

Public Document Pack

Licensing Committee

Tuesday, 8th April, 2014
at 9.30 am

MEMBERS' ROOM DOCUMENTS

This meeting is open to the public

Contact

Democratic Support Officer

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MEMBERS' ROOM DOCUMENT

Agendas and papers are now available via the City Council's website

5 CAB CAMERAS - REVIEW OF SUBSIDY PROVISION

- Consultation responses relevant to the camera subsidy.

6 REQUEST TO AMEND THE CONDITION TO REDUCE THE LIFE OF LICENSED PRIVATE HIRE VEHICLES AND HACKNEY CARRIAGES

- Report to the Committee on 19 September 2013
- Copy of consultation letters received

Unite the Union
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John Rowse

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SOUTH EAST REGION

21 March 2014

Phil Bates
Licensing Manager
Southampton City Council
Civic Centre
Southampton
SO14 7LY



Dear Mr Bates

Licensed Vehicles Age Limits

In September 2013 the licensing committee took a unanimous decision to increase the age limit of its licensed vehicles from 7 to 9 years and from 10 to 12 years for wheelchair accessible vehicles (WAVs).

The committee took into account the effect of the recession on the taxi trade [which results in taxi's doing less mileage] the improvement in taxi standards arising from the decision to impose a 6 monthly MOT on licensed vehicles (vehicles) older than 2 years, the fact that older vehicles are often solely owner driven resulting in greater care taken of the vehicle; amongst other things.

Your Officer's letter mentions emissions from older vehicles and whilst it is true that newer vehicles may be cleaner, emissions are now checked twice a year and, in 2009 you decided that vehicles had to be 80bhp regardless of engine size. In addition you permitted 1.4cc engines, which are also generally cleaner. So the Committee has taken steps in this area and it is interesting to note that your Officers did not mention this in September.

The Committee should also be mindful; that the increase in vehicle age to 9 and 12 years respectively, does not necessarily mean that those vehicles will be licensed for the full window allowed.

Regarding the concerns of the business community we believe that the effect of your decision has not been clearly seen yet and that more time should be given to analyse this. We believe that together with the measures you have already taken to ensure quality control, there should not be a problem for the business community.

As a result of your decision in September many taxi proprietors have made business decisions based on the new circumstances and to withdraw this in haste could lead to unnecessary financial problems for them.

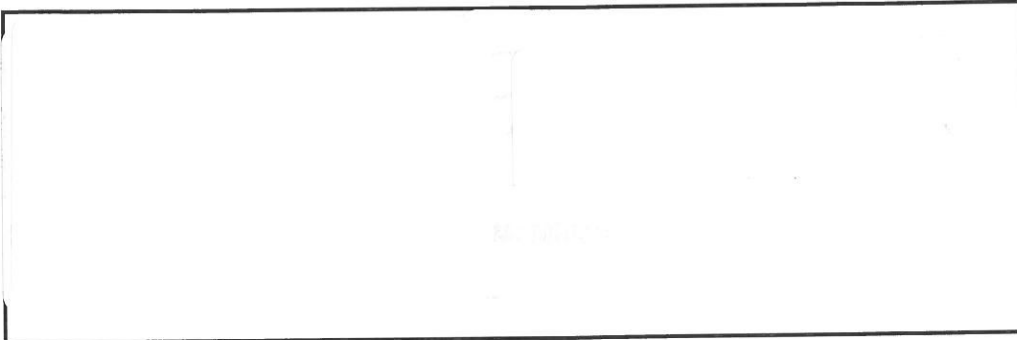
Removal of Subsidies for Cameras

You will be aware that the trade made a strong case at the meeting in September for a voluntary situation with regard to in cab CCTV. This would have been cost free for the council and would also allow every driver who wished to have a camera system to have one that was compliant with the

council standard. After consideration the Committee voted Mandatory Cameras 4, Voluntary Cameras 4. Mandatory being carried on the casting vote of the Chair. We believe that some of those voting for a mandatory camera system may have done so believing that subsidy would remain.

That being the case we believe that the mandatory condition for taxi cameras [the Pageantry system costs £859.56], which a driver would have to pay up front, should be re-visited and further consideration given to a voluntary system. This would be cost free to the council, cost free to drivers struggling to make ends meet, and all drivers wishing to have a compliant camera system would be free to have one.

Yours sincerely



Sent: 28 February 2014 13:15

To: Licensing

Subject: Consultation on life of licensed vehicles and ending the subsidy for taxi cameras

Following receipt of your letter I would like to put the following points to the committee

1. I am at a loss to understand why a committee agreed to increase the allowable age of vehicles only 5 months ago, and now feel that it is the wrong decision. There surely must have been compelling reasons for the change, as well as consultations prior to implementation. Nothing has changed in 5 months so there can be no reason to revert back to the old scheme, unless the incorrect decision was made in September. If this is the case, it is something that needs to be reported to the full council.

On the subject of cameras. You say that you have spoken to HMRC who confirm the full costs can be recovered in the 1st year as legitimate costs.

You are wrong !

Perhaps you could inform every driver, who you spoke to at HMRC, and why you believe this to be the case. It has never been the case that HMRC reimburse business expenses. What in fact happens is that self employed drivers are able to offset the full cost of purchase and fitting against any tax liability they may have. This means that currently if they make a profit in excess of £10,000 they can reclaim 20% of the cost. If there profit is less then they can reclaim nothing, and have to stand the full cost themselves.

In your discussions with HMRC perhaps you could ask for some general figures on how many self employed taxi drivers currently earn less than the personal allowance and how many are currently claiming tax credits.

It is completely unacceptable that the committee increases the cost of running a vehicle, at a time when all drivers are struggling to earn a living wage.

