

Report of	Licensing, Food and Safety Manager	Author	Jon Ruder
			282840
Title	Draft Hackney Carriage/Private Hire Licensing Policy		
Wards affected	Not applicable		

This report seeks the Licensing Committee's approval of the draft Hackney Carriage/Private Hire Licensing Policy and to agree to start the consultation process.

1. Decisions Required

- 1.1 The Licensing Committee is asked to agree the proposed draft Hackney Carriage/Private Hire Licensing Policy to enable the formal consultation process to begin.
- 1.2 The Committee is also asked to agree to the proposed consultation process.

2. Reasons for the Decision

- 2.1 The Council's Policy was last revisited in 2014 and since this time there have been significant changes in the industry with the increased use of mobile Apps for booking and cross border working. There have also been a number of high profile safeguarding cases involving taxi drivers in other areas highlighting the need for safeguarding issues to be formally addressed within the Council's licensing process.

3. Alternative Options

- 3.1 The existing policy is no longer fit for purpose and therefore there is no alternative option as the Policy needs to be reviewed and changed to meet the challenges posed.

4. Supporting Information

- 4.1 The Review has been carried out having regard to the legislation, guidance and best practice. The Policy sets out how the Council will exercise its functions in the determination of applications and issuing, reviewing or revoking licences; vehicle standards and limits on vehicle numbers; other relevant licensing matters; and how drivers and operators are expected to operate to pursue and promote the licensing objectives of -
 - Protection of the public, safeguarding children and vulnerable persons; and the prevention of crime
 - The safety and health of drivers
 - The establishment of professional and respected hackney carriage and private hire trades
 - Vehicle safety, comfort and access
 - Encouraging environmental sustainability
 - Being an ambassador of the town by promoting Colchester as a vibrant, prosperous, thriving and welcoming place

- 4.2 The aim of the Policy is to regulate and support the licensed trade as front line ambassadors in promoting Colchester to residents and visitors alike and to facilitate well operated and responsible businesses which form a vital and integral part of Colchester's integrated transport strategy.
- 4.3 The Policy comprises a main overarching document with a number of annexes and appendices. The annexes and appendices contain detailed information on the Council's requirements and conditions and must be read in full alongside the main policy document. The documents are -
- Pre-Licensing Standards and Conditions for
 - Drivers
 - Hackney Carriage Vehicles
 - Private Hire Vehicles
 - Operators
 - CCTV Policy
 - Convictions Policy
 - Penalty Points Scheme
 - CCTV policy
 - Exemptions Policy
 - Horse Drawn Vehicles
 - Stretch Limos, Classic Cars Etc.
- 4.4 The Policy document may look significantly different to those issued previously however it captures the ethos that has underlined this area of licensing in recent years. Significant changes to the Council's previous Policy have been marked by grey highlighting. The Council's Penalty Point Scheme has also been reviewed and updated in the light of the experience of the Council's enforcement officers.
- 4.5 A significant departure from previous policies is the introduction of the Convictions Policy. This Policy has been drawn up to assist licence holders, officers and members of the Licensing Committee when making decisions which must be justified, proportionate and consistent. The Policy categorizes and assesses the risk to the public of a wide variety of criminal and motoring convictions and presents these in a traffic light table which indicates the Council's likely stance on the granting or renewal of a licence. Also included within the Policy is the stance to be taken on other forms of intelligence which can be considered by the Council as part of its fit and proper test.

5. Consultation

- 5.1 Initial discussions took place with representatives of the trade at the beginning of the review process and it is hoped that a more formal response will be available at the meeting. It is intended to carry out a full consultation with the trade's licence holders, Essex Police, relevant Council Departments, groups representing customers including representing those with disabilities, Councillors and by placing notification on the Council's website to enable the public to comment.
- 5.2 At the end of the 8 week consultation period the representations received will be considered by the Licensing Committee prior to its submission to full Council for approval.

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. Publicity Considerations

- 7.1 If Members approve the proposed draft Policy, it is intended that this will be the subject of an eight week public consultation as set out in 5.1 and the Policy itself will be available to view and download from the Council's website.

8. Financial Implications

- 8.1 There will be some costs associated with sending out the letters of consultation where they cannot be emailed. In addition the updating of the policy will minimise any risk of a judicial review from any aggrieved applicant.

9. Equality, Diversity and Human Rights Implications

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

10. Community Safety Implications

- 10.1 The policy deals with the protection of children and vulnerable adults.

11. Health and Safety Implications

- 11.1 There is no known direct public health and safety issues which might arise from the adoption of the revised Policy.

12. Risk Management Implications

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