

Hackney Carriage and Private Hire Licensing Policy 2017

Schedule of Responses

Policy reference	Respondent	Comment	Response
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Main Policy

2.2 – Fit and Proper Test	Essex Police	Include out of court disposal	Agreed.
2.9	Licensing Team	Inclusion of probationary licence and condition.	
2.15 - Safeguarding	Ms Joy, Passenger Transport ECC Councillor Scott	No mention of trafficking, a reference to this should be included. Would like to see drivers trained and tasked to ensure safe access to people seeking sanctuary such as refugees and asylum seekers.	Agreed. The new Policy puts in place a variety of measures to ensure appropriate training is given. It is considered however that it is not appropriate to specifically task drivers to ensure safe access to people seeking sanctuary.
2.17 – Safeguarding	Hackney Carriage Association	Term rumour or allegation is vague.	Re-word to intelligence.
3.1 – Safety and Health of Drivers	Mr Naish	Policy sets out what is expected of drivers but not	The various policies, where appropriate, set out the

		what drivers can expect of the Policy.	process for the determination of applications and therefore what drivers can expect. The Convictions Policy and Penalty Points Policies also make clear the enforcement process.
3.8 – Taxi Rank Marshalling	Hackney Carriage Association Mr Wiles	Concern that there is not an effective rank in Head Street	Options for change are limited; any changes to the physical location of the rank require the consent of Essex County Council however the Council will consult with the trade if an opportunity arises to change the location of ranks in the Borough.
3.13 – Age Limits	Hackney Carriage Association and Mr Naish (in relation to the first point)	Should the age be raised to 67 in line with the retirement age. Is the requirement to have an annual eyesight test over the age of 70 discriminatory? Eyesight tests once a year for those over 65, there is no cost to the driver over the age of 60.	The age of 65 is in line with the requirements of the Group 2 medical which is required annually from the age of 65. The group 2 covers the eyesight test so reference to this should be removed and reliance placed on the Group 2 medical. Additional requirements for drivers aged 70 and over also removed.
4.7 – Training	Mr Stevens	Consideration be given to the timing of any seminars to accommodate the working practises of drivers.	It is intended to run them at a variety of times to enable drivers to attend.

		Will there be exemptions for those who have already completed safeguarding training.	In general, it is expected that the mandatory training must be completed. However, where an applicant can provide evidence that they have received up to date training elsewhere, they may apply to be exempt from the training. Each case will be considered on its own merits.
4.23 – Number of Vehicles	Hackney Carriage Association	Could Wheel chair plates stand out i.e. different numbers?	This will be considered after the introduction of the new back office system.
6.4 – Air Pollution	SAS Taxis	Request for discretion in very cold weather	This point is noted, the Committee may wish to take a view on the request.

Annex 1 - Driver Conditions

1 – Pre-Licensing Standards	SAS Taxis	This should be 21	The combination of age restriction and driving licence qualification means that drivers will be 21 years of age or over.
4 – Pre-Licensing Standards	Hackney Carriage Association and SAS Taxis	Medical should be 3 years not 5	Agreed until the age of 65 and then annually.

Annex 2 – Hackney Carriage Vehicles

Introduction	SAS Taxis	Has this been overridden by the Deregulation Act?	No, this element of the Deregulation Act did not come into effect.
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		Mechanics should be allowed to drive for the purposes of test driving cars being repaired	The Council takes a pragmatic approach to this matter.
Pre-Licensing Conditions 5.2 – Wheels	Mr Boyland	Space Saving Tyres should not be used when carrying passengers.	Agreed.
6.1 - Steering	Hackney Carriage Association and SAS Taxis	Not sure that left hand vehicles should be permitted as there may be public safety issues.	Agreed. The ability to have left hand vehicles has been removed from the Policy.
9 – Windows	Ms Joy, Passenger Transport ECC	Control the use of tinted windows	Changes made to the policy to allow only factory fitted tinted windows.
Conditions of Licence 7.2 – Signs and Notices	Mr Boyland Hackney Carriage Association	Can the roof light show what rate is being used? Sign to be 24 inches only across and say Colchester with a tariff indicator.	To be investigated.
11 – Wheelchair accessible vehicles	Mr Boyland	Can this be amended to encompass the wide variety of wheelchair vehicles?	Amendments made.
14 - Temporary Replacement Vehicles	Hackney Carriage Association	Do they have to be black, can they be any colour as they are easier to get hold of? Can there be a temporary plate?	They can be any colour. Yes, included in policy wording.