I am personally in favour of cameras, however when cameras were introduced it was on the basis that they would be subsidised, if the subsidy is no longer there, then the requirement to fit a camera should be removed.

I hope that you find these comments helpful

Many Thanks

St. John, Lynda

753 901 1000

Sent: 02 March 2014 14:01

To: Licensing

Subject: taxi camera subsidy/your letter dated 24th feb

Attn Mr Bates

Dear Sir,

Its disappointing to hear the council plan to end the subsidy.

Although cameras are a licensing requirement most if not all drivers would prefer not to have them, cost of equipment being the main reason, so ending the subsidy would increase driver costs even further.

I would like to suggest a compromise. With private hire bookings the operator has the customer name, telephone number, pick up address and drop off address. The customer has the operators telephone number and gets a textback giving make, model, registration number and colour of vehicle. With this level of information on both sides incidents are unlikely as both driver and customer are traceable.

With hackney the above does not apply, neither driver or customer can be easily traced following an incident.

For the above reasons I would like to suggest private hire vehicle should no longer require cameras, but its still necessary for hackneys to keep them.

Yours faithfully,

Lynda, Lynda

From: lynda.ferrell@sky.com

Sent: 04 March 2014 12:17

To: Licensing

Subject: Taxi consultation

In response to your letter of the 24th February I do not agree with the proposals set out.

Firstly it is difficult to make a living as it is as an owner of a private hire vehicle. To re-introduce 9 years would make it harder to survive. As you know we have also had increases in diesel and cameras and renewal of MOTs and licenses. I live in Kennedy Road and the roads around me are in a dreadful state yet you say you are concerned about the 'image' of the city. If you cutback on the hierarchy in the Council then there would be more money available without looking at slicing more off us taxi drivers. A 9 year old is acceptable in many other Cities in England and often longer lifespans. Could you inform us of what businesses are concerned about this?

Secondly regarding the cameras I would like to know how the full costs of camera installation can be recovered in the first year?

Yours

Lynda

Lynda

Steele, [redacted]
From: [redacted]

Sent: 12 March 2014 10:49

To: Licensing; Bates, Phil

Subject: Consultation on life of licensed vehicles and ending the subsidy for taxi cameras

Dear Phil

I am writing with regards to your consultation letter regarding life of licensed vehicles and ending the subsidy of taxi cameras. I would like to respond to both points.

- 1) Life of licensed vehicles. On the 19th September 2013 you wrote to inform us that the renewal age for the vehicle had been extended by two years. This was a move that we welcomed. As you are aware neighbouring councils of Eastleigh, Fareham and New Forest do not have restrictions on the age of their vehicles meaning that an unfair market locally has been created as Southampton registered and licensed operators have had to have a younger vehicles in their fleet compared to operators registered in the neighbouring borough and yet private hire vehicles from these boroughs carry out a large percentage of their work in the City of Southampton. Essentially they are therefore able to keep their costs lower in tender situations due to the vehicles being on the road for a longer lifetime. Unfortunately the business community who you refer to as concerned about the negative impact the older vehicles have on the city are the same business community who ultimately go with the cheapest provider. Southampton City Council being one of these members. On the Southampton City Council Transport framework under which SCC car and minibus routes are tendered everything comes down to price. The quality and age of the vehicle counts for nothing and therefore operators who are registered in neighbouring boroughs who are on the framework are able to submit cheaper prices because they do not have to replace their vehicles as frequently. I would also suggest to you that the business community who have commented will include a number of car dealerships who no doubt look forward to the taxi and private hire companies having to renew their vehicles But these dealerships are generally part of regional, national and global companies. Ford have already ditched Southampton as a place of manufacture. If SCC is serious about reducing emissions then they should ban or place a tax on vehicles registered with neighbouring boroughs that are over a certain age from entering the city a bit like the low emissions zone in London. **I therefore request that you kindly keep the vehicle age increase you implemented on the 19th September 2013.**
- 2) Taxi Camera subsidy we understand the councils need to make budget cuts but again I refer you to my argument about private hire vehicles registered in neighbouring boroughs again they do not have to meet this criteria to have them fitted which in tender situations gives them an advantage. I happen to think the cameras are a very good idea can SCCs licensing team influence the neighbouring borough councils in introducing cameras into their vehicles?

Yours Sincerely

[redacted signature]

[Redacted header information]

Sent: 18 March 2014 21:40
To: Licensing
Subject: Re: Consultation on life of licensed vehicles and ending camera subsidy for taxi cameras

[Redacted header information]

Date: Tue, Mar 18, 2014 at 9:19 PM
Subject: Consultation on life of licensed vehicles and ending camera subsidy for taxi cameras
To: Licensing@southampton.gov.uk

My comments are as follows :-

LIFE OF LICENSED VEHICLES

The two year extention to vehicles was given to ease the burden on proprietors at a time of recession. This decision was taken 19/9/2014 which is exactly 5 months since you wrote to us regarding wanting to revert to the old age limits. To my knowlege the recession within the Taxi trade is still very much with us to which I will come to in a minute. You cite the reasons to revert to the old limit are 1) the business communities concerns on the image of the city and business in general and 2) in addition EU improved standards on newer vehicles and the councils desire to reduce emmissions within the city. My response to these points are as follows- Firstly all licensed taxis and private hire vehicles in the city are subject to a strict hackney or private hire mechanical test which also covers the bodywork and interior once a year. In addition they are subject to a normal MOT test six months later. Should we lobby for a ban on all private vehicles over seven years old within the city, I wonder what the business community and public would make of that?!!! Secondly 99% of the present fleet of taxis and private hire vehicles allready meet EU standards and in fact are taxed at a reduced rate because of low emissions. Reducing the the life of the fleet by two years will do nothing when Buses Hgvs and the general publicc vehicles are taken into account. The Licensing Committee very rightly made their decision 5months ago to ease the burden on hard pressed taxi drivers by extending the lifetime to a quite reasonable 2 years in line withh many other Authorities in the UK. For Gods sake there has been no time to test that decision FIVE MONTHS!!!

