

# Licensing Committee Meeting

**Grand Jury Room, Town Hall, High Street,  
Colchester, CO1 1PJ  
Wednesday, 22 March 2023 at 18:00**

**The Licensing Committee** deals with policy issues relating to licensing matters and applications and appeals concerning hackney carriage and private hire vehicles and drivers and other appeals.

# Information for Members of the Public

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[www.colchester.gov.uk](http://www.colchester.gov.uk)

**COLCHESTER CITY COUNCIL**  
**Licensing Committee**  
**Wednesday, 22 March 2023 at 18:00**

**Members:**

Councillor Roger Buston  
Councillor Michelle Burrows  
Councillor Helen Chuah  
Councillor Jeremy Hagon  
Councillor Dave Harris (Chairman)  
Councillor Mike Hogg (Deputy Chair)  
Councillor Roger Mannion  
Councillor Sam McLean  
Councillor Patricia Moore  
Councillor Tim Young

**Substitutes:**

All members of the Council who are not Cabinet members or members of this Panel.

**AGENDA - Part A**  
(open to the public including the press)

**Members of the public may wish to note that Agenda items 1 to 5 are normally brief.**

**1 Welcome and Announcements**

The Chairman will welcome members of the public and Councillors and remind everyone to use microphones at all times when they are speaking. The Chairman will also explain action in the event of an emergency, mobile phones switched to silent, audio-recording of the meeting. Councillors who are members of the committee will introduce themselves.

**2 Substitutions**

Councillors will be asked to say if they are attending on behalf of a Committee member who is absent.

**3 Urgent Items**

The Chairman will announce if there is any item not on the published agenda which will be considered because it is urgent and will explain the reason for the urgency.

**4 Declarations of Interest**

Councillors will be asked to say if there are any items on the agenda about which they have a disclosable pecuniary interest which would

prevent them from participating in any discussion of the item or participating in any vote upon the item, or any other registerable interest or non-registerable interest.

**5 Minutes of Previous Meeting**

The Councillors will be invited to confirm that the minutes of the meeting held on 18 January 2023 are a correct record.

**Licensing Committee draft Minutes 18 January 2023**

7 - 12

**6 Have Your Say! (Hybrid Council meetings)**

Members of the public may make representations to the meeting. This can be made either in person at the meeting or by joining the meeting remotely and addressing the Committee via Zoom. Each representation may be no longer than three minutes. Members of the public wishing to address the Council remotely may register their wish to address the meeting by e-mailing [democratic.services@colchester.gov.uk](mailto:democratic.services@colchester.gov.uk) by 12.00 noon on the working day before the meeting date. In addition, a written copy of the representation will need to be supplied for use in the event of unforeseen technical difficulties preventing participation at the meeting itself.

There is no requirement to pre-register for those attending the meeting in person.

**7 Electronic Payment Devices in Licensed Vehicles//Policy Changes**

13 - 16

The Committee will consider a report setting out the proposed changes to the Council's Penalty Point Scheme in relation to the requirement that all licensed vehicles are to be equipped with the means to accept electronic payments in addition to cash. The report also details the proposed changes to Hackney Carriage and Private Hire Licensing Policy.

**8 Approval of the NR3 Policy**

17 - 28

The Committee will consider a report setting out the responses to the consultation on the Council's proposed Policy on the use of the National Register of Taxi Licence Revocations and Refusals (NR3) which if approved will form an appendix to the Council's Hackney Carriage and Private Hire Licensing Policy.

**9 Work Programme 2022-2023**

29 - 30

The Committee will consider a report outlining its work programme for the current municipal year.

**Exclusion of the Public (not Scrutiny or Executive)**

In accordance with Section 100A(4) of the Local Government Act 1972 to exclude the public, including the press, from the meeting so

that any items containing exempt information (for example confidential personal, financial or legal advice), in Part B of this agenda (printed on yellow paper) can be decided. (Exempt information is defined in Section 100I and Schedule 12A of the Local Government Act 1972).

