

LICENSING COMMITTEE

DATE OF MEETING: 1 June 2021

TITLE OF REPORT: Amendment Taxi and Private Hire Policy

Report of: Head of Place

Cabinet member: Cllr Sara Kinnell, Regulatory

1 PURPOSE OF REPORT

- 1.1** The purpose of this report is to consider a draft amendment to the Taxi and Private Hire Policy.

2 OFFICER RECOMMENDATION

- 2.1** Licensing Committee is recommended to approve the draft amendment to the Taxi and Private Hire Policy for consultation with the trade and interested parties.

3 BACKGROUND

- 3.1** The Taxi and Private Hire Policy sets out the Council's approach to the administration of the Taxi and Private Hire licensing functions under the Town Centre Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976.
- 3.2** The policy has recently been updated in line with the Department for Transport Statutory Taxi and Private Hire Vehicle Standards (hereafter referred to as DfT guidance) published in July 2020. The policy was approved by Licensing Committee on 2 March 2021 following a 12 week consultation period.
- 3.3** During consultation comments were received from members of the trade asking that card payments should be made mandatory in all licensed vehicles. This step has been taken by other licensing authorities, and it was noted that card payments had increased during the pandemic. As this was not in the original consultation it could not be included in the new policy in March without a separate consultation. Licensing Committee agreed that they wished this to be undertaken.

4 CONSIDERATIONS

- 4.1** The expected benefit of mandating credit card payments would be to provide customers with a wide range of payment options. This will be in conjunction with signage in every licensed vehicle stating what payment types are accepted.
- 4.2** The report provided on 2 March 2021 incorrectly stated that the mandating of card payments would need to be a condition of the vehicle licence. Upon further review it is considered that it would be better to being part of the policy, to be included in the specifications and conditions of Hackney carriage and Private Hire vehicles, see Appendix 2.
- 4.3** The Council will provide guidelines for electronic payment devices, please see Appendix 3, but will not mandate what type must be used to take payments. This option will be left to the trade to determine in order to allow the trade to obtain the most cost effective device.
- 4.4** The following would be included in the consultation, the consultation letter is available at Appendix 1:
- All Licensed drivers, vehicle proprietors and Private Hire Operators
 - HDC councillors
 - HDC legal team
 - National Private Hire and Taxi Association
 - Guide Dogs campaign team

5 POLICY IMPLICATIONS

- 5.1** The trade and responsible authorities will need to be consulted for 12 weeks. The rest of the policy in being implemented whilst the additional consultation is ongoing. The responses to the consultation will then be brought to the committee for their consideration at the next available committee meeting.

6 FINANCIAL IMPLICATIONS

- 6.1** There will be an additional cost to drivers, vehicle proprietors or operators if every vehicle is conditioned to provide means of electronic/card payment. There are a number of options for electronic payment and these must be reviewed by the drivers.

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APPENDICES

- 1) Consultation letter**
- 2) Proposed Policy wording**
- 3) Guideline for Electronic payment devices**

Appendix 1

Our Ref: Taxi and Private Hire Policy Consultation

7 June 2021

Dear Licence Holder

**TOWN POLICE CLAUSES ACT 1847
LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976
HACKNEY CARRIAGE AND PRIVATE HIRE POLICY AMENDMENT CONSULTATION**

We write to give notice of Hart District Council's intention to amend the taxi and private hire policy to apply in exercising our Hackney Carriage and Private Hire Driver, Vehicle and Operator licensing function. This amendment is to include mandating card payment facilities in licensed vehicles.

The draft amendment is now subject to consultation which will run for a 12 week period until 23 August 2021.

A downloadable version of the document can be found on the Council website at <https://www.hart.gov.uk/taxis>.

Electronic versions can be emailed on request.

Any person wishing to make comment on the draft policy within the consultation period may do so by writing to the Licensing Team Leader or by emailing licence@hart.gov.uk. Comments shall be considered and presented to the Council's Licensing Committee who are required to approve the draft policy with relevant revisions made following consultation.

I trust this clarifies the position. Should you require anything further, please contact the licensing team on 01252 622122 or by emailing licence@hart.gov.uk.

Yours faithfully

Appendix 2

Hackney carriage and private hire vehicles

Specifications and conditions

23 All Licensed vehicles must have the facility to take card payments, and the facility to provide a receipt if requested by the customer. The card payment device must accord with the guidelines provided in this policy at appendix XX.

Appendix 3

Guidelines for Electronic Payment Devices.