Going back to point on the recession in your letter regarding the taxi camera subsidy you state that there is an average of 100 new private hire vehicles being licensed every year this equates to £2000000 coming out of the earnings of the present fleet of drivers every year. Our income has fallen in real terms by 40% WE ARE ON OUR KNEES. If things carry on the way they are going there will be no trade. Drivers working longer and longer hours servicing being neglected and illegal minicabs all over the place. Please work with us not against us a good trade is in all our intersts.

TAXI CAMERA SUBSIDY

I have no problem with the removal of the above subsidy. Proprietors have had enough time to have cameras fitted (owner/driver)

Ste

Fro

Sent: 19 March 2014 20:11

To: Bates, Phil

Subject: Age of Vehicles, Taxi Camera Subsidy

Good Evening Phil,

This is the Southampton Hackney Association's (SHA's) response to the lowering of age of vehicles and subsidy of camera's.

We would of course like to see the correspondence from the business community who express their concern of having older vehicles working as taxis in Southampton because of a negative impact they will have on the image of the City.

Category A Vehicles M1 Classification

These vehicles can range in price from approx. £16,00 to £40,000, depending on the size of disabled ramps and how many seats the vehicle has. There does not appear at the present time for an electric vehicle to have been produced that has been approved by the necessary bodies and has passed beyond doubt the M1 Specification, although we believe that there are some in the early stages of manufacture.

Category B Vehicles

If there is a case for a saloon car having an extended life because of it's electric capabilities, we would say that there should be no discrimination between the electric one/normal engine type.

Taking all this into consideration with regards to Category A and B Vehicles, we would like to make two suggestions :-

1. We feel it would be appropriate for members of the Licensing team to spend a bit more time observing taxis, parked on ranks. The exterior and interior of these vehicles should be checked on a more regular basis. For example, when we used to have the annual fare increase, it was conducted within the Docks. Vehicles were at least checked by the licensing team for faults. This does not happen now in any shape or form, at any time. We would suggest that if vehicles have torn seats, are generally dirty, have dents, etc., they should be taken off the road, repaired accordingly and presented to the Licensing Office before they are allowed to resume their job description as a taxi.
2. Taxis that have one driver on the vehicle, whether they be rented or driven by an owner driver are generally looked after far better than a vehicle that has multi-drivers. We would suggest that when a particular vehicle has reached it's so-called age of removal as a licensed taxi, an appointment should be made at VOSA situated at the Industrial Estate at Bitterne Manor for the vehicle to be thoroughly checked over to ascertain if an extension of one year can be approved? We must take into consideration that when a vehicle is over a certain age, it has to have, apart from the yearly compliance test, another MOT carried out throughout the year.

Subsidy of Camera's

It would appear that unfortunately due to the Council's budget, the subsidy for the camera's is to be taken away. The SHA committee has investigated as best as we can this contentious subject of in-car cameras and the three camera makes we have at the moment that are approved by this council are - Brigade, Pageantry and Verifeye. Because of the so-called fixed storage unit that these camera's

have, they are ideally suited for their purpose, especially if the film is required to do with a Court Hearing. But if the £250 subsidy is taken away, these become an expensive item, so we would suggest that the camera becomes voluntary?

We now have the situation that although there are cheaper models on the market, they have a SD Card, instead of a fixed storage unit. Our suggestion, if the camera's cannot be voluntary, we need these cheaper models that could be fitted with a seal so that the camera is not tampered with. Can this possibility be looked into?

Looking forward to hearing from you.

Regards,



21/03/2014

Response to consultation letter of 24/02/2014

Life of licensed vehicles:

We are surprised that the business community have expressed concern about the negative impact of the change.

Are we to assume that the business community only use Southampton licensed vehicles as many other licensed vehicles from adjoining councils who have far different regulations to Southampton service these business's.

We believe that with a compliance test once a year and an M.O.T. six months later Southampton's licensed vehicles are well regulated and we believe the age is not an issue.

We also believe that we are discriminated against in respect of vehicles from other local council's not having age limits as stringent as Southampton's.

Why does this council operate anti competitive rules against their own vehicles?

We have driver's who have made business decisions based on the 19th September's resolution and any change now will have a detrimental effect on their continuing finances.

On the point of emissions, whilst we accept that it is desirable to try and reduce them, is it only taxi's that are being targeted as this council subsidises other public transport i.e.buses,SCA mini buses and the like without imposing age limits.

Our considered view is that the resolution passed by councillors on the 19th September should not be reviewed or changed back to the previous ruling.

Taxi Camera subsidy:

We accept that the subsidy cannot be maintained in the current economic climate.

However, our view has always been that we are totally opposed to all vehicles having to have a camera and surely there must be cheaper alternatives available.

Observations:

It is our considered opinion that this consultation letter has been produced by the licensing department and falls outside the democratic process of the licensing sub committee.

Steele,

From:

Sent: 23 March 2014 22:48

To: Bates, Phil

Subject: Re consultation on age and cameras

Mr Bates,

Re Age of vehicles:

On 19th September 2013 the vehicle age increase by 2 years was one of the welcomed of all the items put to the licensing committee but the same could not be said of certain parties.

To try to revert this before any ample time has been given to trial and monitor fleet quality is a grossly *hostile* move, 5 months have passed but the number of vehicles replaced in this period have been minimal hence to jump to the unsubstantiated conclusion that image of fleet has and will hinder that of the city is *farcical*.

