


22 January 2020

Report of	Licensing, Food and Safety Manager	Author	Jon Ruder
Title	Taxi Policy Revisions		 282840
Wards affected	Not applicable		

## 1. Executive Summary

- 1.1 The Committee is asked to consider further changes to the Hackney Carriage and Private Hire Licensing Policy.

## 2. Recommended Decisions

- 2.1 To consider and approve the proposed amendments to the Policy, as set out in the report.

## 3. Reasons for the Decision

- 3.1 Further amendments to the Policy are suggested in response to matters that have arisen since the implementation of the new Policy in January 2019.

## 4. Alternative Options

- 4.1 To leave the policy unchanged but this would leave it unfit for purpose.

## 5. Background Information

- 5.1 The Council's Hackney Carriage and Private Hire Licensing Policy came into effect in January 2019 following a period of extensive consultation. Since it has been brought into operation a number of small changes, to improve its clarity and consistency of approach, have been identified; a further change is suggested in relation to the appeal process for new drivers with convictions. This change will not require consultation as it simply seeks to clarify the existing position.
- 5.2 It is further suggested that the Council includes within the Policy, guidelines in relation to the installation and use of card payment devices which are now being used in a number of hackney and private hire vehicles. The Council has formulated a draft policy which will be discussed with the trade and brought to a future meeting of the Committee for consideration. Some interim measures are suggested until the Guidelines can be brought before Committee for approval.
- 5.3 Further details on the proposed changes are set out in Paragraphs 6 to 8 of this report.

## 6. Clarification on appeal for new drivers with convictions

- 6.1 It is suggested that the amendments shown in bold be made to the policy to clarify the slightly different process/procedure for new licence holder compared to the process for existing licence holders.
  - c. **Upon completion of the investigation, if the points on the convictions policy places the applicant in the red zone, the applicant will be informed that their licence has been refused on the grounds that they are not fit and proper to hold a licence. The right of appeal against this decision is to the Magistrates Court. Appeals must be made in writing to the Clerk of the Court, Essex Magistrates' Court's, Osprey House, Hedgerows Business Park, Colchester Road, Springfield, Chelmsford CM2 5PF within 21 days of having been notified of the Licensing Manager's decision.**
  - d. **In the case of existing licence holders**, upon completion of the investigation, points may be applied. Notification that points have been given will be sent in writing to the licence holder and, where appropriate, a copy will be sent to their vehicle proprietor or operator within 7 days of the decision. The award of points can be appealed to the Licensing Manager in the first instance and this should be done within 21 days of being notified of the award of points. Appeals must be made in writing to [licensing.team@colchester.gov.uk](mailto:licensing.team@colchester.gov.uk) or to the Licensing, Food & Safety Manager, Colchester Borough Council, Rowan House, 33 Sheepen Road, Colchester CO3 3WG.

## 7. Card Payment Devices

- 7.1 The Council recognises that some companies and individual drivers may wish to or already use card payment devices in their licensed vehicle. In recognition of this and in order to protect the public the Council wishes to implement a set of guidelines in relation to the installation and use of such devices. The guidelines would ensure that those electronic payment devices, such as pin entry devices, contactless payment systems (near field communications) and mobile devices, (smart phones, tablets, laptops etc.)

meet the current banking security standards, payment transaction processes and protocols.

7.2 Draft Guidelines will be discussed with representatives of the trade and will be brought to the Committee for consideration in due course. In the meantime, it is suggested that the following additions be made to the Hackney Carriage and Private Hire vehicle conditions

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- Where the vehicle is fitted with or carries a card payment device the Council considers this to be part of the vehicle and as such it must be working at all times.
- If the card payment device is not working this must be reported immediately to the Council. The Council must be notified when any problems have been resolved and the card machine is again operational.
- If there is concern that the payment device 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, in the event that the metered charge is less than the agreed payment for the journey, the overpayment is refunded to the customer.

7.3 It is suggested that the following change is made to the Council's Penalty Point Scheme-

- Failure to notify the Council that a payment device is not functioning – 4 points
- Failure to accept a fare because of a payment device not functions – 6 points

7.4 Consultation on the change is not considered necessary as payment devices are already in use and require regulation. Operators and hackney carriage proprietors will be notified of the changes however and expected to inform their drivers where relevant.

## **8. Soiling**

8.1 It is suggested that the following paragraph be included within the Policy under the Driver Conditions.

4.8 You may charge a customer if, during the duration of their journey, the vehicle is soiled in any way i.e. through vomiting in the vehicle.

8.2 This matter is already reflected with the Driver/Passenger Charter but for completeness it is suggested that this be included in the Driver Conditions.

## **9. Consultation**

9.1 Consultation on these proposals is not considered necessary.

## **10. Strategic Plan References**

10.1 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.

## **11. Publicity Considerations**

- 11.1 The amended Policy will be available to view and download from the Council's website.

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

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

## **13. Community Safety Implications**

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

## **14. Health and Safety Implications**

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

## **15. Risk Management Implications**

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

## **16. Environmental and Sustainability Implications**

- 16.1 There are no known direct environmental and sustainability implications which might arise from the adoption of the revised Policy.