

Licensing Committee
Wednesday, 20 March 2024

Present:

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

Substitutes:

Councillor Paul Smith for Councillor David King

Also in attendance:

189. Minutes of the previous meeting

RESOLVED that: the minutes of the meeting held on 17 January 2024 be confirmed as a correct record.

190. Have Your Say!

Shaun Moore attended the meeting and addressed the Committee pursuant to the provisions of Meetings General Procedure Rules 5 (1). He was a hackney carriage driver in Colchester, and informed the Committee that the Council's website relating to hackney carriage and private hire licences stated that any vehicle or driver that wished to operate in Colchester required a licence issued by Colchester City Council. He believed that the Plymouth Act 1975 could stop vehicles and drivers licensed elsewhere from working within the city of Colchester and suggested that the Council gave consideration to becoming a unity authority. He believed that vehicles licensed by other authorities were using bus lanes in Colchester, had they applied to have their vehicles on the allowed list? The Committee heard that private hire vehicles were allowed to use bus lanes in Chelmsford or Ipswich, why were they allowed to in Colchester? It was believed that the company Uber was operating in Colchester using vehicles licensed by Cambridge City Council to test the demand for their service, and a by-law should be introduced to stop this practice. A request was made that the taxi ranks on Head Street and Queen Street be painted clearly to indicate that they were taxi ranks to stop other vehicles parking there which restricted the ability of hackney carriages to ply for hire at these locations, could this be suggested to Essex County Council (ECC) Highways? Was it possible to install

closed circuit television cameras (CCTV) at taxi ranks to stop incidents of drivers being threatened by members of the public?

Paul Donaghy, Licensing, Community Safety & Safeguarding Manager, had not been aware of the Plymouth Act, but had been considering taxi ranks earlier in the day and advised the Committee that bus lanes and bus gates each had their own Traffic Regulation Orders (TRO) which provided exemptions in certain cases for hackney carriage and private hire vehicles, irrespective of the authority which issued their licence. Colchester City Council (the Council) was only able to add vehicles which it licenced to the 'white list' of authorised vehicles maintained by ECC, and vehicles licensed elsewhere would have to provide proof of their licence when in receipt of a ticket for contravention of a TRO. With regard to the issues relating to Uber which had been raised, the Licensing, Community Safety & Safeguarding Manager had received information that Uber were operating in Colchester and had asked the company to cease this operation. Mr Moore was asked to send an email containing his suggestion to Officers to enable his queries to be addressed further. The Licensing, Community Safety & Safeguarding Manager explained to the Committee that CCTV cameras were expensive to instal and maintain, and there were limited staff available to monitor the cameras, meaning that any cameras installed on taxi ranks may not have the effect of preventing crime, but simply capturing evidence.

Masibulele Madikazi attended the meeting and addressed the Committee pursuant to the provisions of Meetings General Procedure Rules 5 (1). He urged the Committee to honour its oath of office and be honest in dealing with issues presented to the Committee relating to taxi matters.

The Licensing, Community Safety & Safeguarding Manager assured the Committee that any investigation which Officers carried out into a complaint received would be conducted following all standards set for public service, however, it was inevitable that not all parties would be happy with the outcome of an investigation and may query the process used because the result of an investigation was unwelcome. The Chair of the Committee assured Mr Madikazi that all Councillors were bound at all times by the Nolan Principles which concerned standards of behaviour in public life.

Wayne Thompson attended the meeting and addressed the Committee pursuant to the provisions of Meetings General Procedure Rules 5 (1). He wished to highlight 2 potholes on the road out of Wivenhoe which he felt were extremely dangerous. He queried whether hackney carriage and private hire vehicles would be able to use the new bus lane on the Northern Approach Road. Passengers in his vehicle had questioned him in the past about why he was not allowed to use bus lanes. The Committee acknowledged that potholes in Wivenhoe were a danger, and noted that the ward Councillor for Wivenhoe, Councillor Cory, had raised this issue many times with ECC, whose responsibility road maintenance was. The Licensing, Community Safety & Safeguarding Manager had queried bus lane access with ECC in the past and would report back to the taxi trade if he was able to obtain any additional information in relation to this issue.

Peyman Oyar Hossein attended the meeting and addressed the Committee pursuant to the provisions of Meetings General Procedure Rules 5 (1). He confirmed to the Committee that Uber had been operating in Colchester for some time, and despite not holding a licence issued by the Council were still working in Colchester City. Was this practice illegal, and if it was then why had nothing been done to combat it? Additionally, vehicles were working in Colchester which had been licenced by Wolverhampton Council at a significantly reduced cost compared to local licensing fees, and the concern was that if there were issues with these vehicles or drivers, then Colchester licenced vehicles would be blamed. Local drivers were paying significantly higher fees every year and complying with all the Council's requirements, and there was a feeling that the vehicles licensed by Wolverhampton Council were not complying with the same requirements. He had spoken to Wolverhampton Council who had confirmed that drivers licensed by them were allowed to work in other areas, provided that 51% of their work was carried out in Wolverhampton, which he did not believe was happening here.