The arguments used against the age increase are weak:

Polluting vehicles : this is weak, many vehicles have Euro 4,5 & 6 diesel engines which are fully compliant with current E.U standards and of those welcomed in London.

It is once again weak as in August 2009 the then licensing manager found that smaller engines were capable of higher b.h.p hence he changed the engine requirement from 1600cc to 80 b.h.p with engine cc irrelevant, the change was based on the fact that smaller cc engines could be introduced into the trade.

So how can such vehicles can suddenly become more polluting ? Most Euro 5 & 6 use low ash engine oil which creates less carbon than mineral oils and ordinary semi & fully synthetic oils.

Fleet quality:

9 or 12 year limit is a window in which anyone can put vehicles on that though they maybe 5 years old but could have lower miles than one which is 3 years old they mostly only stay on for 4 years average. But, if any vehicle can last longer and still look good while being more than 7 years old then credit should be given to owner for looking after it. The theory of Darwinism springs to mind, the weak will die and the strong will go the distance, the vehicle itself will prompt the owner to change it. Age is a number.

Other parties being "*concerned*" about the city's image: to these people/businesses I would say that they should get and keep their own houses in order.

If it's hotels allegedly complaining then they should firstly shake off their Blackpool guest house image fit only for cheap stag weekends, if it's retail segment allegedly complaining then they should try to discover some individuality, if it's eateries allegedly complaining then they should try their hand at culinary hand aimed at man and not beast, if it's an entrepreneur allegedly complaining then let us have a say in *his* business and finally if it's a public servant

then let us choose *his* suits so he looks like a member of the *bar*.

The most compelling reason for an age increase was the fact that the financial downturn was biting hard & is still very much alive and present with no end in sight which then leads to the point that vehicles are subject to much less wear and tear than 4 years ago.

So far in countering the weak case for reversing the age limit has been academic as I feel I am not contending with a case but a personality or maybe two but not very challenging ones to say the least.

Whatever force is behind this "*coup*" are deeply insensitive to how some of my colleagues are going to be affected it is to this effect that determined me to speak up in the hope that some of their thoughts will be aired in my response to this very much unnecessary consultation prompted by a vendetta to hurt individuals whose budget plans and decision forecasts are being hampered creating an period of severe uncertainty.

One should be also mindful that the second hand car market is currently very strong in prices, I can give you a personal example : April 2009 I bought my Mercedes Vito for £16500, it was 4.5 months old with 5553 miles it is a 58 plate. 4 weeks ago I enquired about the same vehicle the dealer had a 58 plate with 70k circa miles the price was £13999+ vat @ 20% =£16798 - older but dearer than 5 years ago!!

Re cameras, as the powers that be are so in favour of this they will keep it all costs. This was brought in as compulsory with the premise of subsidy : if no subsidy as promised then this should be voluntary.

To end may I say that those who have stirred up this furore are insensitive tyrants hurting and hindering my colleagues especially those who are migrants hence afraid to express their worry and hurt as they feel they have no right of voice in foreign lands.

Kind Regards



Agenda Item 6

DECISION-MAKER:	LICENSING COMMITTEE		
SUBJECT:	HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE CONDITIONS AND POLICY – CAB CAMS		
DATE OF DECISION:	19 SEPTEMBER 2013		
REPORT OF:	HEAD OF LEGAL, HR AND DEMOCRATIC SERVICES		
<u>CONTACT DETAILS</u>			
AUTHOR:	Name:	Phil Bates	Tel: 023 8083 3523
	E-mail:	phil.bates@southampton.gov.uk	
Director	Name:	Mark Heath	Tel: 023 8083 2371
	E-mail:	mark.heath@southampton.gov.uk	

STATEMENT OF CONFIDENTIALITY

None

BRIEF SUMMARY

Since 26 August 2009 the Authority has required, by way of policy and conditions, that all new and replacement vehicles be fitted with Council approved cameras and that those cameras be subsidised to the effect that the cost to the driver be capped at £250 excluding VAT and fitting costs.

In light of factors including a Crown Court judgment in an appeal brought by the Council, the complaint to the Information Commissioner which resulted in a Tribunal decision of national importance and the ongoing subsidy implications of the scheme a review was required. The matter was originally referred to Committee in March 2012. The Licensing Committee agreed a review of the policy and conditions and authorised a consultation exercise. The review process was commenced with surveys conducted by an independent company, however, this was deferred pending the outcome of enforcement action and a Tribunal hearing considering the audio element of the policy. In light of the conclusion of those proceedings and further consultation the matter is now referred back to the Licensing Committee for determination.

RECOMMENDATIONS:

- (i) to
- (a) consider the results of the consultation exercise and recent judgment of the Information Rights Tribunal
 - (b) consider the financial and timescale impact on operators / proprietors from each of the options set out in the report
 - (c) determine whether the policy and conditions in relation to cameras for new and replacement hackney carriages and private hire vehicles should continue to be enforced and / or should be amended and consider adoption of one of the several options set out within this report.

- (ii) to delegate authority to the Head of Legal, HR and Democratic Services to implement any new or revised policy and conditions and keep under review.

REASONS FOR REPORT RECOMMENDATIONS

1. Following the implementation of the policy and condition an appeal of the condition resulted in observations (dicta) from the Crown Court, despite finding for the Council.
2. Subsequently a complaint was made to the Information Commissioner's Office who raised Data Protection issues leading to service of an Enforcement Notice by the Information Commissioner's Office ("ICO") and an appeal by SCC to the Information Rights Tribunal heard in January 2013.
3. Prior to that appeal on the 22nd March 2012 the Licensing Committee resolved to authorise the commencement of a consultation exercise to allow a full review of the policy and conditions in light of adverse judicial comment. This was suspended pending the tribunal case.