## **Part B**

(not open to the public including the press)



**Licensing Committee**  
**Wednesday, 18 January 2023**

**Present:** Councillor Burrows, Councillor Buston, Councillor Chuah, Councillor Hagon, Councillor Harris, Councillor Hogg, Councillor Mannion, Councillor Moore, Councillor T. Young

**Substitutes:**

**Also in attendance:** Councillor Goss\*

\*attended remotely

**162. Minutes of the previous meeting**

*RESOLVED* that: the minutes of the meeting held on 28 September 2022 be confirmed as a correct record.

**163. Card Machines in Licensed Vehicles – Consultation responses**

Peyman Oyar Hossein attended the meeting and addressed the Committee in accordance with Colchester City Council (the Council)'s Have Your Say! arrangements. Mr Hossein was the Chair of Colchester's Hackney Carriage Association. He has used a card machine for over 12 years, but strongly felt that the Council should not be dictating that card machines in all licensed vehicles were mandatory. The reason for this was the poor internet signal in and around Colchester, and in areas of poor signal it was extremely difficult to receive payment for a fare. Asking passengers to pay for a journey up front did not look professional, and until the network could provide drivers with perfect reception, then the provision of card machines in licensed vehicle should not be compulsory. It was considered that other business which were licensed by the Council did not have to provide card payment machines, so why were licensed vehicles being made the exception? Although it was still possible to accept cash as payment, many people did not carry cash anymore and a request for payment up front could cause offence and arguments, and the taxi trade felt that it was vulnerable to disputes and passengers making off without payment.

Councillor Goss, Portfolio Holder for Neighbourhood Services and Waste, attended the meeting remotely and addressed the Committee in accordance with the Council's Have Your Say! arrangements. Councillor Goss voiced his support for the proposal, noting that he had heard from residents who had been caught out late at night when taxis were unable to accept card payments, leading to longer journeys to get cash

out from a cash point. It was therefore right that the Council mandated card machines in licensed vehicles, however the option to pay by cash should remain. The majority of businesses were able to accept payment by both card and cash, and he noted that the proposed Policy allowed for payments of any form to be accepted. He considered that it should be down to the individual proprietor to choose the type of card machine that they employed, although did accept that network connectivity problems were a legitimate concern. Although there was the possibility for fraudulent payments to be made, this was a risk accepted by any business, and the presence of closed circuit television in many taxis would go some way to protecting the drivers against this activity. On balance, he offered his support for the proposals, and considered that the vast majority of his constituents would also welcome the scheme.

David Daniel attended the meeting and addressed the Committee in accordance with the Council's Have Your Say! arrangements. He had been a taxi driver for over 40 years and did not think that the provision of card reader machines should be compulsory. He noted that the majority of comments which had been received in response to the consultation were from mini-cab drivers who had the support of their employer and who had no idea of the aggression which hackney carriage drivers had to deal with. He did not have a card machine in his vehicle, and noted that there were very many hackney carriages equipped with card machines, who were able to take jobs paid by card which he could not. He was happy to wait longer for a job which would be paid by cash, and it was his right to run his business as he saw fit in this regard.

Stewart Beer attended the meeting and addressed the Committee in accordance with the Council's Have Your Say! arrangements. He had been a hackney carriage driver for over 20 years, and had been taking card payments for the past 6 years. He did not understand how the method of payment used in licensed vehicles was a licensing concern. He advised the committee that in November 2022 an official government response to a survey had stated that businesses were entitled to accept payment by whichever method they wished. He was happy to accept card payments, but noted that there were licensed establishments in the town centre who accepted cash only, and questioned why licensed vehicles were treated differently. He was aware that it was possible to ask for payment for a journey up front, but did not like to do this as he felt that this questioned his customer's integrity. He was very concerned about the proposed penalties for failure to provide a card machine listed under the Council's Penalty Point Scheme, and considered these to be draconian. Although it had been suggested that larger private hire companies did take payment up front, Mr Beer reminded the Committee that drivers for these companies were in receipt of protection from their employers which sole proprietors were not.

