

Report of	Head of Governance	Author	Matthew Evans ☎ 03300 538006
Title	Changes to the Hackney Carriage and Private Hire Licensing Policy		
Wards affected	Not applicable		

1. Executive Summary

- 1.1 To request that the results of a recent consultation in respect of amendments to the Hackney Carriage and Private Hire Licensing Policy are noted, and that the proposed changes to the Policy, which have been approved by the Licensing Committee, be adopted.

2. Recommended Decision

- 2.1 It is recommended that the changes to the Council's Hackney Carriage and Private Hire Licensing Policy which are set out in paragraphs 6.1 to 7.3 of this report and which relate to the requirement for all licensed vehicles to be fitted with the means to accept electronic payments, be adopted and form part of the Council's Policy Framework from 19 October 2023, and that these changes will then apply to all vehicle licences (both new and renewed) which are issued after this date.
- 2.2 It is recommended that the change to the Council's Hackney Carriage and Private Hire Licensing Policy which is set out at paragraphs 5.7-5.9 of this report, and which relates to the introduction of the Council's Policy in relation to the NR3 database, be implemented with immediate effect and be adopted as part of the Council's Policy Framework.

3. Reason for Recommended Decision

- 3.1 The Council has committed to keeping the Hackney Carriage and Private Hire Licensing Policy under review to ensure that it remains fit for purpose and is responsive to the changing licensing environment. The Policy has been in operation since October 2020 (the last time it was changed) and the proposed changes will ensure that it continues to be up to date and relevant.

4. Alternative Options

- 4.1 To leave the Policy unaltered, which would fail to address the recent issues identified.

5. Background Information – Card machines in licensed vehicles

- 5.1 At its meeting on 28 September 2022, the Licensing Committee provisionally approved amendments to the Hackney Carriage and Private Hire Licensing Policy subject to the results of a public consultation, and this consultation was duly carried out between 7 October 2022 and 18 November 2022.
- 5.2 At the meeting of the Licensing Committee held on 18 January 2023, the Committee considered the consultation responses which had been received and accordingly resolved that the changes to the Hackney Carriage and Private Hire Policy be approved in full and recommended to Council for adoption. An extract of the minutes of the Licensing Committee meeting held on 18 January 2023 is attached to this report at Appendix 1.
- 5.2 At its meeting on 22 March 2023, the Committee considered further amendments to the Council's Hackney Carriage and Private Hire Licensing Policy, in relation to the number of penalty points which were to be awarded for the failure to provide the means to accept card payments for a journey. Additionally, the Committee was asked to amend the licensing and pre-licensing conditions of both hackney carriage and private hire vehicles to enable the implementation of the Policy amendments which the Committee had resolved be recommended to Council on 18 January 2023. An extract of the minutes of the Licensing Committee meeting held on 22 March 2023 is attached to this report at Appendix 2.
- 5.3 The Licensing Committee requested that additional information be provided to Council in relation to the making of refunds for card payments, and the following information has accordingly been provided:
- The regulation of card payments is a matter that is beyond the Council's remit, and lies with the financial services industry through its own legislation and regulators such as the Payment Systems Regulator and Financial Services Ombudsman. In relation to refunds, all card payment devices have the ability to issue a refund back to the card, the specifics of the method by which the refund is made vary from card to card. In areas where there is no or poor mobile coverage, the transaction will, in general, fully complete the next time there is a live internet connection. The Council can deal with any refusals to issue a refund through its complaints system.
- 5.4 Following the Licensing Committee's recommendation that the Council's Hackney Carriage and Private Hire Licensing Policy be amended, it was noted that no timescale had been included in this resolution, and it may therefore be inferred that changes would be implemented immediately, affecting all vehicles. This would potentially create significant issues for the licensed trade and Council Officers, and Council is therefore asked to implement the Policy changes with effect from 19 October 2023 to allow time for adequate preparations for the new requirements to be made.
- 5.5 The complete proposed and approved changes to the Hackney Carriage and Private Hire Licensing Policy are set out in paragraphs 6.1 to 7.3 below:

5.6 Background Information - National Register of Taxi Licence Revocations and Refusals

- 5.7 At its meeting on 18 January 2023, the Licensing Committee provisionally approved amendments to the Hackney Carriage and Private Hire Licensing Policy subject to the results of a public consultation, and this consultation was duly carried out between 31 January 2023 and 14 March 2023.

