction for licensed vehicles stipulated in the Council's Hackney Carriage and Private Hire Licensing Policy should be removed.

6. Strategic Plan References

- 6.1 Links to the priorities in the Council's [Strategic plan 2023-26](#).
Priorities: -
- Respond to the climate emergency.
 - To make our city a better place in which to live and work and visit.

7. Consultation

- 7.1 No further consultation on the matter is proposed.

8. Publicity Considerations

- 8.1 Any change to the Policy will have effect once approved by full Council. The Policy and supporting information will be made available on the Council's website.

9. Financial implications

- 9.1 There are no financial implications for the Council associated with the policy. The cost of vehicle inspections is borne by the vehicle owners.

10. Environmental and Sustainability Implications

- 10.1 The Council's Policy currently sets emission limits for its licensed vehicles with the intention of improving air quality over time and these will remain pending a full review as part of the wider review of the Policy to ensure that the Council's policy reflects the current science and targets on emissions and air quality. The Council's vehicle testing regime will continue and therefore it is anticipated that the proposed change will have no detrimental impact.
- 10.2 The Council's 2030 Climate Emergency Response target monitors our direct emissions (Scope 1 Emissions) and "Scope 2" emissions indirectly created by people working for or with the Council to provide us with goods or services.

However, as neither of these applies, this would not affect our own targets, as vehicle emissions from third party owned vehicle are outside the scope of the 2030 target.

11. Standard References

- 11.1 There are no community safety, health and wellbeing, health and safety, risk management, nor equality, diversity, and human rights implications.

Consultation responses

Response
<p>Back in September 2020, I had attended a teams meeting online with Councillors including the then licensing manager 'John Ruder' after applying on the 'Have your say' portal.</p> <p>During the discussion I'd brought up three points that I'd felt valid and in need of attention and the age restriction on Licensed Taxi/PHV at date of first registration being one of them.</p> <p>At the time of the meeting, I was told that the Licensing manager would be looking into my queries put to the Licensing team, and that I should expect a reply no later than December 2020 or at the latest by January 2021....I'm still waiting!</p> <p>I note that an email has come by in the last few weeks with regards to a possible revue of the terms of the minimum and maximum age a Licensed vehicle can be registered.</p> <p>Can you please let me know if there has been any discussion as to when this may arise?</p>
<p>Morning I would be grateful if council remove the car age restriction from 5 years.</p>
<p>I just want to express my opinion about age restrictions from the vehicle. It is needed to be done long time ago, not the age or mileage most important and how the car was looked after. None of the taxi drivers wants to drive old vehicles anyway, we need to be able to afford to replace it. I needed to get the new car and I have to spend all my savings plus bank loan. The question is now when I am going to get my money back?</p> <p>You also need to look at the prices of car license renewal because as far as I am aware of people going to get the licence elsewhere and working in Colchester after because it is a lot cheaper.</p> <p>Another big problem we have the traffic wardens chasing us up.</p> <p>About two weeks ago I had to leave the lady with baby and all her shopping in the african shop on the Queen street. He was screaming like mad instead of helping me to get this lady with her shopping in to the car. I rang the Panther office I work for and the lady had to come to the town train station, fortunately someone helped her with a shopping trolley to to this location. I just wanted to know where do we pick customers on the Queen street, do we need to tell all of them to get to the train station? If so no one going to use us any more.</p>
<p>I have one thing to put forward to support the proposal of the removal of the age restriction on licensed vehicles</p>

- first of all I am not convinced the age of the car is limited to 5 years for taxi registration while a taxi registered vehicle is allowed to renew the registration up to 12 or 15 yrs. If an approved good car can get continued taxi approval up to its 12 or 15 years why then a car in good condition up to 12 or 15 years of age can not be applied for taxi plate? I propose the condition for a car to approve as a taxi should not be solely based on the year of registration on it.

It is obvious that the rule 'your 1st time plated car must be not older than 5 years BUT you can then renew it up to 12 years' makes no sense, at all.

The council have forced people like myself into a huge dept (12.000 pounds as of today) even before starting with this business, and for what? Just so you can say 'Our vehicles look brand new and spotless'!?!? But then you have other vehicles that are much much older than a 5 years old car (10, 12 years) which you still allow to be plated until the age of 12!?!?

I mean, look at it!
Makes No Sense!

If you would remove such rule you could allow drives to breathe a bit rather than having to get at the end of the month with no money because half grant goes into paying their well expensive car.

When I started 2 years ago I had to sell my 2012 Ford Cmax because of your 'can't be black' rule and your 'must be less than 5 years rule', and where am I now? I am still paying my car in full (haven't paid nothing back yet, as I keep moving my debt from credit card to credit card paying transfer fees and interests).

Be reasonable, remove this stupid rule.

My opinion on removing the age restriction for first registration of a private hire / Hackney vehicle is that it's a good idea as many drivers are now being forced out of the trade due to newer vehicle prices and worse still having to rent vehicles from companies at an extortionate rate exceeding the price of purchasing a more affordable vehicle as your suggesting also it will give a wider selection of vehicles with lower mileage and better maintained as most affordable vehicles as it currently stands under 5 yrs old are high mileage ex fleet rental vehicles which in my opinion have had harder treatment than an older well maintained vehicle. As other licensing areas find it acceptable that if a vehicle passes 1 or 2 m.o.t's a year it's good enough to be used as it's a government standard test.

Changing the age restriction of vehicle eligibility is in my opinion a good idea, it opens up a greater selection of vehicles available for first time purchase, it will also allow current vehicle to be used for longer. Also the current price of vehicles is making it difficult for most people to be able to afford a replacement forcing them to either quit the job or be forced into company vehicles

Having just spent £14,000 to replace a perfectly good 12 year old Skoda Superb Estate, on which everything still worked perfectly well and was in excellent

condition, it peeves me to agree that the current age restrictions are completely ridiculous.

My new car (another skoda, just three years old) is really not in substantially better condition or any more comfortable.

I believe CBC cost me an unnecessary £14,000, so I wish this consultation had happened a year or two ago. It may have saved me a lot of money just before my retirement.

In short: Scrap the out-dated restrictions.

Thanks for letting me know about the proposed age restriction removal. It's about time you get rid of this or at least make it 7 or 8 years because its getting sort of completely unaffordable to buy a used car of that age at decent price. We have to go for car financing because of that which costing us even more money plus lots of interest.

Will highly appreciate if you can do something about it.

I believe allowing drivers to keep their vehicle for longer providing they pass the council yearly test would help us to rebuild our numbers that has been reduced due to covid. maybe allowing vehicles to be registered with you to increase to 7 years for first time plates, rather than the 5 years you currently have .

I believed car age limit should be removed because car prices so high its almost unaffordable. I think it should go to 8 years .

Hi, I think this is a great idea . I myself am struggling to get a new car as so expensive , I am having to run my car that has done a lot of mileage that costs even more more long term. If the car is safe and suitable then she shouldn't be a problem .

It would be great for the drivers who are involved in trade, i believe age restrictions on vehicles should be removed.