Jon Ruder, Licensing and Food Safety Manager, attended the meeting to present the report and assist the Committee with its deliberations. The Committee heard that there had been 48 responses to the consultation, with 36 of these in favour of introducing the requirement for card payment machines to be made available in licensed vehicles, with 6 against and 6 uncertain. In response to the comments which the Committee had received, it was clarified that the proposed Policy would



not require all payments to be made via card, and there would always be the option for cash payments to be received. Although a detailed list of complaints received in relation to the refusal to accept card payments was not available at the meeting, it was confirmed to the Committee that anecdotally, the number of complaints associated with failure to accept card payments from both the public and the licensed trade itself had increased since the end of lockdown as people now preferred to pay by card.

Although other types of businesses were licensed by the Council, these were not regulated in the same way that hackney carriages and private hire vehicles were, and the Policy which was applied to these vehicles was not implemented by Officers, but rather the Licensing Committee. It was possible to request a cash payment up front, however, if the meter in a hackney carriage showed a fare which was less than the amount which had been paid up front, the difference must be refunded to the customer. The costs associated with taking a journey in a private hire vehicle were managed via the private hire operator.

A Committee member noted the concerns which had been raised by drivers in relation to the proposal, however, considered that when a destination was requested by a passenger, the driver would know whether or not it was likely to be in a bad signal area, and then could ask for a card payment up front or cash on arrival. Provided there was clarity from the start in this manner, it was suggested that most problems could be avoided. In response to questioning, it was clarified to the Committee by Jon Ruder that to refuse to take a passenger from a taxi rank could constitute an offence, and there were only certain circumstances where such a refusal would be lawful, even if the journey requested was a short one. Issues could be caused by drivers not adhering to rank etiquette with regard to accepting fares, and any complaints which were generated as a result of this would be investigated on their own merits.

A Committee member voiced surprise that not all licensed vehicles were already equipped with card machines, considering that most people did not carry cash routinely these days, particularly the younger generation. They had considered the points which had been raised very carefully, but recognised that when policy was changed, it was not possible to please everybody. On balance, they considered that the benefits offered by the provision of card machines outweighed the stated disadvantages, and would further serve to increase the safety of drivers and passengers alike, noting the recent press reports of a spate of robberies of licensed vehicles. It was considered unlikely that the introduction of mandatory card machines in licensed vehicles would make drivers worse off, but it could very well make them better off and better able to offer a more attractive service to customers.

In further discussion, a member of the Committee was uneasy with the enforced introduction of card payment machines, noting that of the responses which had been received to the consultation, 33% were against the proposal or were undecided, which was a significant amount. They considered that the trade should have the choice on whether or not to use card machines, and further thought that the proposed level of penalty points for failure to make a card machine available was far

too high. Jon Ruder advised the Committee that the amount of penalty points which would be applied for failure to comply with the policy could be revisited by Officers.

The Committee wondered whether it was appropriate to delay the introduction of the proposed policy until the network provision across the city had been improved to allow card payment to be taken in more areas, and some concern was raised that the proposed policy would potentially negatively impact on the income of taxi drivers. The Committee was advised that it was considered that it would be dangerous for licensed drivers to advertise that they only took cash on the their vehicles, as this could make them more likely to be targets for robbery.

Christine, the owner of Panther Cabs, attended the meeting, and with the permission of the Chair, addressed the Committee. She said that of the 196 which her company used, only 3 did not have a cad machine in their vehicle, which was their choice. Although she personally would choose to make card machines available, she did not consider that this should be made compulsory, and should be the driver's choice.

David Daniel raised further concerns that he would receive points on his licence for advising customers that he preferred to be paid in cash, even if he did provide a card machine, and did not think that this was fair. Jon Ruder assured the Committee that penalty points under the Council's policy were not issued without a full investigation, including making reference to CCTV and other sources of evidence where available, and interviewing the driver concerned. It was already an offence to refuse a fare for any reason, and all complaints would be investigated.