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

4. None. All options are contained in this report.

DETAIL (Including consultation carried out)

5. The history of proceedings has been set out in full in the previous report dated 22nd March 2012 (and attachments) which is available for inspection in the Member's Room.
6. There has been some delay in the matter returning to Committee for consideration due to the enforcement action undertaken by the ICO and subsequent appeal brought by the Council against the service of that notice, to the Information Rights Tribunal. In light of these proceedings it was felt prudent to await the outcome and the clarification it would provide before referring the matter back to the Licensing Committee for full and proper consideration.
7. Following the resolution to authorise consultation, the Halcrow Group (an independent survey company) were instructed and undertook a consultation exercise by way of survey of the trade and members of the public and correspondence sent to stakeholders and trade representatives. Consultation responses are summarised and presented by the Halcrow Group Ltd. at Appendix 1.
8. During the consultation process the ICO served an Enforcement Notice requiring the cessation of continuous audio recording. The Notice is attached at Appendix 2. In response to the notice legal advice was sought from leading counsel and the decision was taken to appeal the terms of the notice. The grounds of appeal are set out in full at Appendix 3. The appeal led to a hearing before the Information Rights Tribunal where the Council was supported both by Hampshire Constabulary and the Association of Chief Police Officers (ACPO) giving evidence. The ICO itself acknowledged that the case was one of considerable national importance and was dealing with groundbreaking issues. The ICO also made clear that it had no concern with the continuous recording of video within taxis nor had any concern with audio

recording where it is triggered - for example by way of panic button. The only element of the Council's policy that caused concern was that part requiring continuous audio recording.

9. The judgment of the Tribunal is attached at Appendix 4. In essence the Tribunal noted the concerns of the Council and the clear purpose of the policy to protect the public (stating they were impressed by the evidence and the nature of the problem – including vulnerability of specific passengers), however were ultimately not satisfied on balance that the continuous recording of audio was proportionate. The tribunal decision is binding on the Council and has not been appealed.

10. **Trade Consultation**

In light of the delay in the review of the policy it was considered appropriate to allow the trade a further opportunity, in addition to the survey already undertaken and sent to each licence holder, to express views in light of the recent judgment and developments.

11. On 2nd May 2013 a Taxi Trade Representative Consultation meeting was held to discuss taxi cameras. In short the trade made the following points:

- If the proposal to have cameras was to protect the driver then why is it compulsory?
- If on the other hand it was for the protection of the public, the licensing of drivers is a waste of money and indicates a failure of the licensing department, if the council is so incompetent in its checks on drivers that it needs cameras to control them, adding it shows a lack of faith in the trade and the licensing system.
- The original cameras cost £700 with expensive replacement parts. The trade would like more choice of approved cameras.
- It was clear cameras and audio were supported but only voluntarily.

The notes of the meeting are attached as Appendix 5.

12. The purpose of the policy was to protect the public and drivers. In 2008 and 2009 there were a total of 8 allegations of sexual offences by licensed drivers against their passengers. Only 2 of these cases are understood to have resulted in convictions, the rest were either not proceeded with or found not guilty at court due to lack of evidence. Clearly taxi camera evidence would have assisted in determining if the allegations were true or not. The number of reported incidents has dropped since cameras have been made mandatory. In officers opinion this proves the cameras are a deterrent that works. Since 1st January 2011, nearly 30 months compared to the 24 months in 2008 and 2009, there has been a reduction to 5 allegations of sexual offences on passengers by drivers. Taxi camera evidence has been used in four of the investigations. Two licenses have been revoked and the remainder have had no further action taken.
13. Section 17 of the Crime and Disorder Act 1998 imposes a direction to local authorities to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area. The purpose of the cameras is to protect both the public and the drivers and to further the council's

obligations under the above Act.

14. A driver is already subject to a high degree of checks to satisfy the “fit and proper” test to be a licence holder. Any vetting process alone cannot completely eliminate the risk of an individual acting inappropriately once licensed. It does, however, significantly reduce the risk.
15. Prior to making cameras compulsory there was a voluntary scheme open to the whole trade. 110 cameras were fitted under the voluntary scheme, a take up of less than 15%.
16. The camera specification required by the Council is under review, however to ensure data is captured, kept secure and able to be presented in a format meeting the requirements to be presented as evidence at a criminal trial the cost is likely to remain in the region of £700. If the committee decides to continue with a camera system, once the specification has been reviewed the trade will be notified to allow them to seek suitable systems to be considered for approval by the Licensing Manager. As each system will have its own procedure to secure downloads, the licensing manager will wish to restrict the number of approved systems to a maximum of 4. During the appeal hearing it became apparent the council needed to make public its policies in relation to when data will be downloaded, how it will be downloaded and who will conduct the download to safeguard against inappropriate or illegal downloads. The police have agreed to undertake the downloads (as mainly they are used as potential criminal evidence) but will only commit resources to do so if the camera systems are ones approved by the Council and equally the Council is the data controller. Attached at Appendix 6 is a proposed policy to cover downloads of data.
17. **Current Suspension of the policy**

In light of the judgment the Licensing Team has made arrangements for all licensed vehicles with cameras fitted to have the audio recording disabled pending the outcome of review of the policy by the Committee. A number of drivers have expressed concern to Licensing staff the loss of audio recording is putting them at greater risk of false allegations and racial abuse.
18. Whilst officers are sympathetic with their position as a matter of law the council is no longer able to require a system has continuous recording of audio. As a result it is suggested that the evidential benefits of audio recording alone are considerably undermined. However, it is accepted that a triggered system may well be of benefit to the driver in protecting their own position.
19. **Exemptions from the policy**