Hi yes I am for that motion and agree as a operator it's is much harder to buy and get a vehicle of newer age that can be affordable a older one would be much more cost affordable. So I am for this totally

I think it is a very good idea removing the age limit for licensing vehicles.

Yes I have long felt the rules are crazy in that it's OK to license a 4 1/2 year old diesel vehicle with 200k on the clock but not a 5 year old hybrid/EV vehicle with only 30k on the clock! That became even more relevant to me personally when my 8 year old Skoda Rapid was written off last April by an elderly lady going the wrong way around the Greenstead roundabout and I had to replace it. I wanted a hybrid vehicle and decided on a 4 year old Hyundai Ionic, but this cost me £18,000. I got just £5,000 back for my Skoda so overall it cost me £13,000 for an accident that wasn't my fault. I saw several cars that would have been ideal replacements, had a lower mileage than the one I eventually bought and would have cost £4,000 less. But due to the age limit I couldn't use them as a taxi. The rule needs to be relaxed or at least to take into account mileage as well as age.

Nonsense, the very reason this was first implemented, because cab drivers drive junk if they can get away with it. Even recently I got in Private hire vehicle that was junk. You must keep the present restrictions.

I say YES to more affordable cars for taxis

I personally agree to the removal of all age restrictions on vehicles since these vehicles undergo Strict check during MOT as well as the Council garage inspections.

Other issues that drivers face is the Pay In to operators.
Paying 135 per 600 pound earning is too high a.d will kindly as that it should be looked up into.

Yes we should be looking at extending the age of cars i would also like to see more done with the problem of unlicensed cars working as taxis s which is happening all over social media picking passengers up from the pubs and clubs especially at weekends taking fares off licensed drivers and people wonder why cars don't come out it's becoming ridiculous

May I propose that in the Colchester Taxi licence policy page 19 air pollution 6.3 It states: From 2025 all new registrations to meet an LPG, low emission or electric hybrid standard. Can this rule be put back due to the government has revised its plan to move back the sale of petrol and diesel cars from 2030 to 2035. I feel we should do the same

May I also suggest that we stick to licensing diesel and petrol cars as long as they meet the current Euro 6 regulation. Having to buy electric or hybrid standard vehicles is costing the individual driver more money! Eg auto trader a great car buying platform online is showing that electric and hybrid cars are 40-50% more than a diesel or petrol, and also you need to consider the availability as Colchester taxis have a livery of the colour black. Eg you search for a car in the search engine of auto trader you put in: under 5 years old, you put in black car only, you put in electric or hybrid, you also put in estate or saloon depending on what work you do, whether it's rank work, long distance or school runs, you'll find that the choice is limited.

May I also suggest that removing age limit is not bad idea as well, as long as it meets the the current Euro 6 regulation so a typical vehicle from 2015 when the regulation started is 25-30% cheaper than a vehicle under 5 years old, this will help drivers financially also the availability will be there for vehicles to obtain.

May I also say that my opinion on fully electric vehicles are not the way forward at the moment, I feel that the infrastructure is not there just yet.

- 1 Lack of charging points due to infrastructure
- 2 Range of miles isn't long enough 200-300 eg no good for long distance or airport run
- 3 expensive batteries replaced after a short lifespan

4 horror stories of them catching
5 expensive to buy and insure

Hope you consider my views

Thank you for your email and consulting with licensed drivers. The required age limits, both on first registration and a 12 year limit has always been a problem for me over my 45 year 'career' as a taxi driver in Colchester. As you can appreciate I have had many vehicles during that time. I have always looked after and maintained my vehicles throughout to a very high standard. In more recent years I have had to stop using at least 3 perfectly good vehicles, which had done well over 300,000 taxi miles, when they reached their 12 year limit. Two of these I still have and are still going strong, one being a diesel VW Passat estate car (24 years old) and one being a Mercedes Sprinter multi wheelchair bound passenger vehicle (20 years old). Many care homes were very upset when I stopped using this vehicle, as their residents could no longer have their trips out together and I could not invest the approx £40,000 to replace it at the time. Another vehicle was a Mitsubishi Lancer, which I had to replace last April due only to its age. It had been totally reliable and customers often commented on how comfortable, etc. it was. I had great difficulty in finding a suitable replacement in black before the deadline and in the end had to spend far more than I wanted to in the latter stages of my working life. I eventually replaced it with a Vauxhall just under 5 years old and it has been the worst vehicle I have ever had. It has constantly been off the road due to breakdowns, due to electrical faults - a real problem in this cost of living crisis. I wish you had done this consultation 1 year earlier and then I would not have had to replace my Mitsubishi, which had done under 100,000 miles

A vehicle's age has nothing to do with its suitability for the job. Provided they are inspected properly every 6 months, the standards should be kept high and it would certainly help drivers earn a reasonable living. As you say in your email, emissions are much improved on more modern vehicles. Most hackney drivers do look after their vehicles, although some of the rented ones leave a lot to be desired. A bit like a rented property not being looked after as well as someone who owns their own property and takes a pride in it. However, I cannot see the use of electric vehicles as ever becoming viable for taxi drivers. I looked into this back in April and they are double the price of a secondhand diesel vehicle. Their battery range would not last for 1 shift of work (especially at night, when lights, windscreen wipers, radio, heater, etc. are all being used) and there are very few places for recharging out of town. I certainly would not buy one.



Licensing Committee

Item

8

20 March 2024

Report of

Head of Public Protection

Author

Sarah White

 506420

Title

Taxi Policy – Plate Exemption

Wards
affected

All Wards

1. Executive Summary

- 1.1 This report considers whether the Council should amend its current Hackney Carriage and Private Hire Licensing Policy to permit private hire vehicles, used exclusively for chauffeured work, to be black.

2. Recommended Decision

- 2.1 It is recommended that the Committee approve, for consultation purposes, the amendments to the plate exemption policy and the private hire conditions to permit the licensing of black private hire vehicles exclusively used for chauffeur work.

3. Reason for Recommended Decision

- 3.1 The policy change to permit black vehicles has been requested by the trade to address their operational needs. With the appropriate conditions in place to ensure these vehicles can only be used in relation to chauffeur work, the change will not adversely impact the safety of the public.

4. Alternative Options

- 4.1 To leave the Policy unaltered and to continue with the existing licensing regime.

5. Detailed Considerations

- 5.1 The Council has been requested by the Chairman and Group Spokesperson of the Licensing Committee to explore the possibility of permitting private hire vehicles used exclusively for chauffeured work to be black. The request to change the Council's Policy has been made to address the operational needs of the trade who cite the expectation of its businesses users to have a black chauffeured vehicle.
- 5.2 The licensing of private hire vehicles used exclusively for chauffeur work is carried out in accordance with the conditions under the Private Hire Vehicle Policy attached as Appendix 1 and the Plate Exemption Policy attached at Appendix 2.
- 5.3 The current Hackney Carriage and Private Hire Licensing Policy does not permit private hire vehicles to be black because this would risk confusing these vehicles, which must be pre booked, with Hackney Carriages which can ply for hire and stand on a rank.
- 5.4 To ensure the safety of the public it is important to retain the distinction between private hire and hackney carriage vehicles. However, it is considered that this can still be achieved by restricting the use of black private hire vehicles to those vehicles used exclusively for chauffeured work. Only those vehicles that are licensed and granted a plate exemption would be permitted to be black. These vehicles could not be used in any other circumstances as private hire vehicles. The public will not be aware of their use as private hire vehicles as they will not be plated nor carry any operator signage. These vehicles would not be able to swap between plate exemption work and regular private hire use. There is therefore little if any risk of confusion for the public.
- 5.5 The proposed changes to the Policy are set out in Appendix 2.