5.8 At the meeting of the Licensing Committee held on 22 March 2023, the Committee considered the consultation responses which had been received and accordingly resolved that the changes to the Hackney Carriage and Private Hire Policy be approved in full and recommended to Council for adoption. An extract of the minutes of the Licensing Committee meeting held on 22 March 2023 is attached to this report at Appendix 3.

5.9 The NR3 Policy document is attached to this report at Appendix 4.

6. Changes to the Penalty Point Scheme

6.1 The penalty point scheme has been reviewed and it is suggested that the points for contravention of the requirement to have and operate an electronic payment device be reduced from the originally proposed 4 to 3 points. This change will bring the points into line with those given for first offences for a variety of other matters.

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

7. Proposed amendments to the Policy

7.1 Set out below are the proposed changes to the Hackney Carriage and Private Hire Licensing Policy.

7.2 Annex 2 – Hackney Carriage Vehicles Licensing Standards and Conditions

Pre-Licensing Standards and Conditions

15. Electronic Payment Device

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

Conditions of Licence

21. Electronic Payment Device

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

21.2 Approved Electronic Payment methods

BarclayElectronic payment/App
Cab:app Ltd (Miura M010)
Cabvision Network Ltd (Ingenico)
Elavon
Farepay Ltd (Miura M010)
Ingenico
iZettle (Miura M010)
LoPay
Payataxi (Miura M010)
PayPal (Miura M010)
SquareApp
SumUp (Miura M010)
Viva Wallet
Worldpay

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

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

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

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

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

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

Pre-Licensing Standards and Conditions

15. Electronic Payment Device

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

Conditions of Licence

21. Electronic Payment Device

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

21.2 Approved Electronic Payment methods

BarclayElectronic payment/App
Cab:app Ltd (Miura M010)
Cabvision Network Ltd (Ingenico)

Elavon
Farepay Ltd (Miura M010)
Ingenico
iZettle (Miura M010)
LoPay
Payataxi (Miura M010)
PayPal (Miura M010)
SquareApp
SumUp (Miura M010)
Viva Wallet
Worldpay

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

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

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

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

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

6. Equality, Diversity and Human Rights Implications

6.1 The draft Policy has been developed in accordance with, and taken account of, all relevant legislation and national and local strategies.

7. Standard References

7.1 There are no particular references to the Strategic Plan; consultation or publicity considerations or financial; community safety; health and safety or risk management implications.

8. Strategic Plan References

8.1 The Policy aims to contribute to the Council's vision of the Borough by ensuring that the licensed trade plays a significant role not only in the City's transport strategy but also in helping to promote Colchester and thereby enhancing our reputation as a destination and encouraging further investment.

9. Consultation

8.1 The changes have been the subject of consultation and therefore no further consultation is required.

10. Publicity Considerations

9.1 The new revised Policy will be available for all on the Council's website.

11. Financial Implications

10.1 There may be costs incurred in defending any action brought against the Council which seeks to judicially review the policy.

12. Health, Wellbeing and Community Safety Implications

11.1 There are no known direct health & safety or community safety issues which might arise from the adoption of the revised Policy.

13. Health and Safety Implications

13.1 it is not considered that the proposal will have any health and safety implications for the public.

14. Risk Management Implications

14.1 A flexible yet robust revised Policy will continue to provide the Council with a sound basis for decision making.

15. Environmental and Sustainability Implications

15.1 There are no known environmental or sustainability implications.

Appendices

Appendix 1 – Extract of Minutes from 18 January 2023

Appendix 2 – Extract of Minutes from 22 March 2023

Appendix 3 – Extract of Minutes from 22 March 2023

Appendix 4 – NR3 Policy document