General Requirements

All payment devices must:-

- comply with the requirements of the current UK banking industry standards as stipulated by the Financial Conduct Authority (FCA).
- be listed on UK Finance (formally the UK Cards Association) website as an approved device.
- comply with latest release of the UK Finance approved guidelines relating to organisational security policies.
- meet all requirements as regards safety, technical acceptability and operational/data integrity.
- be checked regularly and maintained to operational standards, including any repairs after damage.
- be designed, constructed, installed and/or carried in such a way and in such materials as to present no danger to passengers or driver, including impact with the equipment in the event of a collision.
- be protected from the elements, secure from tampering and theft and located such as to have the minimum intrusion into any passenger area, including designated wheelchair space, or impact on the luggage carrying capacity of the vehicle.
- be free from obscuring or interfering with the operation of any of the vehicle's standard and/or mandatory equipment, i.e. not mounted on or adjacent to air bags/air curtains or within proximity of other supplementary safety systems which may cause degradation in performance or functionality of such safety systems.
- comply with any legislative requirements in respect of the Motor Vehicle (Construction and Use) Regulations, 1986, in particular with regard to equipment obscuring the view of the road through the windscreen.

Automotive Electromagnetic Compatibility Requirements (EMC)

Any charging equipment used must not interfere with any other safety, control, electrical, computer, navigation, satellite, or radio system in the vehicle.

Information regarding type approval of the payment device or payment system will be required. The installed equipment should be clearly e-marked. If any electrical equipment is CE marked for EMC, a certificate will be required from an appropriate authority declaring that the equipment is non 'immunity-related' and suitable for automotive use, as part of the approval process.

Payment Device Functionality

All payment devices must:-

- meet all requirements and standards as stipulated by the card scheme companies in terms of connections to a host such as GPRS, 3G, 4G, Bluetooth or other connection methods to complete payment transactions.
- links between a taximeter, card payment applications and other electronic devices must be in 'read only' format.
- provide functionality to protect the confidentiality of critical data (in particular PINs) whilst the card transaction is being processed.
- allow card details to be stored for the minimum amount of time required to enable the payment transaction to complete, thereafter card details must be deleted / disposed of in a secure manner.
- have the facility to produce printed receipts which comply with the current banking standards.

Payment Device Approval/Certification

The payment device/solution must comply with the following standards (as supplied in conjunction with UK Finance):-

- Transactional Smartcard Reader Protection Profile (TSRPP).
- Current Card Acceptor to Acquirer Interface, UK Finance Standard 70.
- Pass a security integrity evaluation process by a PCI Security Standards Council approved testing laboratory (PCI PTS Testing and Approval Programme).
- Payment Card Industry Data Security Standards (PCI DSS) - (This compliance may be provided through the services of a third party provider).
- Payment Card Industry Data Security Standards (PCI PA-DSS).
- Type approval specifications as set by EMVCo (level 1 Electromechanical, level 2 Kernel software).
- The UK Finance Common Criteria Evaluation (EAL4+). Evaluation completed against the **JIL** Terminal Evaluation Methodology Subgroup (JTEMS) POI Protection Profile or;
- Common SECC certification and registered on the Common SECC web site.

Payment Transactions

All payment transactions processes must operate in accordance with UK Finance.

All payment transactions processes must operate in accordance with Payment Card Industry Data Security Standards (PCI DSS).

All Payment applications processes must meet Data Security Standard (PA-DSS).

All payment transactions processes must operate in accordance with the Acquirer Bank regulations and standards.

From 2nd April 2016 all card payment surcharges to passengers have been removed.

Data Protection

You are legally obliged to comply with the requirements of privacy and data protection legislation in respect of all transaction processes, data management and storage. This includes the General Data Protection Regulation (GDPR) and the Data Protection Act 2018. You can find out more about your obligations from the [Information Commissioner's Office \(ICO\)](#).

Note:-

Sending or handling personal data outside the European Economic Area (EEA) must comply with the specific principle(s) set out in GDPR to ensure an adequate level of protection is in place for the storage and processing of personal data. Compliance issues may be avoided by ensuring the any cloud data handling is restricted to servers domiciled within UK the countries that make up the EEA.

Documentation Required

- PCI DSS certification (PCI-PTS and PCI PA-DSS where relevant to the solution configuration).
- EMC certification/documentation (where applicable).
- UK Finance Common Criteria Evaluation (EAL4+) certification/documentation, or; Common.SECC certification.
- EMVCo. Type Approval certification/documentation.
- Confirmation of registration on the public register of data controllers maintained by the Information Commissioner's Office (where applicable).

Signage

Signage must be displayed identifying the payment cards/method accepted; these should be placed for view from the exterior and interior of the vehicle.

The signage must be displayed in such positions so as to minimise obstruction of vision and to make it as visible as possible to passengers after entering the vehicle.