6. Strategic Plan References

- 6.1 Links to the priorities in the Council's [Strategic plan 2023-26](#).
Priorities: -

- To make our city a better place in which to live and work and visit.

7. Consultation

- 7.1 The proposed changes would constitute a major change to the Council's Policy and therefore a consultation period of 6 weeks is proposed with the Trade to obtain its views before the Committee makes a final decision.

8. Publicity Considerations

- 8.1 Any change to the Policy will have effect once approved by full Council. The Policy and supporting information will be made available on the Council's website.

9. Financial implications

- 9.1 There are no financial implications for the Council associated with the policy.

10. Standard References

10.1 There are no community safety, health and wellbeing, environmental or sustainability health and safety, risk management, nor equality, diversity and human rights implications.

Annex 3 - Private Hire Licensing Standards and Conditions

Only those vehicles **and their proprietors who** comply with the specification detailed below can be granted a private hire vehicle licence by Colchester City Council.

Appendix 1

Introduction

A private hire vehicle licence remains in force for a year.

Any car to be used for the purposes of private hire must be –

- Capable of carrying at least four passengers, but no more than eight including any passenger in a wheelchair.
- Side loading and of a type approved by the Council.
- Capable of carrying a wheelchair in the boot.
- Meet the European Whole Vehicle type approval or British National Type approval
- Meet all other pre-licensing standards set out below.

As a private hire vehicle proprietor, the Council must be satisfied that you are fit and proper, safe and suitable, to hold a private hire vehicle licence. This requirement applies to all those with an interest in the vehicle as declared on the Proprietor Requisition Declaration.

PLEASE NOTE: Always make sure that any vehicle you intend to license meets all the conditions before you pay for it or enter into any credit agreement. The Council is not liable if you purchase a vehicle which cannot be licensed because it does not meet the pre-licensing conditions. If you have any doubts about whether your particular vehicle is acceptable, contact the Licensing Team.

Applications for the grant, renewal or transfer of a licence must be made, and will be determined, in accordance with the relevant process and procedures set out in the Policy, its annexes and appendices.

Once your vehicle has been licensed it cannot be driven by anyone else unless they hold a hackney carriage/private hire driver's licence. This means that your spouse, partner or children will be unable to drive the vehicle at any time, even on holiday, unless they hold a current hackney carriage/private hire driver's licence. Such use could invalidate your insurance cover.

Annex 3 - Private Hire Licensing Standards and Conditions

Pre-Licensing Standards

Only those vehicles which comply with the specification detailed below, **and those proprietors who are fit and proper, safe and suitable** can be granted a private hire vehicle licence by Colchester City Council.

1. Vehicle Age and Condition

1.1 An application for a private hire will not be accepted if the vehicle is five years or older. The age of the vehicle will be taken from the date of first registration on the log book and therefore this must be submitted with the application.

1.2 The vehicle will continue to be licensed until it reaches 12 years of age.

1.3 The vehicle must pass an inspection undertaken at a Council approved testing station. The current approved garage is the Riverside Workshop, Unit 7, Westside, Stanway CO4 3QE.

1.4 All vehicles licensed as private hire vehicles and which are, from the date of first registration, over one year old must have a VOSA MOT test certificate.

2. General Specification

2.1 Where vehicles have not been manufactured in the UK or imported by the manufacturer, they must have an appropriate "Type Approval" which is either an EC Whole Vehicle Type Approval (ECWVTA) or British National Type approval. Vehicles must not have been altered since that approval was granted. An Individual Vehicle Approval (IVA) may be accepted for wheelchair accessible vehicles. Vehicles presented for approval, and while in use, must comply with the Road Vehicles (Construction and Use) Regulations 1986 and any subsequent amendment or re-enactment thereof.

2.2 No fittings, other than those approved in this Policy or required in the examination and test by the Council's authorised testing station, may be attached to or carried on the inside or outside of the vehicle.

2.3 All newly registered or re-registered vehicles must run on unleaded fuel, diesel or an alternative environmentally friendly fuel such as LPG, (Liquid Petroleum Gas) or be hybrid or fully electric. Where petrol or diesel vehicles are used they must comply with the following compliance dates and standards for emissions from taxis -

- 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.

2.4 All vehicles must be of a size to have adequate luggage accommodation with suitable restraints to prevent items in non-saloon vehicles becoming unsecured. All vehicles must be capable of carrying a wheelchair, as luggage, in a reasonable manner.

Annex 3 - Private Hire Licensing Standards and Conditions

3. Colour

3.1 Private hire vehicles **must not** be black and black wrapping of vehicles is not permitted. Existing licensed private hire vehicles which are black will continue to be licensed until they are 12 years of age when they must be replaced by a vehicle which is not black. **Private hire vehicles used exclusively for chauffeur work, and which hold a plate exemption can be black.**

4. Body of the Vehicle

4.1 The vehicle must have no untreated or unrepaired body defect or significant signs of corrosion. Corrosion includes visible rust and signs of rust by virtue of the paintwork being blistered. All rust spots and repairs in excess of 100 millimetres diameter are to have been prepared and repainted with matching colour up to insurance finishing standard

4.2 The paintwork must be of a professional finish and be one consistent colour over the whole of the vehicle's bodywork.

5. Wheels and Tyres

5.1 The vehicle must have four road wheels unless agreed by the Licensing Committee.

5.2 Any spare wheel must conform to construction and use regulations.

5.3 A wheel brace and jack to enable the effective change of a tyre and wheel must be carried, except where Paragraph 5.4 applies.

5.4 Where an aerosol inflation and sealant device is supplied with the vehicle as standard by the manufacturer, a spare tyre need not be carried.

5.5 If a vehicle is fitted with 'run flat' tyres, the vehicle must be fitted with a tyre pressure sensor / warning device.

5.6 All tyres, including the spare tyre, must comply with the vehicle manufacturer's specification.

5.7 Re-cut tyres are not acceptable for vehicles that are internationally classified as M1 passenger vehicles and remould tyres must only be acceptable if they carry a recognised approval marking (BSAU144e) and display:

- Nominal size
- Construction type (e.g. radial ply)
- Load capacity
- Speed capability

Annex 3 - Private Hire Licensing Standards and Conditions

5.8 A vehicle must not be presented for examination and test with a space saver spare tyre in use.

6. Steering

6.1 The vehicle must be right hand drive.

7. Doors

7.1 The vehicle must have a minimum of 4 opening doors unless it is a minibus type vehicle (multi seat Vehicle) in which case the minimum opening of the side door must be at least 864mm.

