

## ITEM NO: 5

|                          |  |                                  |                    |
|--------------------------|--|----------------------------------|--------------------|
| <b>DECISION-MAKER:</b>   | LICENSING COMMITTEE  |                                  |                    |
| <b>SUBJECT:</b>          | HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE AND DRIVER CONDITIONS. |                                  |                    |
| <b>DATE OF DECISION:</b> | 26 AUGUST 2009   |                                  |                    |
| <b>REPORT OF:</b>        | Solicitor to the Council   |                                  |                    |
| <b>AUTHOR:</b>           | Name:  | Richard Ivory                    | Tel: 023 8083 3523 |
|                          | E-mail:  | richard.ivory@southampton.gov.uk |                    |

### STATEMENT OF CONFIDENTIALITY

None

### SUMMARY

On 6<sup>th</sup> May 2009 Members were asked to consider a report regarding Hackney Carriage and private hire vehicle and driver conditions. The report was considered and after debate the Committee decided to defer the decision for further consultation to be undertaken.

On 26<sup>th</sup> June 2009 letters were sent to all relevant licence holders advising them of a consultation meeting and inviting them to attend on 9<sup>th</sup> July 2009 to discuss the report. Of approximately 1200 letters sent out: 42 people responded and asked to attend, a further 2 responded by email, of those 42 that replied only 31 attended. The original report is attached at Appendix 1.

### RECOMMENDATIONS:

- (i) To approve the additional and revised conditions recommended in the 6<sup>th</sup> May 2009 report on the basis that they will improve the quality of both vehicles and the service provided by drivers.
- (ii) That the Solicitor to the Council approve the final wording of those conditions.

### REASONS FOR REPORT RECOMMENDATIONS

1. There is a continuing requirement to ensure that licensed vehicles and driver standards are kept at the highest level. The proposed revised conditions are intended to lead to significant improvements in both areas.

### CONSULTATION

2. Further consultation was carried out as outlined in the summary above. The copy of the letter to licence holders is attached at Appendix 2.

### ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

3. The revision of any conditions is discretionary. Officers believe they are appropriate for the reasons given hence their recommendation to the Committee

## DETAIL

### 4. **Basic skills assessment for new drivers and BTec Qualification.**

For some considerable time there has been a view from the trade that many new applicants for hackney and private hire drivers licences have insufficient basic skills (reading, writing and basic communication skills) to carry out their role. By introducing a basic skills assessment for new drivers, deficiencies in their skills can be identified and therefore addressed positively through relevant training. That training will in most cases attract external funding and therefore will be free to the applicant.

5. The BTec qualification is a recognised certificate course which provides the underpinning knowledge for the Road Passenger Vehicle Driving NVQ which is itself an industry recognised qualification. Funding for the NVQ is currently available through "Train to Gain" and therefore provided the driver meets the relevant criteria then the qualification should be cost neutral.

6. Standards within the trade are currently poor overall and the Licensing team is regularly contacted by the public in this regard. By insisting on the basic skills and BTec qualification drivers will have a certified knowledge base covering seven major areas as follows:

1. Customer service
2. Equal Opportunities
3. Disability awareness
4. Taxi and Private Hire regulation
5. Taxi and Private Hire safety
6. Carriage of luggage and parcels
7. Basic topography and route planning.

7. Since the original report was presented clarification has been sought on a number of issues. Firstly there is not likely to be any insistence by Government or Department for Transport to make qualifications mandatory.

8. Secondly DfT best practice guidance suggests that Local Authorities should encourage drivers to obtain one of the nationally recognised qualifications.

9. It is fair to say that to date many existing drivers have now seen the benefits of studying for a qualification and most of the 400 or so that have taken the BTec qualification have gained some knowledge.

10. Officers recognise that this may be a minimum standard that is required and members will need to decide whether this minimum standard is considered suitable to ensure the safety of both drivers and passengers by ensuring that drivers understand their responsibilities under Hackney Carriage and private hire legislation as well as Equal Opportunities and the Disability Discrimination Act. Whether or not the qualification becomes a condition of being licensed or not Officers believe that a Basic Skills Assessment should be included in the application procedure to ensure that in future any driver licensed by the Authority at least has sufficient skills to communicate with their passengers.

11. **Driving assessments for Hackney Carriage driver and private hire driver applicants.**

It was agreed that driving assessments would help to improve the standard of driving at the application stage and also benefit existing drivers that were persistent offenders.
12. Full details are contained in the original report at Appendix 1 at paragraphs 8 to 10. This matter was further consulted on through the online taxi notice board and at the consultation meeting on 9<sup>th</sup> July 2009.
13. **Vehicle specifications (Engine Power).**

This matter was further consulted on through the online taxi notice board and at the consultation meeting on 9<sup>th</sup> July 2009. It was agreed that amending the specification would be beneficial for reasons of economy and environmental considerations (reducing CO2 emissions).
14. Full details are contained in the original report at Appendix 1 at paragraph 11.
15. **Interim testing of licensed vehicles.**

This matter was further consulted on through the online taxi notice board and was debated at length at the consultation meeting on 9<sup>th</sup> July 2009. Officers have produced evidence of significant failures of a large number of vehicles at their compliance test no matter what age. A recent operation with VOSA highlighted the lack of maintenance, when forty-nine vehicles were stopped, nine had minor failures, three were suspended by Licensing Enforcement Officers and four were suspended by VOSA for serious defects.
16. The detailed evidence put forward by Officers confirms that Southampton has its own inherent problems and therefore although DfT Best Practice Guidance suggests additional tests for vehicles over five years old officers ask that vehicles over two years old be required to have an additional "MoT" test midway through the year.
17. Full details are included in Appendix 1 at paragraphs 12 to 17.
18. **Vehicle specification (visual effect).**