The Committee, and those in attendance, were advised that the Committee was being requested to refer the adoption of the new policy on to Full Council for a final decision, where the matter would again be the subject of debate prior to implementation, providing another opportunity for concerns to be raised.

**RESOLVED** that:

- it be recommend to full Council that the Council's Hackney Carriage and Private Hire Licensing Policy be amended to require licensed vehicles to be fitted with the means to accept electronic payments in addition to cash.

#### **164. National Register of Taxi Licence Revocations and Refusals**

Jon Ruder, Licensing and Food Safety Manager attended the meeting to present the report and assist the Committee with its enquiries. The Committee heard that in line with guidance issued by the Department of Transport, it was proposed to adopt the use of the National Register of Taxi Licence Revocations and Refusals Database (NR3). Any licensed driver, or applicant, who had been refused a licence or had a licence suspended or revoked would have their details entered onto this database to allow every other local authority in the country to carry out checks against them as part of the process for applying for a hackney carriage or private hire drivers licence. Protocols were in place to regulate how information would lawfully be provided. The Committee heard that the proposal represented a statutory standard, and the Council would have to demonstrate very good reason for not including the use of the

database in its Hackney Carriage and Private Hire Licensing Policy (Policy). Notwithstanding this, the proposals were required to be the subject of a 6 week consultation process, and the Committee was asked to approve the draft Policy, subject to the results of the consultation. As part of the application process for a driver licence, the NR3 database would be consulted prior to the issue of the licence.

The Committee considered that the proposed changes were long overdue, and were necessary to provide the required levels of safeguarding to the public.

*RESOLVED* that:

- the proposed National Register of Taxi Licence Revocations and Refusals Database (NR3) Policy be approved, subject to the results of a six week consultation.

### **165. Work Programme 2022/2023**

Matthew Evans, Democratic Services Officer, introduced the work programme 2022-2023.

The Committee was asked to consider difficulties which had arisen over the past year with finding members to be appointed to sit on Licensing Sub-Committee hearings. There had been a significant rise in the number of hearings which had been required over the past 12 months, and this had led to rising pressure on members of the Committee to be available to sit on Sub-Committees. It was recognised that the majority of Councillors had other commitments which meant that they could struggle to be available, leading to disproportionate pressure on a smaller number of Councillors. Virtually all members of the Committee were now trained and able to participate in Sub-Committee hearings which was very helpful as it was considered that the increase in the requirement for Sub-Committee hearings was likely to continue in the future.

The Committee considered solutions to this problem and wondered whether increasing the pool of available Members by increasing the number of members of the Licensing Committee would be helpful. It was also considered that it may be useful to pre-schedule Licensing Sub-Committee meetings at intervals throughout the year, and appoint members of the Licensing Committee to sit on these, cancelling them if they were not required.

The Committee was content for Officers to consider these options and report back to it at its next meeting.

*RESOLVED* that: the contents of the work programme be noted.

**The Committee resolved that. In accordance with Section 100A(4) of the Local Government Act 1972 the public, including the press, be excluded from the meeting so that any items containing exempt information (for example confidential personal, financial or legal advice), in Part B of this agenda can be decided. (Exempt information is defined in Section 100I and Schedule 12A of the Local Government Act 1972).**

**166. Minutes of driver appeal panels**

*RESOLVED* that: the minutes of the driver appeal panels held on 8 April 2022 and 16 December 2022 be approved as a correct record.

22 March 2023

Report of	Safety and Protection Manager	Author	Sarah White 506420
Title	Electronic Payment Devices in Licensed Vehicles//Policy Changes		
Wards affected	Not applicable		

## 1. Executive Summary

- 1.1 This report sets out the proposed changes to the Council's Penalty Point Scheme in relation to the requirement that all licensed vehicles are to be equipped with the means to accept electronic payments in addition to cash. The report also details the proposed changes to Hackney Carriage and Private Hire Licensing Policy.

## 2. Recommended Decision

- 2.1 To recommend to full Council that the Hackney Carriage/Private Hire Policy be amended as set out in Paragraphs 6 and 7 of this report.