7.2 All vehicles must have doors that open sufficiently wide to allow easy access and egress from the vehicle.

7.3 All doors must be capable of being readily opened from the inside and outside of the vehicle by one operation of the latch mechanism.

7.4 The interior door handle must be clearly visible and easily accessible to passengers.

8. Seats

8.1 Each passenger must have a minimum of 432mm of personal sitting space, for the rear seats this will be measured in a straight line lengthways across the front edge of the seat.

8.2 Each seat must be fitted with fully operational seat belts, compliant with British Standards, except where the law specifically provides an exemption.

8.3 Where seat covers are used they must be properly affixed to the seat so as not to become loose during use. They must be clean and undamaged.

9. Windows

9.1 Opening windows must be provided in the rear of the vehicle capable of being opened by the rear seat passengers.

9.2 Factory fitted tinted windows are permitted in the rear of the vehicle only.

9.3 The vehicle must not be fitted with any form of additional film to darken or tint the glass on any part of the vehicle.

Annex 3 - Private Hire Licensing Standards and Conditions

10. Heating and ventilation

10.1 Vehicles must have an efficient heating and ventilation system.

11. Wheelchair carrying facilities

11.1 Any vehicle that has the facility for the carriage of wheelchair(s) and wheelchair passengers must comply with current equality act requirements and must be inspected by a Council approved garage to determine its suitability. It must -

- a. Have the facility to load and unload wheelchairs directly into the vehicle.
- b. Be fitted with approved anchorages that must be either chassis or floor linked and capable of withstanding approved dynamic or static tests. Restraints for wheelchair and passengers must be independent of each other. Anchorages must also be provided for the safe storage of a wheelchair, whether folded or otherwise, if carried within the passenger compartment. All anchorages and restraints must be so designed that they do not cause any danger to other passengers.
- c. Be fitted with appropriate equipment for the loading of a wheelchair and passenger. Provision must be made for any removable device used for loading to be stored safely in the vehicle when not in use.

11.2 The vehicle must be equipped with a manufacturer's user manual/guide on the safe loading and unloading and security of wheelchair passengers.

11.3 Any equipment fitted to the vehicle for the purpose of lifting a wheelchair into the vehicle must have been tested in accordance with the requirements of the Lifting Operations and Lifting Equipment Regulations immediately prior to being first licensed and at each subsequent twice yearly test and be so certified. The certification must be submitted at the time of first license and on renewal.

12. Electrical Equipment

12.1 Any additional electrical installation to the original equipment must be adequately insulated and be protected by suitable fuses.

13. Seat Belts

(Please follow the electronic links in the paragraphs below for the current law on seat belts)

13.1 The vehicle must be compliant with all relevant [legislation](#) and guidelines as issued or determined by central government in relation to the use of seatbelts and children's car seats. This will however ordinarily exclude limousines and vintage cars.

Annex 3 - Private Hire Licensing Standards and Conditions

14. Vehicle Proprietors

14.1 In order to hold a private hire vehicle licence you must –

- Be 18 years or over
- Complete the application form and pay the required fee
- **Complete the Proprietor Requisition Declaration**

14.2 The application form must be accompanied by the following documentation for all parties with an interest in the vehicle -

- A current passport or birth certificate
- Evidence that you may legally work in the UK
- A basic DBS less than three months old when the application is made. This must be accompanied **by a statutory declaration** listing all previous convictions, whether or not they are spent, and any other relevant material information.
If you have spent six or more continuous months outside the UK, provide criminal records information from the country concerned or where this is not possible a Certificate of Good Character is required.
- **Proof that you have completed the Council's Mandatory Safeguarding Training**

14.3 As the holder of private hire vehicle licence you must comply with the following conditions. These conditions should be read in conjunction with the Policy, its annexes and appendices. Any requirement of legislation, which affects the operations being carried out under the terms of this licence, should be regarded as if they are conditions of this licence.

14.4 Where there appears in the licence conditions a summary of any statutory provision you are advised that such summary is not exhaustive.

14.5 The Convictions and Penalty Point Scheme will be applied as appropriate in respect of any breaches **of legislation and/or** conditions.

Conditions of Licence

1. Vehicle Testing

1.1 Once licensed, the vehicle must be presented for inspection as follows –

- Up to 5 years old - once during each 12 month licensing period
- 5 to 12 years old - twice during each 12 month period

Annex 3 - Private Hire Licensing Standards and Conditions

1.2 Licensed vehicles that fail an authorised examination and test will be issued with a suspension notice in order to prevent the vehicle being used to carry passengers until the defect(s) is/are remedied. The suspension will not be lifted until the vehicle has been repaired; undergone a further test at your expense; has been passed as fit for use by a Council approved testing station; and the Authority has received the appropriate notification.

1.3 If the defect is not repaired within 28 days from the date of the service of the suspension notice, the vehicle licence will be revoked by the Council. Where it is anticipated that repairs will take longer than 28 days you must apply to the Council to extend the period.

1.4 Any damage to a licensed vehicle must be reported to the Licensing Team in writing/by email within 72 hours.

1.5 A vehicle must always be inspected after it has been involved in a road traffic accident or where damage has been caused to it, however minor or limited the damage appears to be. You must also present the vehicle for inspection, at a Council approved testing station, after it has been repaired. A copy of the Pass Certificate from the garage must be given to the Council before the vehicle can be used again to carry passengers.

1.6 The licence of any vehicle failing to attend a required inspection will be suspended until such time as the vehicle has been inspected and passed

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; if this is not possible prior approval for an extension in this time must be sought from the Licensing Manager. Proof of the completion of works must be presented to the Council within the period provided for remedial works to be carried out.

2. Licence Identification Plates

2.1 You must fix to the vehicle licence identification plates of the size, colour, design and type supplied by the Council; these plates must relate to the vehicle on which they are displayed. No other vehicle licence identification plates should be displayed on the vehicle. The plates should be displayed on the front and the rear of the vehicle.

2.2 You must ensure that the licence identification plates are securely fixed to the outside exterior of the vehicle, adjacent as possible, to the number plate and in such a manner as to ensure that the vehicle registration plate is not obscured and the plate is clearly visible from the highway and by other road users. A plate must not be placed on the rear window of the vehicle.

2.3 You must ensure that a vehicle licence identification card, as supplied by the Authority, is displayed in a position for all passengers to clearly see.

2.4 The licence plates remain the property of the Council and must be returned within seven days, following the service on you of an appropriate notice by the Authority and/or in the event of the vehicle licence ceasing to be in force in respect of the vehicle.

Annex 3 - Private Hire Licensing Standards and Conditions

2.5 If you have been granted an exemption from the requirement to display an external vehicle identification, you must carry the dispensation in the vehicle at all times and produce this on request to any officer of the Council or the Police (see Appendix 2 for information on Plate Exemptions).

3. Luggage

3.1 Luggage must be conveyed in such a way that ensures it is protected from damage and is properly secured.

4. Furnishing and maintenance of vehicle

4.1 You must ensure that the vehicle and all its fittings and equipment is, at all times when the vehicle is in use or available for hire, kept in an efficient, safe, tidy and clean condition and all relevant statutory requirements are complied with fully. **Please note** - It is not sufficient to wait until a compliance test to find out if the vehicle is still roadworthy.