In response, the Licensing, Community Safety & Safeguarding Manager confirmed that Uber were not licensed in Colchester, however, cross-border taxi legislation allowed them to operate in the area and it was believed that Uber had set an internal licensing area for their drivers which incorporated the East Anglian region. It was not illegal for Uber to operate in Colchester due to cross-border hire legislation, and the Committee had written to the Department for Transport to challenge cross-border hiring because it felt that this did not allow local control of drivers operating in the city. The Committee heard that Wolverhampton Council had a significant enforcement team and were considering setting up a base for this team in London. If an issue was reported to Officers in respect of a driver or vehicle licensed by Wolverhampton Council, then this would have to be referred to Wolverhampton Council to deal with. The Licensing, Community Safety & Safeguarding Manager expressed surprise at the statement that drivers licensed by Wolverhampton Council were required to carry out 51% of their work in that district, as the policies of Wolverhampton Council had been carefully scrutinised by Officers, and this had not been mentioned. He was unable to offer advice to individual drivers in respect of where they should be licensed, however, it was felt that there was a general feeling of unease about cross-border hiring across Licensing Committees in the country. The Chair encouraged all taxi drivers to write to the Council with their concerns, and not wait until the next meeting of the Committee to raise these. The Licensing, Community Safety & Safeguarding Manager was happy to arrange quarterly meetings with representatives of the taxi trade if this was something which would be thought useful, as this would allow issues to be raised with Officers without the need to wait for meetings of the Licensing Committee.

191. Vehicle Age Restriction – Consultation Responses

The Committee considered a report setting out 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.

Justin Plane attended the meeting and addressed the Committee pursuant to the provisions of Meetings General Procedure Rules 5 (1). He ran a private hire chauffeur business in the area, and had asked the Licensing Team in September 2020 whether the licensing age restrictions which applied when a vehicle was first licensed could be modified, what was the policy line on this request? He advised the Committee that it was possible to buy a newer vehicle with 200,000 miles on the clock and obtain a licence for it, but not an older vehicle which had driven far fewer miles. The Committee heard that he was also having problems recruiting drivers for his business at the current time as the current requirement of the Council was that ever driver demonstrate a topographical knowledge of Colchester City as part of the mandatory knowledge test. This was not relevant for his type of business, and the difficulty of the test was restricting his access to drivers.

Sarah White, Senior Licensing Officer attended the meeting to present the report and assist the Committee with its enquiries. She confirmed that new best practice guidance issued by the Department for Transport did draw a distinction between the knowledge required by hackney carriage and private hire drivers, and any modification of the knowledge test used in Colchester would be a matter for the Committee to consider when the Council's Policy was considered in the new municipal year. The proposal which was before the Committee was a recommendation to entirely remove the current age restrictions which were placed on vehicles presented for licensing. The responses which had been received to the consultation were set out in the Officer's report, and the Committee was asked to note that the majority of these had been broadly in favour of the removal of the current restrictions, and according the recommendation before the Committee was that the current age restrictions for licensed vehicles be removed.

The Committee expressed its support for the proposals which had been set out in the Officer's report, considering that since the Council's current policy had been implemented a number of years ago, overall vehicle standards, and in particular safety standards, had improved dramatically. The Committee was pleased to note the comments which had been made as the result of the consultation and did not consider that poorly maintained vehicles would become an issue as regular tests would be carried out on them in accordance with the Council's Policy requirements. It further considered that vehicle proprietors would be motivated to keep their vehicles in a smart and well-maintained condition to attract custom. It was suggested that the capacity to licence older vehicles as opposed to buying newer ones may additionally help the environment and would be good for businesses in Colchester.

RECOMMENDED TO COUNCIL that: Colchester City Council's Hackney Carriage and Private Hire Licensing Policy be amended to remove the current age restrictions placed on vehicles which were presented for licensing.

192. Taxi Policy – Plate Exemption

The Committee considered a report requesting that it consider, for consultation purposes, 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 in colour.

Paul Donaghy, Licensing, Community Safety & Safeguarding Manager, attended the meeting to present the report and assist the Committee with its enquiries. The purpose of the report was to ask the Committee to consider whether to amend the Council's current Policy to permit private hire vehicles used exclusively for chauffeur work to be black in colour. The Committee was asked to approve the suggested changes to the Policy for consultation purposes, and it was not considered that the proposed changes would adversely impact the safety of the public.

The Committee was happy to support the proposed recommendation but was surprised that consultation would be necessary for such a seemingly minor change to the Policy. The Licensing, Community Safety & Safeguarding Manager explained that as the proposal constituted a significant change to a long-standing Policy, a period of consultation was appropriate to gather the views of the taxi trade. The Committee did not consider that there would be any direct competition between the chauffeur trade and other licensed vehicles and was happy to support the recommendation.

Members of the licensed trade who were present at the meeting, and who represented both a private hire company and hackney carriages in Colchester confirmed that they could see no difficulty with the proposal, provided only chauffeur driven vehicles were permitted to be black in colour.

RESOLVED that: the proposed amendments to Colchester City Council's current Plate Exemption Policy to permit the licensing of black private hire vehicles used exclusively for chauffeur work be approved, subject to an appropriate period of consultation.

193. 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 bringing a report considering CCTV in taxis in the new municipal year.

RESOLVED that: the contents of the work programme be noted, and that consideration be given to the presentation of a report concerning closed circuit television in licensed vehicles in the new municipal year.

At the close of the meeting, the Committee wished to place on record its thanks to retiring Councillor Mike Hogg. The Committee noted the exceptional service which Councillor Hogg had provided to both his constituents and to the Council during his time in office, which totalled 38 years. The Committee was unanimous in expressing its admiration for Councillor Hogg's unwavering dedication during this time, particularly noting that since his election in 1986 he had been absent from only 2 Council meetings. Thanks were offered to Councillor Hogg for the extremely positive contribution which he had made to Colchester throughout his time in office.