## 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.
- 3.2 Electronic payments have become the norm for a large percentage of the population, and it is considered that the requirement to have facilities to accept such payments should be included within the Policy. Many drivers/operators already make provision for electronic payments but there is disparity across the trade which is causing problems for some customers and in the case of hackney carriage vehicles, compromises the principle that the taxi at the head of the rank, takes the next fare. The refusal of fares by the driver at the head of the rank because they are unable to take electronic payments is another source of complaint to the Council.

## 4. Alternative Options

- 4.1 To leave the Hackney Carriage and Private Hire Licensing Policy unaltered.

## 5. Background Information

- 5.1 At its meeting on 18 January 2023 the Sub-Committee considered the responses of the trade to the consultation on the proposal to require licensed vehicles to be equipped with the means to accept electronic payments in addition to cash.
- 5.2 The Committee resolved to recommend to full Council that the Council's Hackney Carriage and Private Hire Licensing Policy be amended to require licensed vehicles to be fitted with the means to accept electronic payments in addition to cash.
- 5.3 The Committee requested officers look again at the level of penalty points to be applied for failing to have the means to accept electronic payments.

## 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.

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

## 8. Standard References

- 8.1 There are no particular references to the strategic plan; consultation; community safety; health and safety or risk management, financial, equality diversity and human rights or publicity implications from the changes set out in this report.



**22 March 2023**

<b>Report of</b>	<b>Safety and Protection Manager</b>	<b>Author</b>	<b>Sarah White</b>
<b>Title</b>	<b>Approval of the NR3 Policy</b>		<b>☎ 506420</b>
<b>Wards affected</b>	<b>All</b>		

**1. Executive Summary**

- 1.1 This report sets out the responses to the consultation on the Council's proposed Policy on the use of the National Register of Taxi Licence Revocations and Refusals (NR3) which if approved will form an appendix to the Council's Hackney Carriage and Private Hire Licensing Policy.

**2. Recommended Decision**

- 2.1 To recommend to full Council that the NR3 Policy be adopted for inclusion in the Hackney Carriage/Private Hire Licensing Policy.

**3. Reason for Recommended Decision**

- 3.1 The use of the NR3 will become a statutory requirement from April 2023 when the remaining duties under the Taxi and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022 come into force. The proposed Policy will set out how the Council will discharge its functions under the Act.

**4. Alternative Options**

- 4.1 There are no alternative options.

## **5. Background Information**

- 5.1 On 18 January 2023 the Committee approved the draft NR3 Policy (Appendix 2) for the purposes of a six week consultation with the trade.
- 5.2 The National Register of Taxi Licence Revocations and Refusals (NR3) provides licensing authorities with the facility to share details of individuals who have had a hackney carriage or private hire licence revoked, or an application for one refused. The NR3 does not extend to vehicle or operator licensing decisions.

## **6. Detailed Considerations**

- 6.1 Relatively few responses have been received to the consultation but of those received the majority support the proposals. The responses to the consultation are shown at Appendix 1.
- 6.2 The use of the NR3 register is included within the provisions of the Taxi and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022 which received Royal Assent on 31 March 2022. Some of the duties came into force on 31 May 2022 and the remaining duties will be coming into force in April 2023.
- 6.3 The Act places duties on licensing authorities to improve information-sharing regarding taxi and private hire vehicle drivers for the purpose of safeguarding passengers, and road safety.
- 6.4 The effect for the Council of the Act coming into force will be to place a statutory obligation on the Council to use the NR3 database both to record information and to check applicants against information recorded by other Councils.

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

- 7.1 There are no adverse implications in implementing the Policy; there are positive outcomes in protecting all groups.

## **8. Community Safety**

- 8.1 The Council expects all applicants to demonstrate that they are safe drivers with good driving records and adequate experience, sober, mentally, and physically fit, honest, and not persons who would take advantage of their employment to abuse or assault passengers. The adoption of the use of the NR3 is in line with the Department of Transport's Guidance, providing advice on the checking of suitability of individuals and operators to be licenced, which will safeguard children and vulnerable adults, and by extension the wider public.