In addition to the impact of this judgment the experiences of the licensing team and trade in relation to the fitting of cameras have identified an area of the policy to be reconsidered. At present there is no express exemption for the fitting of cameras allowed within the policy. Yet there are examples of vehicles that have not had cameras fitted. These are generally specialist vehicles, such as chauffeur driven limousines and novelty vehicles; the Council has licensed a replica of Scooby Doo’s van amongst them.
20. One proprietor has a collection of distinctive vehicles and some of historical interest. Often the vehicle is valued in excess of £50,000. The vehicles are

used for 'novelty' private hire, are pre-booked days in advance to attend specific functions and therefore pose considerably less risk to both customer and driver compared to a normal private hire vehicle/hackney carriage picking up a fare from the street. The fitting of a camera is not practical in some of these vehicles because of the way they were built.

21. The main group affected are the Chauffeur businesses. Their vehicles are specialist vehicles as they are high quality, top end of the market vehicles. They do not openly advertise their business but target contracts with high profile business people to transport to either meeting locations or main transport hubs such as airports. A number of these businesses are likely to be involved in contracts with defence, military and high profile organisations from both home and abroad. These people understandably will not tolerate their conversations being recorded. Appendix 7 is a letter from a company explaining this. Such people are also less likely to pose a risk to the driver and they will have built up a trusting relationship with the driver so as not to feel at risk, reducing the need for a camera.
22. By amending condition 23.4 of the Private Hire Vehicle Licence Policy and Conditions to include exemption to condition 25 the Head of Legal, HR and Democratic Services will have discretion to exempt appropriate vehicles from the requirement to have a camera fitted. A copy of the present conditions is attached as appendix 8. It is noted the present policy and conditions refer to the Solicitor to the Council. This post no longer exists and the policy needs to be amended to reflect the change of title.
23. **Other Consultation**

In addition to the consultation with the Trade Representatives letters were sent to Big Brother Watch and the Information Commissioner's Office on 7th May 2013. The letters are identical except the address. A copy is attached at Appendix 9.
24. Big Brother responded and a copy of their letter is attached as Appendix 10. They believe the drivers/owners should have a choice and a panic button to activate the camera would offer them protection. They suggest justifying permanent recording of visual data needs to be considered with evidence of the requirement to have it and compared against the impact of such a system. They view audio recordings should only happen when it is absolutely necessary and even a panic button may not be justified. However they do suggest steps that should be taken should such a system be used. Big Brother Watch believe the drivers should be the data controllers so individuals are held to account for breaches rather than a corporate accountability.
25. In addition to the letter sent to the ICO an e-mail was sent asking their view on button activated recording of audio data. A copy of this mail is attached as appendix 11. The ICO responded with an e-mail and this is attached as appendix 12. The guidance they issue is that any recording of data needs to be justified and impact assessments need to be carried out to justify the steps taken.
26. The vast majority of the assessment has been carried out to justify the original policy. There is nothing to suggest that assessment was flawed. At the Consultation meeting there was an acceptance by the trade the audio data

was essential and necessary for the system to be meaningful. The only remaining question is how long the recording should be. Having reviewed the data downloads carried out and spoken to the staff involved with investigations a time of 5 minutes to record once the button is pushed appears to be proportionate. This time has also been suggested by one of the suppliers of the recording equipment who has experience in other areas.

27. On 30th May 2013 an e-mail was sent to all the Private Hire Operators, Appendix 13, and a notice placed on the Council licensing website, Appendix 14. This sought views from the trade on the Taxi Cameras. This consultation finished on Friday 14th June 2013 and 8 people responded. Their responses are attached as Appendix 15. There is general support for the camera system but concerns expressed over the cost of the approved systems and the removal of the subsidy.
28. In June 2013 the Surveillance Camera Commissioner issued a Code of Practice. This is attached as appendix 16. It outlines 12 guiding principles that should apply to all surveillance camera systems in a public place. This report has been compiled with these principles in mind.
29. **Exterior cameras**
As a separate matter, during the consultation process with both the trade and camera companies it is clear there is a demand for cameras to be fitted to view outside of the vehicle. The purpose of these cameras is to gather evidence for insurance claims after road traffic collisions. Insurance companies are offering substantial discounts for vehicles fitted with such a system.
30. There is no apparent reason why the City Council should object to these type of cameras and in fact support the fitting as it often improves driving standards. However it needs to be made clear any outward facing camera system is wholly separate from the Council approved system. The council will not be the data controller for such a system or be involved in the downloading of data. Each owner will need to register themselves as the data controller and take responsibility for the download of the data. Any person found abusing the data on such a system is likely to be committing a criminal offence, can be reported to the Information Commissioners Office and have the fit and proper person test applied to their licences.
31. **Options and financing the camera system**
At the meeting of the Licensing Committee on 26th August 2009 it was resolved the Council would subsidise the fitting of Taxi Cameras so each owner/driver paid no more than £250 +VAT. It was originally expected the licensing budget would cover the costs of providing the subsidy. It is now clear the Licensing budget is unable to continue this subsidy and at a time of cutbacks funding is not forthcoming from other avenues.

Licence Type	Number of Licences	Numbers with a camera	Numbers without a camera
Hackney Carriage	283 (fixed)	230	53
Private Hire Vehicle	570 (As of 17/4/13)	448	122
Totals	853	678	175

The above table provides details of the size of the fleet and how many vehicles have a camera and how many as of 17/4/13 still require a camera. The Private Hire fleet is not restricted and new licences can be added at any time.