4.2 Where a separate compartment is provided for passengers, you must provide sufficient means by which any person in the compartment may communicate with the driver.

4.3 You must at all times provide adequate lighting, heating and ventilation for the interior of the vehicle.

5. Auxiliary equipment

5.1 Where apparatus for the operation of a two-way radio system is fitted to a vehicle, no part of the apparatus must be fixed in the passenger compartment or in the rear boot compartment if LPG or CNG tanks or equipment are in use.

5.2 Any radio apparatus must be so positioned and properly secured so as not to interfere with the safe operation of the vehicle.

5.3 Any auxiliary equipment that is fitted to a vehicle must not impede the driver in any way or hinder his/her view, impede or cause hazard to passengers or other road users.

6. Notification of Changes affecting the Licence

6.1 You must notify the Council, in writing of any change in circumstances affecting the licence within 7 days of such a change taking place.

Annex 3 - Private Hire Licensing Standards and Conditions

6.2 A copy of any new MOT certificate must be submitted to the Council within 7 days of the date of issue. This should be sent to eps.support@colchester.gov.uk

6.3 Any new insurance certificate/cover note must be submitted to the Council within 7 days of date of issue. Insurance Brokers may send a copy direct to eps.support@colchester.gov.uk but it is your responsibility to ensure that this has been done. The full insurance certificate must be sent direct to eps.support@colchester.gov.uk within 28 days of its issue.

7. Signs, Notices and Advertisements, etc.

7.1 Vehicles must not display roof signs. Other signs or advertising below roof height cannot be displayed without the prior approval of the Authority.

7.2 Advertising material or decorative stickers on the windows of the vehicle, including the rear window, are strictly prohibited.

7.3 Vehicles 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.

7.4 Vehicles are permitted, subject to prior approval of the Council, to display signs, advertisements, notices or other markings on the outside of their vehicle subject to compliance with the following -

- a. Product advertising is permitted on the rear doors subject to the Council giving authority and retaining the right to request the removal of any particular advertisement, which is felt to be unsuitable.
- b. Colour copies of artwork showing the advertising as it is intended to appear on the vehicle must be sent to the Licensing Team for prior approval and any change to the advertisement must not be made without the further approval of the Council.
- c. Each application for approval of advertising material will be considered on an individual basis, but advertisements must -
 - Comply with the UK's Advertising Standards Authority's Advertising Codes; it is the responsibility of the private hire proprietor to make sure that they do so (available at www.cap.org.uk)
 - Not advertise or promote age restricted products, such as tobacco, alcohol

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- Not contain pictures, text or graphics of a religiously discriminatory, political, racist, sexist or controversial nature
 - Not display nude, semi-nude or other figures in a sexually provocative manner or in a manner that would be considered to be objectionable
 - Not advertise any racist group or organisation that intends to promote such a group or such organisation and/or any of its activities
 - Only advertise one product or service at a time.
- d. All product advertising must be applied by a professional company and no reflective materials may be used.
- e. Wheelchair accessible vehicles may display the disability symbol on the wheelchair access door(s) only.
- f. Advertising material or decorative stickers on the inside of the vehicle (i.e. on the flip seat) will be permitted, subject to the Council giving authority and retaining the right to request the removal of any particular advertisement, which is felt to be unsuitable.
- g. Any damaged or disfigured advertisement signs must be removed immediately.

7.5 You must fix and maintain the rear door signage on the inside of the vehicle facing outwards in such a position that it can be seen by any passenger opening the rear doors. These signs will be supplied by the Council and will show the plate number of the vehicle.

7.6 You must fix and maintain the appropriate no smoking signage required by the relevant regulations.

7.7 You must fix and maintain in the vehicle any signs or notices required by the Council.

8. Meters

8.1 If the vehicle is fitted with a meter for recording the fare it shall display and maintain the statement of fares inside the vehicle in such a position as to be clearly visible at all times to the hirer. The statement of fares must include the minimum hire charge, the rate charged per mile and any additional charges.

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8.2 If a private hire vehicle is fitted with a meter for recording a fare it must be of a type approved by the Council, and this must be fixed to the vehicle in such a way that it will not be practical for any person to tamper with it except by breaking, damaging or permanently displacing the seals or other appliances.

8.3 If a pre-booked journey for which the fare has been agreed is carried out in a private hire vehicle with a meter, the meter must be turned on at the start of the journey and must be running for the duration of the journey. If the metered fare is cheaper than the agreed fare, the metered fare must be charged.

8.4 The taximeter must be positioned so that all letters and figures on its face must be at all times illuminated and plainly visible to any passenger.

8.5 When the taximeter is operating there must be recorded on the face of the meter in clearly legible figures a fare not exceeding that stated in the statement of fares as displayed in the vehicle unless a rate has been separately agreed between the hirer and the licensed private hire operator at the time of booking and prior to the journey commencing.

9. Insurance

9.1 A fully paid up insurance policy in respect of the vehicle covering the carriage of passengers for hire or reward and complying with the requirements of Part VI of the Road Traffic Act 1988, must be in force during the vehicle licence period. The certificate of this policy must be produced to the Council, or any other authorised officer upon request. Failure to provide a copy of a valid insurance certificate will result in the immediate suspension of the licence.

10. Temporary Replacement Vehicles

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.

10.2 The temporary replacement vehicle, which can be any colour, should be under five years old. If the vehicle is over five years old it must pass an inspection undertaken at a Council approved testing station. The current approved garage is the Riverside Workshop, Unit 7, Westside, Stanway CO4 3QE.

11. Return of Plates

11.1 Private Hire vehicle licence plates remain at all times the property of the Council and must be returned to the Council or other authorised officer if you fail to renew the

Annex 3 - Private Hire Licensing Standards and Conditions

licence, the licence is revoked or on the death of a sole proprietor or upon their giving up the business.

12. Additional specifications for wheelchair accessible vehicles.

12.1 The vehicle must have been manufactured or properly adapted to carry at least one person seated in their wheelchair (which includes electrically driven wheelchairs) and have an approved wheelchair clamping system installed. The system of clamping a wheelchair must be of a proprietary type and been installed to manufacturers specifications. A certificate of professional fitting by a competent person must be produced.

12.2 Each wheelchair user conveyed must be capable of being properly secured with a lap and diagonal seat belt made available through the vehicle's adaptation or design and separate from the system holding the wheelchair. A certificate of professional fitting by a competent person must be produced. Belts attached to a wheelchair in order to assist a person to remain in it whilst the wheelchair is in use will not be sufficient.

12.3 All devices used and carried in the vehicle in connection with access to and egress from the vehicle must be carried in such a way as not to impede access or egress of passengers or otherwise compromise their safety. All such devices to be clearly marked with the vehicle's registration number.

12.4 When a designed or adapted vehicle is presented for testing, all seat configurations shall be made known and the interior layout of the seating will be noted. When presented, each vehicle must have a designated space to accommodate at least one wheelchair user. This space will be included in the total number of persons permitted to be carried.