Annex 3 – Private Hire Vehicles

Pre-Licensing Standards 5.2 – Wheels	Mr Boyland	Space saving tyres should not be used when carrying passengers.	Agreed
6.1 - Steering	Hackney Carriage Association and SAS Taxis	Not sure that left hand vehicles should be permitted as there may be public safety issues.	Agreed. The ability to have left hand vehicles has been removed from the Policy.
9 – Windows	Ms Joy, Passenger Transport ECC	Control the use of tinted windows	Changes made to the policy to allow only factory fitted tinted windows.
11 – Wheelchair accessible vehicles	Mr Boyland	Can this be amended to encompass the wide variety of wheelchair vehicles?	Amendments made.
Conditions of Licence 7.3 – Signs and Notices	Mr Charman	Door signs indicating the company they work form must be displayed on all vehicles whilst they are working.	Agreed, changes made to wording.
8 – Meters	Mr Boyland	Can PDA meters be used	Further detail required
11 - Temporary Replacement Vehicles	Hackney Carriage Association	Do they have to be black, can they be any colour as they are easier to get hold of? Can there be a temporary plate?	They can be any colour. Yes, included in policy wording.
14 – Wheelchair accessible vehicles	Mr Boyland	Can this be amended to encompass the wide variety of wheelchair vehicles?	Amendments made.

Annex 4 – Operator Conditions

1.1 – Pre-Licensing Standards 6.1 – Other Staff	SAS Taxis Mr Boyland	Why refer to DBS Scotland. Consider an Enhanced DBS.	Enhanced DBS
2.9 – Duties of the licence holder	Mr Boyland	How can this be enforced? Implies an obligation to do this in all cases without regard to the circumstances of the request.	Amended to include reference to a full investigation
5.2 - Cross Border Working	Mr Boyland	Clarification sought on the issue of having an operator base in another authority.	Details be supplied to operator concerned.

Annex 5 – Convictions Policy

4.1 – Investigation and Determination Procedure	Licensing Team	<p>Addition of discretion in relation to the application of points for Convictions.</p> <p>Application of points where the Council are notified</p>	<p>It is suggested that the Policy be amended to give the Committee discretion to reduce the number of points that are applied for a conviction in circumstances where it is proved by the applicant that there were genuine and mitigating circumstances in relation to the conviction</p> <p>Where an applicant, on renewal or during the course of their licence, tells the council about a conviction etc. no points will be given. In cases</p>
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			of non-disclosure, when this comes to light the points will be given commensurate with the number of points that would have been applied if the Council had been advised at the time of the conviction.
Level 2 Battery	Essex Police	Bring into line with other violent offences.	Agreed
Level 2 DR 70	Essex Police	Failure to provide a sample should be the same penalty as drink driving.	Agreed
IN10, LC20, MS90		Professional drivers should be complying with the law, increase points level.	Agreed
Level 3 CD 10 to 30	Hackney Carriage Association	Should these conditions be 10 or more points.	Agreed, what level? 10,9,8 etc
CU30	Essex Police	Using a defective tyre.	Points to be given per tyre
10.0 – Police Bail	Essex Police	Amend to include Released under Investigation as this is used far more commonly now.	Agreed
	Mr Boyland	Issues of violence should be ranked more highly than dishonesty crime.	The Convictions policy is written specifically in relation to the licensing of the hackney and private hire trade. In this circumstance, as drivers and operators are privy to details on customer holidays, patterns of working etc., it is considered that dishonesty is a key

			consideration in determining whether someone is a fit and proper person.
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Annex 6 - Penalty Points

No 2 – Failure to notify the Council of a change of address	Hackney Carriage Association	9 points is too high for a second offence, reduce to 6.	
No 32 – Failure to report accident within 72 hours	Hackney Carriage Association	Could the time limit be extended or the amount of points be reduced?	It is considered that this should remain as written but that discretion be used to cover incidents where the individual concerned may need hospital treatment etc.
No 59 Smoking in a vehicle	Licensing Team	Vaping	Included in table
No 73 – Failure to disclose a conviction	Hackney Carriage Association	12 points is maybe too high or clarify convictions. Grade the points?	Change this so that the points awarded will be those that would have been awarded for the conviction itself.
No 90 – Insurance	Hackney Carriage Association	Point level should be higher – 9	Agreed
No 98 – Smoking in Vehicle	Licensing Team	Vaping in vehicle.	Included in the table
No 103 – Unacceptable Standard of driving	Licensing Committee	Can Councillor act in the same way as authorised officers in witnessing offences?	No as officers are designated under the relevant legislation
	Mr Sayer	Concern at the level of points to be applied.	The concerns are noted however the convictions policy is written specifically in relation to the licensing of the hackney and private hire trade. The

			Council wishes to have drivers of the highest possible standard and its robust convictions and penalty point policies are designed to support this.
Additional condition	Licensing Team	Failure to notify the Council of a change in contact details where such failure results in the Council being unable to contact you directly.	

Appendix 5 – Hackney Carriage Plate Allocation Policy and Process

Introduction	SAS Taxis	Clarification required on the plates affected.	The Policy is not intended to be used where a vehicle is replaced due to its age or due to accident damage.
Conditions	SAS Taxis	2.1 and 6.2 are contradictory	Agreed. 6.2 should be deleted.

Code of Conduct for Working with Vulnerable Persons

Code of Conduct for working with vulnerable persons	Mr Naish	Can this be reconsidered, in certain circumstances it may be appropriate to carry a vulnerable person in the front seat.	
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