33. In light of the financial position, consultation responses and clarification provided by the Information Rights Tribunal regarding the Data Protection Act 1998 and Human Rights Act 1998 the following options are tabled to regularise the position moving forward:

34. Option One

Abandon the policy and condition in its entirety.

Pros – there are no discernable benefits to a wholesale abandonment of the policy and condition other than SCC no longer incur the reimbursement cost of the cameras.

Cons – the considerable crime prevention and investigative benefits will be lost completely.

35. Option Two

Voluntary fitment of cameras with vehicle proprietors to be registered as data controller. Nil cost to SCC. Proprietors to determine the amount of audio data to be collected and ensure compliance with Data Protection Act.

Pros – the City Council no longer has the regulatory burden of ensuring data protection compliance. SCC no longer incur the reimbursement cost of the cameras.

Cons – there is no control over the specification of the systems installed meaning there is no guarantee that evidence, even if gathered, will be of a standard sufficient to ensure criminal conviction (where appropriate) due to the potential for interference / quality of recordings. There will be no protection for the public against inappropriate disclosure / publishing of data other than by way of complaint to the Information Commissioner after disclosure of the data.

36. Option Three

Mandatory fitment of cameras with permanent visual recording only. Nil cost to SCC. Adoption of a formal policy clarifying download procedure and minimum specification (to be amended from time to time by the Head of Legal, HR and Democratic Services).

Pros – the crime prevention and investigative benefits remain, albeit reduced by the loss of audio recording. Greater transparency through adoption of a

clear policy, offering reassurance to drivers, proprietors and the public. SCC no longer incur the reimbursement cost of the cameras.

Cons – No audio recording will still leave the visual data open to interpretation and provides a gap in the evidence that could prove vital in an investigation.

37. Option 4

Mandatory fitment of cameras with permanent visual recording and audio recording activated by the driver. Nil cost to SCC. Adoption of a formal policy clarifying download procedure and minimum specification (to be amended from time to time by the Head of Legal, HR and Democratic Services).

Pros – the crime prevention and investigative benefits remain, greater benefits than option 3 as drivers will activate audio recording at relevant times and in cases where they fail to activate it when circumstances dictate they should, will be evidence itself. Greater transparency through adoption of a clear policy, offering reassurance to drivers, proprietors and the public. SCC no longer incur the reimbursement costs of the cameras.

Cons – apart from an additional cost, about £100, to fit a panic button there are no apparent drawbacks to a continuation of the policy and condition requiring visual recording only.

38. Option 5

Mandatory fitment of cameras with permanent visual recording and an option to fit audio recording activated by the driver. Nil cost to SCC. Adoption of a formal policy clarifying download procedure and minimum specification (to be amended from time to time by the Head of Legal, HR and Democratic Services).

Pros – as option 4. The driver has the choice to pay to have a panic button fitted. SCC no longer incur the reimbursement costs of the cameras.

Cons – as option 4 plus the proprietors who opt not to have a panic button will be less protected as audio will not be able to be recorded, especially relevant for allegations of racially aggravated offences.

39. Options 2,3,4 or 5 can be approved either with or without a subsidy from the council but needs to be decided after careful consideration of the full financial impact.

40. If Options 3, 4 or 5 are chosen then consideration has to be given to determining a time limit for the fitting of the cameras or upgrading of audio recording. Under the original scheme it was decided to spread the roll out over the life of the vehicles. This allowed the Authority to spread the burden of the subsidy. It also gave the proprietors time to plan their finances.

41. There is no requirement to continue with this arrangement and a date can be set by the committee to ensure all vehicles required to be fitted with a camera are fitted by a date of their choice. The Committee will need to be mindful there is no longer any subsidy available and the cost of the camera and fitting needs to be factored in. Proprietors will require time to plan the finances and the fitters will need to have the time to fit the cameras. It is also appropriate to mention advice from the HMRC is the costs to purchase and fit these

cameras is one of those few expenses that can be recovered against tax returns in the first year of trading.

42. The purpose of these cameras is to protect both public and drivers and to achieve this it is necessary to record data of such quality and in such a manner it will meet the requirements to secure convictions at a criminal trial. A camera specification that meets these demands is required. To achieve this consideration is to be given to delegating the authority to adopt and amend the camera specification to the Licensing Manager to ensure the specification meets the evidential requirements and is of such quality to provide clear data to identify events and the individuals involved.
43. Finally, consideration needs to be given to a number of vehicles that under the original scheme should have a camera but do not. The condition requiring a camera to be fitted was suspended in February 2013 as a result of the Tribunal decision and ongoing review. Vehicles that have been renewed since then have not been required to fit a camera. The vast majority have opted not to fit a camera. In addition when the audio was being turned off a number of cameras were found to be faulty. A significant proportion of these cameras have not been fixed and are presently disconnected for the same reasons. Again consideration will need to be given to the fitters' available time to make the repairs.
44. Option 4 is recommended by the Licensing Manager as providing the best fit to fulfil the requirements of the Authority to satisfy its responsibilities, that the requirement to fit the cameras continues to be required as the vehicle is replaced. This will not place any undue demand on the fitters and allows proprietors to plan the financing of the camera. For those vehicles that will then require a camera immediately but need to arrange a fitting or repair to be given 3 months to make the necessary arrangements. In addition it is recommended that Committee agrees to
 - amend Hackney Carriage and Private Hire policies and conditions referring to Solicitor to the Council to refer to Head of Legal, HR and Democratic Services.
 - amend condition 23.4 of the Private Hire Vehicle Licence Policy and Conditions to include exemption to condition 25 the Head of Legal, HR and Democratic Services will have discretion to exempt appropriate vehicles from the requirement to have a camera fitted.
 - Delegate authority to adopt / amend, from time to time, the camera specification to the Licensing Manager

RESOURCE IMPLICATIONS

Capital/Revenue

45. Within the taxi and private hire function, revenue costs incurred to date on cameras following the introduction of the camera policy in August 2009 total £268k. These costs have been funded from a combination of Home Office and SCC contributions. If the existing policy continues to subsidise the cost of cameras, this would generate a further one-off pressure to the General Fund of £65k, before the additional costs of any new/replacement vehicles are also taken into account.