12.5 Whilst available for hire, if such a vehicle is not being used for a passenger in a wheelchair, only a foldaway seat which complies with current construction and use regulations may be used to substitute the wheelchair space.

12.6 Any seats replacing the wheelchair space which have to be bolted or locked into place will not be accepted since these present problems of storage of the displaced seats when wheelchair passengers are being carried.

12.7 All drivers who use a wheelchair accessible vehicle must attend a Passenger Assistance Training course and lodge the attendance/pass certificate with the Licensing Team.

12.8 Refusal to accept a wheelchair user as a fare paying passenger, without an appropriate exemption, for any reason, will not be tolerated and a prosecution may follow.

12.9 Any damage to the equipment to facilitate access and egress by a wheelchair user must be reported immediately to the Council and must be repaired within 7 days.

Annex 3 - Private Hire Licensing Standards and Conditions

12.10 Any wheelchair accessible vehicle found to be not carrying the necessary equipment to facilitate access and egress or found to be carrying damaged equipment will be immediately suspended. On a second offence of this kind, the Council may refer the matter to the Licensing Committee with a view to revoking the vehicle and driver licence.

13. Trailers and Roof Carriers

13.1 A trailer can be towed by a licensed private hire vehicle provided that:

- a. The vehicle towing is be suitable for towing the intended trailer in accordance with the relevant regulations
- b. The trailer to be towed by the licensed vehicle complies with all legal requirements and the following conditions:
 - i. It is presented for and passes inspection by the Council's approved garage prior to its use and again at each inspection of the vehicle by which the trailer is towed. The cost of such an inspection to be borne by you.
 - ii. It is of a type and weight, when laden, recommended by the vehicle manufacturer as being suitable for the weight capacity of the intended towing vehicle i.e. not more than 50% of the kerb side weight of the towing vehicle.
 - iii. No advertising is permitted on any part of the trailer without the written agreement of the Council.
 - iv. When the trailer is used with the vehicle, the additional licence plate issued by the Council specifically for that trailer must be clearly displayed on the rear of the trailer. Such licence plate number must correspond to the plate number of the towing vehicle. The cost of the additional plate will be borne by you.
 - v. If the trailer is towed by a multi seat type vehicle i.e. a minibus, there must be sufficient distance between the rear of the vehicle and the load carrying area of the trailer to allow the rear doors of the towing vehicle to be opened and used in times of an emergency.
 - vi. The trailer will be fitted with a properly maintained parking brake which when the trailer is in use and standing uncoupled from a vehicle must be activated.

13.2 A roof box is not to be used without the prior approval of the Council.

14. Alteration of Vehicle

14.1 No material alteration or change in the specification, design, condition or appearance of the vehicle can be made without the approval of the Council, at any time when the vehicle licence is in force.

Annex 3 - Private Hire Licensing Standards and Conditions

15. Liquid Petroleum Gas (LPG)

15.1 The following conditions apply to vehicles which are made or adapted to run on LPG. The vehicle must comply with all other pre licensing standards and conditions.

15.2 You must notify the Council if you change your vehicle to run on LPG and you must comply with the following:

- a. The installation of an LPG tank must be undertaken by an LPG approved installer, as recommended by the Liquid Petroleum Gas Association, and the certificate of compliance presented to the Council.
- b. The vehicle must display on the front and rear windscreen a sticker stating that the vehicle has been fitted with an LPG tank; this is to alert the emergency services in the event of an accident.
- c. You must notify the DVLA of the change.
- d. The vehicle must be serviced annually by a person competent in LPG powered vehicles and a certificate of compliance must be presented to the Council.

16. Wheels

16.1 Space-saver spare tyres, where supplied as standard equipment to the vehicle, will be accepted for use in an emergency. However, they may only be used to enable passengers to be taken, at an appropriate speed, to their destination. The vehicle may not then be used to convey passengers until the appropriate repairs have been made. Provision must be made for a standard road wheel to be secured in the vehicle should a space saver tyre be used in an emergency. [Please note](#) - a vehicle presented for examination and test with a space saver spare tyre in use as a road wheel will fail the test.

17. Seat Belts

(Please follow the electronic links in the paragraphs below for the current law on seat belts)

17.1 The vehicle must be compliant with all relevant [legislation](#) and guidelines as issued or determined by central government in relation to the use of seatbelts and children's car seats.

18. Selling a Vehicle

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18.1 If **you transfer your interest** in the vehicle to someone else, who is going to use it for hackney carriage/private hire work, you must inform the Council in writing within 14 days of the name and address of **the person to whom you have transferred your interest**. If this is not done you, as the existing owner, will remain responsible for the private hire vehicle licence until such time as the new owner completes the change of owner paperwork.

19. Disclosure and Barring

19.1 You must, as a vehicle proprietor or person with a registered interest in the vehicle, submit a basic disclosure and barring certificate to the Council. This disclosure must have been issued within the previous 3 months. The DBS must be accompanied by a list of all previous convictions, whether or not they are spent, and any other relevant material information. The DBS and accompanying list of previous convictions etc is required every year on renewal of the plate. If you are also a licensed driver with the Council this DBS and accompanying statement, where relevant, is not required.

19.2 On the transfer of the vehicle licence to a new owner, the new owner must, as a vehicle proprietor or person with a registered interest in the vehicle, submit a basic disclosure and barring certificate to the Council. This disclosure must have been issued within the previous 3 months. The DBS must be accompanied by a list of all previous convictions, whether or not they are spent, and any other relevant material information. The DBS and accompanying list of previous convictions etc is then required annually on renewal of the plate. If you are also a licensed driver with the Council this DBS and accompanying statement, where relevant, is not required.

19.3 If you have spent six or more continuous months outside the UK, provide criminal records information from the country concerned or where this is not possible a Certificate of Good Character is required.

20. Vehicle Proprietors

20.1 You must

- **Notify the Authority, in writing, within a period of 48 hours of any conviction, caution or charge for a criminal offence, motoring offence, disqualification or fixed penalty notice imposed or if you are the subject of criminal investigation whilst the licence is in force.**
- **Make application and pay for a further DBS check, if required to do so by the Council, in order that it may fully investigate any complaints or matters in which you are involved.**

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Appeals

If you are aggrieved by any of the conditions attached to the licence you may appeal to the Magistrates Court within 21 days of the service of the licence and the attached conditions on you. Any appeal must be made in writing to the Magistrates Court, Essex Magistrates Court, Osprey House, Hedgerows Business Park, Colchester Road, Springfield, Chelmsford, CM2 5PF.

Annex 3 - Private Hire Licensing Standards and Conditions

Application and Renewal Process

Application Process

1. Access the Council's web page for information on how to license a vehicle and read the Hackney Carriage & Private Hire Licensing Policy and Conditions.

2. The vehicle will need to be inspected at a Council approved garage, currently Riverside. An inspection is not required if the vehicle is brand new.

