

30 September 2020

<b>Report of</b>	<b>Assistant Director (Communities)</b>	<b>Author</b>	<b>Jon Ruder</b> ☎ 282840
<b>Title</b>	<b>Changes to the Hackney Carriage and Private Hire Licensing Policy</b>		
<b>Wards affected</b>	Not applicable		

## 1. Executive Summary

- 1.1 To notify the Committee of a representation received in relation to the consultation carried out from 18 May to 31 July 2020 on proposed changes to the Suitability requirements for hackney carriage vehicle proprietors.

## 2. Recommended Decisions

- 2.1 It is recommended that the Committee give full consideration to the points raised in the representation and determine whether it wishes to recommend the changes set out in Paragraphs 5.2 to 5.4 below.

## 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 January 2019 and the proposed changes are in line with the new requirements under the Statutory Taxi & Private Hire Vehicle Standards.

## 4. Alternative Options

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

## **5. Changes to the Policy**

- 5.1 The outcome of the consultation with the Trade on proposed changes to the Hackney Carriage and Private Hire Policy was considered by the Licensing Committee on 10 August 2020. It has now come to light that a representation was received in respect of the suitability requirements for hackney carriage proprietors. This representation is attached at Annex 1. The matter is therefore brought before the Committee for its consideration.

### **Proposed Changes - Hackney Carriage Proprietors' Suitability**

- 5.2 The application process to be amended to require hackney carriage proprietors, including joint owners, to provide the following information, in addition to the information already provided in relation to the vehicle being licensed –

- A current Passport or Birth Certificate
- Evidence that they may legally work in the UK
  - Please note - If circumstances come to light during the lifetime of the licence that they no longer have a right to work in the UK, the licence will be revoked.
- A basic Disclosure and Barring Service Check accompanied by a list of all previous convictions and any other relevant material information. The disclosure must be less than three months old when the application is made. Thereafter a DBS must be submitted every year. If they are also a licensed driver with the Council this requirement would not apply.
- Proof of completion of safeguarding training.

- 5.3 The following test be included at Paragraph 2.3 of the Policy and used when deciding the suitability of an individual –

Would I be comfortable allowing this person to have control of a licensed vehicle that can travel anywhere, at any time of the day or night without arising suspicion and be satisfied that he/she would not allow it to be used for criminal or other unacceptable purposes and be confident that he/she would maintain it to an acceptable standard throughout the period of the licence.

- 5.4 The minimum age for vehicle proprietors be set at 18 years or over.
- 5.5 The requirements in relation to a basic DBS from all vehicle proprietors is contained within the Department of Transport's Statutory Taxi & Private Vehicle Standards which was published on 22 July 2020. These Standards require the annual production of a Basic DBS by hackney carriage proprietors and therefore it is recommended that the Policy be amended in line with this requirement.

## **6. Strategic Plan References**

- 6.1 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 Borough's transport strategy but also in helping to promote Colchester and thereby enhancing our reputation as a destination and encouraging further investment.

## **7. Consultation**

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

## **8. Publicity Considerations**

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

## **9. Financial Implications**

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

## **10. Equality, Diversity and Human Rights Implications**

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

## **11. Risk Management Implications**

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

## **12. Health & Safety and Community Safety Implications**

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

## **13. Environmental and Sustainability Implications**

13.1 There are no known environmental or sustainability implications.

## Representation received

Good morning

Please find below my objections to the proposed changes to licensing:

### DBS for Joint Owners

I think it is unreasonable for a non driving joint owner to be required to have a DBS. My partner has been joint owner for many, many years, purely to ensure that should I get seriously ill, or die, she has the authority to sell my vehicle as she sees fit, rather than have the plate returned to the Council. She is 70 years old next year, has never and will never drive a taxi. It is another unnecessary expense we do not need, especially at this difficult time.

I am all for improving the standard of vehicles/drivers, especially as the standards have dropped so much out on the street over the last 10 years or so, some of who can't even drive properly, or communicate properly.

Thanks

Dave Daniel  
Plate 1