

BRISTOL CITY COUNCIL

PUBLIC SAFETY AND PROTECTION COMMITTEE

DATE 18 FEBRUARY 2020

Report of: Executive Director, Growth and Regeneration

Title: Proposal to Introduce Mandatory Card Payments Facility in Hackney Carriages

Ward: Citywide

Officer Presenting Report: Sarah Flower – Senior Licensing Officer

Contact Telephone Number: 01179222414

Purpose of Report

To seek permission for the Licensing and Trading Standards Manager to commence a consultation process in relation to a proposal to introduce a mandatory card payment facility in all City Council licensed Hackney Carriage Vehicles.

RECOMMENDATION

The committee are recommended to:

- a) Agree to consult on the draft Hackney Carriage Vehicle Policy to include a mandatory card payment facility which is attached as **Appendix 1**
- b) Agree to consult on draft Hackney Carriage Vehicle inspection standards which is attached as **Appendix 2**

Summary

At present there is no policy in place to govern the content of mandatory card readers. The purpose of this report is for members to approve to consult on a policy for a mandatory card payment facility on all licensed Hackney Carriage Vehicles. Associated changes are also proposed to the respective vehicle conditions and policies as outlined below which will be added to the current policy.

Card Payments

- Any hackney carriage must have a card payment facility to accept debit/credit and contactless card payments.
- Any hackney carriage must have the card payment facility and the authorised signage installed either on the granting of a new licence or on renewal.
- The card payment facility will be stored in a transparent plastic holder which will be

affixed so that the card machine is always in prominent view of the customer

- The card machine must be stored in the holder at all time when the driver is available for hire.
- All vehicles must also display the issued card facility signage that should also be affixed to the partition of the hackney carriage so that it is prominently on view of passengers.

Policy

1. There are currently 518 licensed Hackney Carriage Vehicles in Bristol. Cash payments have historically been the preferred payment for customers in Hackney Carriages, however, in the current times debit and credit card are now a more popular choice of payment, and in addition, the fast and easy contactless payment feature on debit and credit cards is becoming increasingly popular.
2. Card payments would lead to an easier and quicker method for customers to pay taxi fares, while stopping the need for customers to ask Hackney Carriage drivers to stop off at cash machines if they need extra cash to pay a fare.
3. Card payment facility can be incorporated with Hackney Carriage apps which facilitate the use of a card payment through a smart phone application where customers are able to pay fares, this can be used by customers either by pre hiring or hailing off the street.
4. There are currently a number of certified card payment devices available to Hackney Carriage vehicle proprietors to purchase to be fitted in to the vehicle. Prices of these devices typically range from £19 for the card reader to a bundle package of around £200.
5. Transaction fees in respect of debit and credit card fees were abolished by the Government from 13th January 2018. This means that any customers using their debit or credit cards to pay fares in Hackney Carriages will not be charged any fees to use their cards. The customer will only pay the fare displayed on the meter.
6. Having a card payment facility for passengers would improve public safety for Hackney Carriage customers in Bristol. Customers would not have the need to stop and use cash machines late at night and therefore reduce the risk of robbery or other associated crimes.
7. This technology can be beneficial if a customer were to lose their cash and debit cards. The customer can if they wish use their smartphone device to pay a fare as if using a contactless debit card. This could stop the need for vulnerable people walking home at night and putting themselves in a potentially unsafe situation.

Consultation

8. Internal

Passenger Transport
Fleet Services
Neighbourhood Enforcement

9. External

If members are minded to approve the recommendation, an external consultation would take place in line with Department for Transport Best Practice Guidance which recommends that local authorities consult with the following parties in respect of any significant proposed changes:

- hackney carriage vehicle trades via newsletter
- trade representatives
- groups representing equalities groups
- PC Patrick Quinton

The Council will also make the consultation available for 8 weeks via the Councils Consultation finder.

Context

10. The Hackney Carriage and Private Hire trades are the only parts of the public transport system that are operational 24 hours a day, 365 days a year. It is therefore important that the Council seeks to amend this policy which requires Hackney Carriage Proprietors to install a card reader which would improve public safety.

11. This consultation has been requested by the Bristol Blue Trade Association who represents a number of Hackney Carriage Drivers.

Proposal

12. Members are being asked to support the recommendations set out in this report.

13. A consultation on the proposed policy would give the opportunity, alongside the Taxi Forum, for persons within the trade to give their input on the policy.

Other Options Considered

14. Do nothing and await any potential changes to legislation.

Risk Assessment

15. The report outlines the main options that may be considered by members.

16. The Council is under a duty to ensure that all new and current hackney carriage vehicle licences are maintained in line with the vehicle inspection standard.

17. The Council vehicle fitness standard is based on the National Inspection Standard and has been the subject of full consultation with trade representatives. The purpose being to assist those who inspect, maintain and prepare vehicles for inspection prior to being issued with a Hackney Carriage or Private Hire licence. It is intended that this document will ensure a consistent minimum vehicle inspection standard.

18. The approval of this policy will ensure that a consistent standard across all licence holders is achieved.

Public Sector Equality Duties

19. Before making a decision, section 149 Equality Act 2010 requires that each decision-maker considers the need to promote equality for persons with the following “protected characteristics”: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation. Each decision-maker must, therefore, have due regard to the need to:

- i) Eliminate discrimination, harassment, victimisation and any other conduct prohibited under the Equality Act 2010.
- ii) Advance equality of opportunity between persons who share a relevant protected characteristic and those who do not share it. This involves having due regard, in particular, to the need to --
 - remove or minimise disadvantage suffered by persons who share a relevant protected characteristic;
 - take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of people who do not share it (in relation to disabled people, this includes, in particular, steps to take account of disabled persons' disabilities);
 - encourage persons who share a protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
- iii) Foster good relations between persons who share a relevant protected characteristic and those who do not share it. This involves having due regard, in particular, to the need to –
 - tackle prejudice; and
 - promote understanding.

20. An Equalities Impact Relevance Check has been produced and is attached as **Appendix 3**

Legal and Resource Implications

Legal

The proposals set out in the report are lawful.

There is no legal requirement to consult upon the proposed changes to the fit and proper person policy. However, should a consultation process be undertaken, case law guides on

what constitutes lawful consultation and from this some key guiding principles have been established, in summary that those being consulted must:

- a. be provided with material upon which a decision is likely to be made;
- b. be given enough time for intelligent consideration of that material and to respond to it;
- c. be given the opportunity to make considered representations;
- d. have their representations conscientiously considered.

It is therefore important that members are satisfied that that any consultation process allows sufficient time to enable any person or body wishing to make representations to obtain relevant material, to consider it and to put their representations to the Council.

Financial

(a) Revenue

(b) Capital

Land

Not applicable

Personnel

Not applicable

Appendices

Appendix 1 – Hackney Carriage Vehicle Policy

Appendix 2 – Vehicle Inspection Standards Policy

Appendix 3 – Equalities Impact Assessment Relevance Check

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985 Background Papers: