

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.