## **9. Financial Implications**

- 9.1 The Council is already a member of the Anti-Fraud Network. The Department of Transport is covering the cost of access to the NR3 and all licensing authorities will be given access to the NR3 for free.

## **10. Risk Management**

- 10.1 The Council may licence someone whose licence has been refused or revoked by another Council, the adoption of the Policy will help to reduce this risk.

## **11. Standard References**

- 11.1 There are no references to the strategic plan; publicity consideration; health and safety; or environmental or sustainability implications.



### Consultation Responses

Thanks for your consultation email on a proposed national register of taxi licence refusals and revocations. I am wholeheartedly in favour of such a register, which has been long overdue. Anything to keep up the standards of drivers is welcome.

It seems more than reasonable to introduce a scheme such as NR3 and will be welcomed by anyone with nothing to hide. It will also serve to help protect the public from the small minority who bring disrepute on the taxi industry.

Am not happy with this policy. No

I think passport details should also added to stop people changing there ID .

as you ask for any Suggestions.

My Suggestion is every council should able to transfer and renew Hackney and private hire taxi licences without any issues.

For example: if one taxi driver from Colchester move to Manchester or Luton they should be allowed to exchange taxi licences from that authority without giving any more Tests without any hurdles. Makes life easy for Taxi drivers so they can moved to different cities with more comfort

This is great news! I fully support the NR3 policy. Well done !! Please implement as soon as possible

Really need to start getting a grip with the fake taxi drivers that are putting there services on social media



# NR3 Policy

This Policy sets out how the Council will use the National Register of Taxi Licence Revocations and Refusals (NR3). The register provides licensing authorities with the facility to share details of individuals who have had a hackney carriage or private hire licence revoked, or an application for one refused. The NR3 does not extend to vehicle or operator licensing decisions.

## 1. Introduction

1.1 The key consideration of the Council in carrying out its functions in relation to the licensing of hackney carriage and private hire drivers is the safety of the travelling public.

1.2 The Council must not grant a driver's licence unless it is satisfied that the applicant is a fit and proper person to hold a licence. The Council is also entitled to suspend or revoke a licence if there is evidence to suggest that the individual is not a fit and proper person to hold a licence. The fit and proper test is an enduring duty placed on the Council which is relevant both at first licensing and for the lifetime of the licence.

## 2. General

2.1 In this Policy, the 'first authority' refers to a licensing authority which has made a specific entry onto the NR3. The 'second authority' refers to a licensing authority which is seeking more detailed information about the entry.

2.2 The term licence is used to refer to a hackney carriage drivers' licence, a private hire drivers' licence, and a combined dual licence. Any reference to a 'new' licence should also be read to include the 'renewal' of a licence.

## 3. Overarching principles

3.1 The Council will access and use information contained in the NR3 in accordance with this Policy. The NR3 contains information relating to the refusal to grant, or revocation of a licence. This information is important in the context of any subsequent application to another authority for a licence by a person who has previously had their licence refused or revoked.

3.2 The Council has registered to use and enter information onto the NR3. This means that when an application for a licence is refused or an existing licence is revoked, that information will be placed on the NR3.

3.3 Access to the NR3 is only provided where a licensing authority is a current member of the National Anti-Fraud Network and has signed data processor and data sharing agreements.

# NR3 Policy

3.4 When an application for a new drivers' licence or renewal of an existing drivers' licence is received, the Council will search the NR3. The search will only be made by an officer who has been trained in the use of the NR3 and who is acting in accordance with this Policy. If details are found that appear to relate to the applicant, a request will be made for further details from the first authority that entered that information. The applicant will then be notified.