3. The following documentation must be supplied to the Council **by the registered vehicle proprietor.**

- Vehicle registration document - the full log book must be presented. If you do not hold the full log book, the new green registered keeper slip will only be considered if accompanied by a comprehensive bill of sale showing the vehicle type, registration number, purchase details, colour of vehicle, make and model, number of passengers and the date the vehicle was first registered.
- A current insurance certificate or cover note showing compliance with part vi of the Road Traffic Act 1988 and the use of the vehicle for public/private hire and reward. Please note that any named person on the policy must hold a Colchester City Council hackney carriage/private hire drivers badge.
- A current MOT Certificate if the vehicle has been registered for one year or more.
- Your DVLA driving licence (a copy is not acceptable) the address shown on the driving licence must correspond with that shown on the registration document.
- The Pass slip from the garage inspection (currently at Westside).
- The correct fee.
- The completed application **form and Vehicle Proprietor Declaration.**
- **A basic DBS less than three months old when the application is made. This must be accompanied by a list of all previous convictions, whether or not they are spent, and any other relevant material information. If you have spent six or more continuous months outside the UK, provide criminal records information from the country concerned or where this is not possible a Certificate of Good Character is required.**

The application form must be accompanied by the following documentation for all parties with a registered interest in the vehicle, as declared on the vehicle proprietor declaration–

- **A current passport or birth certificate**
- **Evidence that you may legally work in the UK**
- **A basic DBS less than three months old when the application is made. This must be accompanied by a list of all previous convictions, whether or not they are spent, and any other relevant material information.**

If you have spent six or more continuous months outside the UK, provide criminal records information from the country concerned or

Annex 3 - Private Hire Licensing Standards and Conditions

where this is not possible a Certificate of Good Character is required.

- **Proof that you have completed the Council's Mandatory Safeguarding Training**

4. Once the application process has been completed to the Council's satisfaction, it will issue the licence plate to the vehicle licence holder.

Plate Renewal Process

1. **Access the Council's web page for information on how to renew a vehicle licence. Read the Hackney Carriage & Private Hire Licensing Policy and Conditions as they may have changed.**

2. The vehicle will need to be inspected at a Council approved garage, currently Riverside. An inspection is not required if the vehicle is brand new.

3. The following documentation must be supplied to the Council **by the registered vehicle proprietor.**

- Vehicle registration document.
- A current insurance certificate or cover note showing compliance with part vi of the Road Traffic Act 1988 and the use of the vehicle for public/private hire and reward. Please note that any named person on the policy must hold a Colchester City Council hackney carriage/private hire drivers badge.
- A current MOT Certificate if the vehicle has been registered for one year or more.
- Your DVLA driving licence (a copy is not acceptable) the address shown on the driving licence must correspond with that shown on the registration document.
- The correct fee.
- The Pass slip from the garage inspection (currently at Westside).
- The completed application form.
- **A basic DBS less than three months old when the application is made. This must be accompanied by a list of all previous convictions, whether or not they are spent, and any other relevant material information. If you have spent six or more continuous months outside the UK, provide criminal records information from the country concerned or where this is not possible a Certificate of Good Character is required.**

The application form must be accompanied by the following documentation for all parties with a registered interest in the vehicle, as declared on the vehicle proprietor declaration –

- **A current passport or birth certificate**
- **Evidence that you may legally work in the UK**
- **A basic DBS less than three months old when the application is made. This must be accompanied by a list of all previous convictions, whether or not they are spent, and any other relevant material information.**

If you have spent six or more continuous months outside the UK, provide criminal records information from the country concerned or

Annex 3 - Private Hire Licensing Standards and Conditions

where this is not possible a Certificate of Good Character is required.

- **Proof that you have completed the Council's Mandatory Safeguarding Training**

4. Once the renewal process has been completed to the satisfaction of the Council, it will issue the licence plate to the vehicle licence holder.

Please note – A vehicle can be consecutively licensed, for the 12 year period, as a private hire vehicle or hackney carriage if the vehicle is over five years old provided that it remains, at all times, licensed by the authority.

Determination of Application for the Grant or Renewal of a Licence and the Right of Appeal

The Council will deal with applications as follows –

1. The application will be reviewed by a member of the Licensing Team and if any issues are identified the applicant/licence holder will be contacted and may be interviewed by a member of the team.
2. If no issues are identified or those that are identified are resolved, the application will be granted. In all other cases a report will be prepared for the Licensing Manager setting out the facts of the matter to be considered.
3. The Manager will review the case file and, where appropriate, will interview the applicant/licence holder and make his determination. The outcome will be conveyed to the applicant/licence holder in writing.
4. There is a right of appeal to the Magistrates Court. Any such appeal must be made in writing, within 21 days from the date of the decision to the Clerk of the Court, Essex Magistrates' Courts, Osprey House, Hedgerows Business Park, Colchester Road, Springfield, Chelmsford, Essex, CM2 5PF.

Implementation of the Policy - The Policy will be monitored and reviewed on a regular basis. Any proposed significant changes will be subject to full consultation; minor amendments which do not affect the substance of the Policy may be made without consultation.

Appendix 2 – Policy for the exemption from the requirement to display an external vehicle identification plate

Introduction

1.1. The aim of this policy is to set out how the Council will exercise its discretionary powers to allow 'executive type vehicles' to operate without displaying external licence plates.

1.2 The Local Government (Miscellaneous Provisions) Act 1976 (the Act) requires identification plates to be displayed on licensed private hire vehicles. The display of such plates indicates to the public that the vehicle has been properly licensed.

1.3 There are occasions when the requirement to display external identification plates may adversely affect customer safety by allowing the vehicle to be more readily identified. The display of plates may also on occasion have a detrimental commercial impact on the business by deterring some corporate customers from using the service.

1.4 The Act enables the Council to exercise discretion and issue a dispensation from displaying the identification plate on a licensed private hire vehicle and, where that exemption applies, the requirement for the driver to wear a private hire driver's badge. There is however no 'right' to a plate exemption.

1.5 The Council will only exercise its discretionary powers where it is satisfied that there is a genuine operational business need and where it is certain that the safety of the public will not be compromised as a result.

1.6 The Council may issue a temporary or general plate exemption. A temporary exemption may be issued for a period of time not exceeding one week. A general exemption lasts for the duration of the vehicle's current private hire licence, unless it is otherwise surrendered or revoked.

Application process

2.1 The following process must be followed –

- An application for an exemption must be made in writing by the vehicle proprietor to licensing.team@colchester.gov.uk or to the Licensing,

Appendix 2 – Policy for the exemption from the requirement to display an external vehicle identification plate

Community Safety and Safeguarding Manager, 33 Sheepen Road, Colchester, CO3 3WG

- The reason for the exemption must be clearly set out.
- Any supporting evidence should be submitted with the application, this includes written evidence of bookings/contract work.
- The application must be accompanied by the relevant, non-refundable, fee.

Please note - An application can only be made in respect of individual vehicles. Applications relating to a fleet of vehicles are not permitted.

