

Report of	Assistant Director of Corporate and Improvement	Author	Matthew Evans ☎ 03300 538006
Title	Changes to the Hackney Carriage and Private Hire Licensing Policy		
Wards affected	Not applicable		

1. Executive Summary

- 1.1 To request that the results of a recent consultation in respect of amendments to the Hackney Carriage and Private Hire Licensing Policy are noted, and that the proposed changes to the Policy, which have been approved by the Licensing Committee, be adopted.

2. Recommended Decision

- 2.1 It is recommended that the changes to the Council's Hackney Carriage and Private Hire Licensing Policy, set out in the report at Paragraph 5.4 to 5.9, be adopted as part of the Council's Policy Framework.

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 have been identified which would aid the clarity of the Policy and its operation.

4. Alternative Options

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

5. Background Information

- 5.1 The Licensing Committee provisionally approved amendments to the Hackney Carriage and Private Hire Licensing Policy subject to the results of a public consultation, and this consultation was duly carried out between 18 May and 31 July 2020.
- 5.2 At the meeting of the Licensing Committee held on 11 August 2020, the Committee were advised that there had been no responses to the consultation, and accordingly they resolved that the changes to the Hackney Carriage and Private Hire Policy be approved in full and recommended to Council for adoption.
- 5.2 It subsequently transpired that a valid response had been received to the original consultation, and as a result of this, at their meeting on 30 September 2020 the Licensing Committee were invited to reconsider the elements of the amended policy to which the representation related. Following a review of the proposed changes to the Policy, the Licensing Committee again resolved to accept the proposed Policy amendments, and request that these be adopted by Council.
- 5.3 The proposed, approved, changes to the Hackney Carriage and Private Hire Licensing Policy are set out in paragraphs 5.4 to 5.9 below:

Hackney Carriage Proprietors' Suitability

- 5.4 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.
- 5.5 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.
- 5.6 The minimum age for vehicle proprietors be set at 18 years or over.

Use of Meters

- 5.7 To add to Paragraph 8 of the Annex on hackney carriage vehicles and Paragraph 8 on the Annex on private hire vehicles that the meter must be turned on at the start of every journey.

Driver Conditions – Pre-licensing Standards

- 5.8 That Annex 1 of the Policy relating to Driver Conditions be amended to add an additional requirement to the pre-licensing standards that applicants holding an EU country driving licence must obtain a UK counterpart licence from the DVLA before they can be considered for a hackney carriage/private hire driver's licence and the details must be disclosed to the Council. Applicants from all other countries must apply for a full UK DVLA licence before being considered.

Selling a Vehicle

- 5.9 To add to the hackney and private hire conditions the following -

If the vehicle is sold to someone else who is going to use it for hackney/private hire work the Council must be informed, in writing within 14 days, of the name and address of the new owner. If this is not done the existing owner will remain responsible for the hackney carriage or private vehicle licence. A fee will be charged to transfer the licence to the new owner.

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.