

Extract from the minutes of the Licensing Committee meeting of 21 July 2021

134. Licensed Vehicles – Statutory Standards/Outcome of Consultation

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 July 2020, the Department for Transport had issued new statutory standards for Taxi and Private Hire vehicles. As a result of this, amendments had been made to Colchester Borough Council's (the Council) Hackney Carriage and Private Hire Licensing Policy to ensure that the new statutory standards had been met. The revised Policy had been circulated for public consultation, and the Committee were now asked to consider the responses received in relation to this consultation.

The Committee were advised that few changes had been required to the Council's Policy as it had already included most of the new statutory requirements, however, some additions had been made to the Policy including the requirement for Disclosure and Barring Service (DBS) checks for additional vehicle proprietors, which had been the subject of a number of the consultation responses which had been received. The opportunity had been taken to update some areas of the Policy to make them clearer, including the penalty points system which was applied to licensed drivers. The reference to issuing a one year probationary hackney carriage and private hire driver's licence had also been removed from the Policy as the issue of such a licence was no longer allowed. The Committee was advised that if the statutory standards were not incorporated into the Policy, then an exceptional reason for not adopting these would have to be provided.

The consultation in respect of the proposed revised Policy had yielded three representations, the first of which raised concerns about licensed drivers working very long hours through the night. The Committee heard that working hours were not within the jurisdiction of the Council, and licensed drivers were largely self-employed and therefore responsible for managing their own working hours. A representation had also been received in relation to the costs associated with obtaining a DBS certificate, however, these costs were outside the Council's control and incurring them would be a necessary part of obtaining a licence. The final consultation response that had been received was in relation to the requirement for second proprietors listed on a vehicle licence to be required to obtain a DBS certificate. The Committee were advised that the licence plate issued to vehicles would always remain the property of the Council, however, the law was silent on the practice of a second proprietor declaring an interest in the vehicle plate or licence. This therefore meant that anyone wishing to register an interest as a second proprietor would have to be treated in the same way as the vehicle proprietor, and be held to similar

standards. Concern had also been raised over the requirement to obtain medical certificates, however, the requirement for these certificates was in line with current Government and Driver and Vehicle Licensing Agency (DVLA) guidance. Such certificates could be obtained from specialist medical practitioners for approximately half the cost of obtaining one from a General Practitioner, and both new applicants and existing licence holders were advised of this.

Councillor Buston noted that some of the concerns that had been raised were to be expected, however, he pointed out that if second proprietors of licences wished to enjoy the benefits that were inferred by this then they also had to meet the relevant licensing requirements. With regard to the costs associated with obtaining medical certification, he was pleased to note the arrangement that the Council had which allowed for cheaper certificates to be obtained, and he expressed his clear opinion that the costs associated with medical certificates and DBS checks were requirements of obtaining a licence and were non-negotiable, stating that the majority of professions required the payment of fees of some kind. Councillor Buston made reference to the fact that no members of public were present at the meeting to speak in person to the proposed Policy, and he suggested that this may be taken as an indicator of general support for it. Councillor Buston himself was firmly in favour of approving the suggested changes.

Councillor Harris had considered the standards issued by the Department for Transport and stated that these had been proposed for good reason, and he felt that that they should be adopted by the Council. Councillor Harris considered that when issuing a licence to a driver, it was extremely important to ask whether you would be happy if a loved one was to be carried by that driver. He considered that the policies adopted by the Council were sound and he could not think of a single good reason not to follow the recommendations that had been made.

In response to an enquiry from the Committee, Jon Ruder explained that there was a requirement for licensed drivers to notify the Council within forty eight hours of any conviction received, and it was possible for drivers to sign up for the Update Service provided by the Disclosure and Barring Service which provided notifications when convictions had been received. He pointed out, however, that the DBS certificate was never sent direct to the Council, but was only sent to the driver or applicant who were then required to provide a copy of the certificate to the Council as part of the licensing process.

Councillor Buston suggested that the obligation to report a conviction within forty eight hours was made plain in the Policy so that all drivers were aware of this and it formed an effective safety measure. Jon Ruder confirmed that the obligation was clearly stated within both the Convictions and Penalty Points elements of the Policy.

Councillor Young noted that the requirement for providing a DBS certificate had changed from every three years to every six months with the added costs that would be placed on licensed drivers as a result of this, and he sought an explanation of the rationale behind the change. Jon Ruder explained that the change was recommended as part of the Department for Transport guidance and was a reaction to the number of high profile child sexual exploitation cases that had been linked with the hackney carriage and private hire trade in areas such as Rotherham, Rochdale and Oxford. The Committee were advised that use of the Update Service meant that an annual fee would be charged, as opposed to the need to pay for each certificate obtained.

Councillor Hogg made reference to the concerns that had been raised as part of the consultation process in respect of the elderly second proprietor who had been mentioned. He wondered whether it was possible for individuals to have obtained legal advice from a national body representing the hackney carriage and private hire trade? Jon Ruder advised the Committee that the consultation in respect of the new statutory standards had been carried out across the country with the taxi trade, and all Councils had been involved in this. The Committee heard that the proposed standards had been widely publicised in trade magazines such as Taxi and Private Hire Monthly magazine. The Committee were reminded that the Policy had to ensure that everyone involved in the trade met the 'fit and proper person' test, irrespective of their age.

Councillor Barber considered that the proposed Policy was concerned with ensuring that members of the public were safeguarded, and offered his support for this. He also noted the low level of consultation responses that had been received from the hackney carriage and private hire trade, which suggested to him that the trade was also happy with the proposed Policy.

In response to a question from the Committee, Jon Ruder explained that no consideration had been given in the policy to self driving vehicles, as autonomous vehicles were still the subject of testing and were not approved for use on the roads yet. The Committee were reminded that the Policy document was reviewed approximately every six months, and any relevant changes or developments would be presented to the Committee as part of this review process. The Committee were advised that in addition to requiring DBS certificates, the Council took part in a national database organised by the Local Government Association called the National Register of Taxi and Private Hire Licence Revocations and Refusals (NR3) which allowed Council's to share information which would not be picked up on a DBS certificate and which therefore added another level of protection to the public.

In response to a question from Councillor Buston, the Committee were advised that work was ongoing with respect to the introduction of closed circuit television cameras (CCTV) into licensed vehicles, and progress would be reported to the Committee as

it was available.

RESOLVED That the Council's Hackney Carriage and Private Hire Licensing Policy be approved and recommended to full Council for adoption.