This matter was further consulted on through the online taxi notice board and at length at the consultation meeting on 9<sup>th</sup> July 2009. It was agreed that a condition ensuring the visual standard of the vehicle would be beneficial provided that it was not so specific that it would insist on original parts being used during servicing etc.
19. Full details are included in Appendix 1 at paragraph 18.
20. **Digital Cameras.**

Digital cameras are currently fitted to about a hundred and ten Southampton vehicles and are clearly the cause for some concern and those concerns were voiced at the recent consultation meeting.
21.
  1. *Data protection issues with cameras.* Cameras are compliant and Southampton City Council is the data controller. We are registered with the Information Commissioner and the systems in place are compliant.

2. *Who will pay for downloading of photographs?* The licensing team have all the secure equipment and authority to download the encrypted data and there is no additional charge, costs currently being met from existing resources.
3. *Concerns from customers being filmed, both adult and children.* The system is completely secure with the data being held in an encrypted format. Data will only be downloaded in the event of a substantive complaint either from a driver or passenger or where a crime is alleged. In the event of a download strict rules of evidence apply. Data recorded on the hard drive is encrypted and can only be downloaded by Licensing and the Police CCTV unit at Netley.
22. Since the original report to The Licensing Committee in May 2009 there have been some minor amendments in relation to cost and also further evidence of the benefit of all vehicles having this equipment fitted.
23. In order to ensure there is sufficient hard drive capacity to provide a reasonable timescale and consequent evidential benefit, cameras currently fitted are being upgraded with double the hard drive capacity.
24. There is an additional charge for the new hard drive and thus each unit will now cost £605 plus fitting.
25. The Licensing Team has now been provided with software to test the camera, where necessary. It is anticipated that each unit will be tested each year at licence renewal.
26. A recent example of the potential of cameras to assist in the investigation of serious crime was in early July when a serious allegation of sexual assault was made to the Licensing Team and the Police. Investigations continue and the number of potential suspects has been reduced substantially following a considerable amount of work by both the Police and Licensing Officers.
27. However, had the car in question been fitted with a camera, it is likely that the alleged assault might never have taken place and, even if it had, then the download of images from a limited number of vehicles would have made the investigation far less time consuming and would have ensured a satisfactory outcome.
28. Cameras are fitted to fulfil two roles; firstly, to ensure the safety of the public and secondly the safety and integrity of the driver. It has been proved from the 110 cameras already fitted that they act as a deterrent to would-be trouble makers, and in the last year has been successfully used to identify in the region of a dozen offenders. The picture quality is exceptional and is fully accepted as evidence in the Courts as the system is fully auditable, containing details of the vehicle, camera serial number, licence number, time and date.
29. It is a matter of fact that had cameras been fitted in all vehicles a number of serious allegations resulting in long term suspension of drivers could have been avoided.
30. In the past the Licensing Team has secured significant funds to subsidise these cameras to the amount of £375 each, with the vehicle proprietor or driver then owning the equipment. These funds have previously come from

GOSE and the Safe City Partnership.

31. If these cameras or an equivalent became a condition of licence then it is anticipated that subsidy of £350 could be achieved with the driver paying the remainder. The driver/ proprietor cost is a legitimate business expense as a tool of the trade and is therefore tax deductible.
32. In the circumstances officers request that the fitting of approved cameras to all licensed vehicles becomes a condition of licence, to take effect when the current vehicle is replaced or transferred to a new owner.

## **FINANCIAL/RESOURCE IMPLICATIONS**

### **Capital**

33. The only item that will require capital expenditure from the licensing budget will be the purchase of the digital cameras. It is estimated that this can be funded from the licensing budget over a period of time. External funding will continue to be actively sought where appropriate.

### **Revenue**

34. No net effect. The administration of these matters will be dealt with as part of the normal business of the licensing function.

### **Property**

35. No implications

### **Other**

36. None

## **LEGAL IMPLICATIONS**

### **Statutory power to undertake proposals in the report:**

37. Town Police Clauses Act 1847 and Local Government (Miscellaneous Provisions) Act 1976

### **Other Legal Implications:**

38. None

## **POLICY FRAMEWORK IMPLICATIONS**

39. None

## SUPPORTING DOCUMENTATION

### Appendices

|    |  |
|----|--|
| 1. | Report to Licensing Committee - 6 May 2009 |
| 2. | DfT Best Practice Guidance                 |

### Documents In Members' Rooms

|    |     |
|----|-----|
| 1. | N/A |
|----|-----|

### Background Documents

Title of Background Paper(s)

Relevant Paragraph of the  
Access to Information  
Procedure Rules / Schedule  
12A allowing document to be  
Exempt/Confidential (if  
applicable)

|    |  |  |
|----|--|--|
| 1. |  |  |
|----|--|--|

**Background documents available for inspection at:** N/A

**FORWARD PLAN No:** N/A                      **KEY DECISION?** N/A

|                                    |     |
|------------------------------------|-----|
| <b>WARDS/COMMUNITIES AFFECTED:</b> | N/A |
|------------------------------------|-----|