3.5 Any information that is received from another authority in respect of an application for a licence will only be used in relation to the applications and its determination and will not be used for any other purpose. Any information received relating to the applicant will only be kept for as long as is necessary to determine the outcome of their application. The period it takes to determine any application is variable and often depends on the applicant's circumstances and timely responses to further questions. Once an application is determined there may be a further period where it is necessary to retain information for purposes of notifying the applicant of the outcome their application, and for any period to accommodate an appeal against the Council's determination should the applicant so choose.

3.6 The data will be held securely in accordance with the Council's general policy on the secure retention of personal data which is available on the Council's website.

## 4. Requesting further information relating to an entry on the NR3

4.1 When an application is made for the grant of a new, or renewal of a licence the Council will check the NR3.

4.2 The Council will make and then retain a clear written record of every search that is made of the NR3. This will detail:

- the date of search
- the name or names searched
- the reason for the search – new application or renewal
- the results of the search
- the use made of the results of the search – (this may be entered to the NR3 at a later date once the application and appeal process has been fully concluded)

Search records will not be combined with other records and will be retained for a period of 25 years.

4.3 If the Council's search of the NR3 reveals a potential match, a request for further information will then be made to the first authority that made the entry. The request will be made in writing in accordance with the standard form (see Appendix 1). The form requesting further information used by the Council will be posted or emailed to the contact address of the first authority that made the NR3



# NR3 Policy

entry. The application process will thereafter pause until a suitable response to that request has been received by the Council.

## 5. Responding to a request for further information relating to an entry on the NR3

5.1 If the Council receives a request as first authority for further information from a second authority a clear written record of the request will be made. A record of the Council's response arising out of the request from the second authority will be retained for a period of 25 years.

5.2 The Council will then determine how to respond to the request. The Council will not simply provide information as a blanket response to every request.

5.4 Any disclosure must be considered and proportionate, taking into account the data subject's rights together with the role and responsibilities of a licensed driver. Whilst data is held on the NR3 for a period of 25 years, the Council (the first authority) will not disclose information relating to every entry. Each application will be considered on its own merits.

5.5 Where the reason for refusal to grant or revoke a licence relates to a conviction, or caution, consideration will be further given to the full circumstances of the case prior to disclosure. Any information about convictions and cautions will be shared in accordance with this Policy by virtue of Part 2 of Schedule 1, Data Protection Act 2018 (DPA 2018). In so far, processing of data is necessary for reasons of substantial public interest in connection with the exercise of a function conferred on the authority by an enactment or rule of law.

5.6 In fulfilment of a request for further information from a second authority, the relevant officer will record what action was taken and why. The Council will make and then retain a clear written record of every decision that is made as a result of a request from another authority. This will detail:

- the date the request was received
- how the data protection impact assessment was conducted and its conclusions
- the name or names searched
- whether any information was provided
- if information was provided, why it was provided, and details of any further advice obtained before the decision was made to make disclosure
- if information was not provided, why it was not provided, and details of any further advice obtained before the decision was made
- how and when the decision and any information was communicated to the requesting authority

# NR3 Policy

This record will not be combined with any other records and will be retained for a period of 25 years.

## 6. Using information obtained arising out of a request to a first authority

6.1 If the Council receives information arising out of a request that has been made to a first authority, it will take it into account (together with other information obtained as detailed in this Policy) when determining an application for the grant or renewal of a drivers' licence.

6.2 The Council will make and then retain a clear written record of the use that is made of the results of its request and the subsequent determination of the application for a licence (this information may be added to the NR3)

6.3 Information that is received may warrant significant weight being attached to it, but it will not be the sole determinant for any decision that the Council makes in relation to the application for which it was obtained.

## 7. New and Historical Data

7.1 The Council will upload new and historical revocation and refusal data to the NR3, and which will be limited to:

- name
- date of birth
- address and contact details
- national insurance number
- driving licence number
- decision taken
- date of decision
- date decision effective

7.2 The Council will begin using the NR3 from \_\_\_\_\_. This means from that point:

- applications for new hackney carriage/PHV licences and for renewals will be checked on the NR3
- where an existing licence is revoked, or an application for renewal or a new licence is refused, this will be recorded on NR3

January 2023

## Information Disclosure Form

This form is submitted following a search of the National Register of Refusals and Revocations (NR3).