Determination of Application

The Council will deal with applications as follows –

- 3.1 The application will be assessed on its own merits by a member of the Licensing Team and any points clarified with the applicant.
- 3.2 The vehicle will be inspected to ensure it is fit for purpose and the Officer will assess whether or not there is a genuine operational business need and whether or not the vehicle is considered to meet the following criteria -
 - Work undertaken is exclusively "chauffeured" in nature and there is written evidence to prove such bookings. The chauffeur and vehicle are specifically hired to provide transport to a company or person, and/or where the display of a licence plate may affect the dignity or security of the persons carried.
 - Vehicles, **which may be black**, must be of a standard of comfort and equipped to a level equal or above luxury models of vehicles **as decided by the Licensing, Community Safety and Safeguarding Manager**.
 - **Vehicles must be in pristine condition with no visible defects, dents or blemishes to the external bodywork, wheels or internal trim and seating.**

Appendix 2 – Policy for the exemption from the requirement to display an external vehicle identification plate

- The safety of the travelling public will not be compromised by the exemption.
- 3.3 If the Council is satisfied that there is a genuine operational business need and the vehicle is considered to meet the criteria it will issue either –
- A temporary exemption - a plate exemption notice for a specific licensed private hire vehicle to exempt it from displaying an identification plate on a specified date for a period of time not exceeding one week.
 - A general exemption – a plate exemption notice for a specific licensed private hire vehicle to exempt it from displaying an identification plate for the duration of the vehicle’s current private hire licence, unless it is otherwise surrendered or revoked.
- 3.4 Where an exemption is granted, the vehicle will also be exempt from the requirement to carry a means of accepting electronic payments.
- 3.5 In the event of an applicant being dissatisfied with the decision they may in the first instance appeal to the Licensing Manager. Appeals must be made in writing to licensing.team@colchester.gov.uk or to the Licensing, Community Safety & Safeguarding, Rowan House, 33 Sheepen Road, Colchester, CO3 3WG within 21 days from the date of notification of the decision. The Manager will review the case file and make his determination. The outcome will be conveyed to the applicant/licence holder in writing.
- 3.5 There is a further right of appeal to the Licensing Committee. The appellant may submit documentary evidence in advance of the hearing and has the right to address the Committee and/or nominate someone else to do so on their behalf. Appeals must be made in writing to licensing.team@colchester.gov.uk or to the Licensing, Community Safety & Safeguarding Manager, Rowan House, 33 Sheepen Road, Colchester, CO3 3WG within 21 days from the date of notification of the decision.
- 3.6 If the right of appeal is exercised the Licensing Committee will consider the facts of the case and make its determination.
- 3.7 If the Licensing Committee is satisfied that the criteria for a plate exemption are met the plate exemption notice will be issued for the

Appendix 2 – Policy for the exemption from the requirement to display an external vehicle identification plate

specified vehicle. The Licensing Committee can specify the dates and times the exemption will apply or exempt the vehicle for the whole period the vehicle licence is in force and attach any conditions to the exemption.

- 3.8 If the Licensing Committee considers no genuine operational business need exists for a plate exemption the vehicle proprietor will be notified of the refusal and advised there is no statutory right of appeal against the decision.

Conditions attached to the Notice

4.1 The initial exemption notice will expire on the same day as the expiration of the vehicle's current private hire licence, unless it is otherwise surrendered or revoked. Thereafter any renewed exemption notice will run concurrently with that vehicle's private hire licence unless either the licence or notice is otherwise surrendered or revoked.

4.2 The exemption notice must be renewed annually. Documentation to confirm that the exemption notice is still necessary must be supplied at the time of the renewal.

4.3 All vehicles must comply with the Council's Driver and Private Hire Vehicle conditions except where to do so would conflict with the requirements of this policy.

4.4 The identification plate and exemption notice provided by the Council shall remain the property of the Council.

4.5 The exemption notice must be carried in the vehicle at all times and produced upon request to an authorised officer of the Council or any Police Officer.

4.6 When issued with an exemption notice, the vehicle will not be required to **carry a card payment device nor to** display any other signs (including the internal licence plate) which the Council may at any time require private hire vehicles to display.

4.7 The proprietor will not display in, on or from the vehicle any advertisement, signage, logos or insignia advertising the operating company or the vehicle's status as a private hire vehicle.

Appendix 2 – Policy for the exemption from the requirement to display an external vehicle identification plate

4.8 During the period of the exemption notice, the driver is not required to wear the private hire driver's identification badge but must have it available for immediate inspection by an authorised officer of the Council or any Police Officer on request.

4.9 Before any journey covered by the exemption notice, the hirer must be advised that the vehicle dispatched to collect them will not be displaying the identification plate or any other Council approved notices etc.

4.10 The proprietor must within 48 hours notify the Council of any change in the use of the vehicle.

4.11 The proprietor shall not use the vehicle for private hire purposes other than for chauffeur use (i.e. not for normal airport journeys or daily private hire use) unless it is plated.

4.12 Where the vehicle is black the proprietor is not permitted to use the vehicle for any other private hire purpose other than for chauffeur use.

4.13 The exemption will cease to have effect on selling or transferring the vehicle to another party. The person to whom the exemption is granted must inform the council of the sale/transfer of ownership immediately and in writing, and provide details of the new owner. The exemption notice must be returned to the Council along with the private hire vehicle identification plate unless being sold to another private hire operator licensed by the Council; in which case, only the exemption notice must be returned.

4.14 A taximeter must not be installed in the vehicle.

Implementation of the Policy - The Policy will be monitored and reviewed on a regular basis. Any proposed significant changes will be subject to full consultation; minor amendments which do not affect the substance of the Policy may be made without consultation.



Licensing Committee

Item
9

20 March 2024

Report of	Assistant Director of Corporate and Improvement Services	Author	Matthew Evans ☎ 8006
Title	Licensing Committee Work Programme 2023-2024		
Wards affected	Not applicable		

1. Executive Summary

- 1.1 This report sets out the current Work Programme 2023-2024 for the Licensing Committee. This provides details of the reports that are scheduled for each meeting during the municipal year. Members are asked to note that due to the nature of Licensing work, items on the work programme may be subject to change.

2. Recommended Decision

- 2.1 The Committee is asked to note the contents Committee's Work Programme for 2023-2024.

3. Alternative Options

- 3.1 This function forms part of the Committee's Terms of Reference and, as such, no alternative options are presented.

4. Background Information

- 4.1 The Committee's work programme will evolve as the Municipal Year progresses and items of business are commenced and concluded.

5. Standard References

- 5.1 There are no particular references to publicity or consultation considerations; or financial; equality, diversity and human rights; community safety; health and safety, environmental and sustainability implications or risk management implications

6. Strategic Plan References

- 6.1 The Policy aims to contribute to the Council's priorities for the Borough and in particular to support the Growth, Wellbeing and Opportunity priorities by working with the licensed trade to promote the town and make it a safer place.

Licensing Work Plan May 2023 – April 2024

14 June 2023	Update on the work of the Licensing Team
26 July 2023	Meeting cancelled.
20 September 2023	Meeting cancelled.
8 November 2023	<ol style="list-style-type: none">1. Licensing Enforcement Policy2. Pavement Licence Policy
17 January 2024	<ol style="list-style-type: none">1. Taxi Policy age restriction
20 March 2024	<ol style="list-style-type: none">1. Taxi Policy age restriction consultation results.2. Private Hire Vehicle plate exemption policy