Colchester City Council: .....

Requestor authority reference number: .....

Name of licensing authority from which information is sought: .....

Name of individual in respect of whom the request is made: .....

Decision in respect of which the request is made: Refusal / revocation

Other details for this record: .....

Address: .....

Driving licence number: .....

NI number: .....

Reference number: .....

### Declaration by requesting authority:

The authority hereby confirms that this information is being sought in connection with the exercising of its statutory function to ensure that holders of taxi / PHV driver licences are fit and proper persons, and that the processing of this data is therefore necessary in the performance of a task carried out in the public interest. This request is being made under Schedule 2, Part 2 (7) of the Data Protection Act 2018.

The information provided below will only be processed, used and saved by the authority in connection with this particular application and in accordance with all relevant data and privacy requirements, as previously advised by the authority to applicants for and existing holders of taxi and PHV driver licences, and will be retained in accordance with the Authority's retention policy relating to the provision of such information.

To enable the authority to conduct a data protection impact assessment, details of this authority's policy in relation to the use of information obtained as a result of this request can be accessed on the Council's website.

# NR3 Policy

Signed: .....

Name: .....

Position: .....

Date: ..... (For completion by providing authority)

Further information to support the decision recorded on NR3 in respect of the above named individual:

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## **Declaration by providing authority:**

The authority hereby confirms that it has conducted a data protection impact assessment.

It also confirms that the information above is accurate and has been provided after thorough consideration by the authority as to the proportionality and lawfulness of making this disclosure. The information reflects the basis on which the decision recorded in the National Register of Refusals and Revocations was made. In the event that the authority becomes aware that this information is no longer accurate, we will advise the above named authority accordingly.

The authority also confirms that, as part of the basis for securing, retaining or applying for a taxi / PHV driver licence, the above named individual has been made aware of to the fact that this information will be shared, in accordance with all relevant data and privacy requirements.

Signed: .....

Name: .....

Position: .....

Date: ....

22 March 2023

Report of	Assistant Director of Corporate and Improvement Services	Author	Matthew Evans
Title	Licensing Committee Work Programme 2022-2023		☎ 8006
Wards affected	Not applicable		

## 1. Executive Summary

- 1.1 This report sets out the current Work Programme 2022-2023 for the Licensing Committee. This provides details of the reports that are scheduled for each meeting during the municipal year. Members are asked to note that due to the nature of Licensing work, items on the work programme may be subject to change.

## 2. Recommended Decision

- 2.1 The Committee is asked to note the contents Committee's Work Programme for 2022-2023.

## 3. Alternative Options

- 3.1 This function forms part of the Committee's Terms of Reference and, as such, no alternative options are presented.

## 4. Background Information

- 4.1 The Committee's work programme will evolve as the Municipal Year progresses and items of business are commenced and concluded.

## 5. Standard References

- 5.1 There are no particular references to publicity or consultation considerations; or financial; equality, diversity and human rights; community safety; health and safety, environmental and sustainability implications or risk management implications

## 6. Strategic Plan References

- 6.1 The Policy aims to contribute to the Council's priorities for the Borough and in particular to support the Growth, Wellbeing and Opportunity priorities by working with the licensed trade to promote the town and make it a safer place.

## Licensing Work Plan May 2022 – April 2023

<b>1 June 2022</b>	Update on the work of the Licensing Team
<b>20 July 2022</b>	Review of the Council's Sex Establishment Policy
<b>28 September 2022</b>	Consultation in respect of card machines in licensed vehicles
<b>9 November 2022*</b> <b>*Meeting cancelled</b>	*meeting cancelled
<b>18 January 2023</b>	Review of the consultation responses in respect of card machines in licensed vehicles National Register of Taxi Licence Revocations and Refusals
<b>22 March 2023</b>	Policy changes in respect of card machines in licensed vehicles National Register of Taxi Licence Revocations and Refusals policy adoption