46. These sources of funding no longer exist and the current income and expenditure budgets for the taxi and private hire functions do not include any allowance for the total costs, or any part subsidisation, of camera installation.
47. Any option that generates a potential cost to the Council will therefore create an ongoing pressure to the General Fund if adopted and the ongoing financial implications will need to be considered in full as part of that option appraisal.

Property/Other

48. N/A

LEGAL IMPLICATIONS

Statutory power to undertake proposals in the report:

49. Town Police Clauses Act 1847
Local Government (Miscellaneous provisions) Act 1976
Localism Act 2011

Other Legal Implications:

50. European Convention on Human Rights
Data Protection Act 1998
Crime and Disorder Act 1998

POLICY FRAMEWORK IMPLICATIONS

51. None

KEY DECISION? No

WARDS/COMMUNITIES AFFECTED:	
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SUPPORTING DOCUMENTATION

Appendices

1.	Trade Survey Results – Technical Note
2.	Enforcement Notice from the Information Commissioners Office
3.	The grounds for the appeal against the Enforcement Notice
4.	The judgement of the Information Tribunal
5.	Notes of the Taxi Trade Consultation meeting on 2 nd May 2013
6.	Proposed policy for Taxi Cameras downloads
7.	Letter expressing concern at recording conversations in Chauffeur vehicles
8.	Present Private Hire Vehicle Policy and Conditions.
9	Letter to Big Brother Watch dated 7 th May 2013
10	Response from Big Brother Watch

11	E-mail to the Information Commissioner Office dated 7 th May 2013
12	Response from the Information Commissioner Office.
13	E-mail to Private Hire operators on 30 th May 2013 seeking views on Taxi Cameras
14	Notice on Council Website seeking responses to the consultation
15	8 responses to the consultation
16	Surveillance Camera Commissioners Code of Practice (June 2013)

Documents In Members' Rooms

1.	Report of 22 nd March 2012 with appendices Report and Appendices
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Equality Impact Assessment

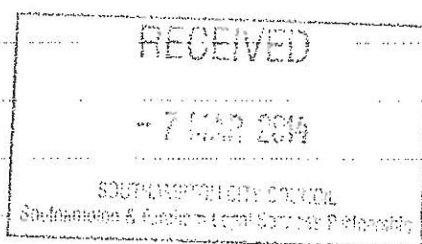
Do the implications/subject of the report require an Equality Impact Assessment (EIA) to be carried out.	No
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Other Background Documents

Equality Impact Assessment and Other Background documents available for inspection at:

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. None.	

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05/03/2014

Dear Sir/Madam, at Southampton Council.

RE: Taxi changes.

I recently received a letter from the Legal and Democratic Services, regarding changes to the legislation.

I totally disagree. They should think twice before changing the legislation.

A few months ago, licencing changed its 7 years policy to 9 years. A few months later, licencing changed again from 9 years back to 7 years. It is making things very difficult for the car owners. Times are very hard - less jobs are coming in for

taxi drivers, and everything is expensive, i.e. twice MOT in a year. I look into Eastleigh Council, they're allowed any car as long as it is safe to drive.

Southampton City Council should listen to the opinions of the drivers, who help run the city not only the business community - EU standards should be the same for every borough - not only for Southampton.

Kind Regards

[Redacted signature]

08-03-2014

PLATE

RECEIVED

12 MAR 2014

Mr Bates

Recently all drivers

licensed with S.C.C. received letter

stating that you are considering the revocation of the two years extension for vehicles granted last year.

The grounds for this being the overall look of the vehicles and the emissions levels.

The emissions levels are monitored by your selected representatives Adams Moorey they would determine if the emissions are too high to permit the vehicles to remain in service. Not yourselfs who are not qualified to determine this. If a vehicle remains within the permitted levels of the emissions and in a good state of repair determined by the M.O.T. what

P.10.

Justification can there be for remaining at
from the circuit it should stay in service
until deemed necessary by your M.O.T.
Service station to come of the road?
Southampton seems to be one of the
few councils that insist upon the change
of the vehicles every seven years,
evidence of which can be seen when
we travel the country to find cars on
the circuit that are many years older
and still work on the circuit. If S.C.C.
the life of the car is about emissions and
the look of the vehicle then the council
should stop the older vehicles coming
into Southampton to drop off and pick
up their customers and stop them from
coming into the cruise terminals and
allow us to do the work.

Yours faithfully

Unite the Union
15-16 The Avenue
Southampton
SO17 1XF

02380 637373 (T)
02380 835 919 (F)

Regional Secretary
John Rowse

Tel: 0845 605 2193
Local: 0118 907 0713
Fax: 0118 934 2354



SOUTH EAST REGION

21 March 2014

Phil Bates
Licensing Manager
Southampton City Council
Civic Centre
Southampton
SO14 7LY



Dear Mr Bates

Licensed Vehicles Age Limits

In September 2013 the licensing committee took a unanimous decision to increase the age limit of its licensed vehicles from 7 to 9 years and from 10 to 12 years for wheelchair accessible vehicles (WAVs).

The committee took into account the effect of the recession on the taxi trade [which results in taxi's doing less mileage] the improvement in taxi standards arising from the decision to impose a 6 monthly MOT on licensed vehicles (vehicles) older than 2 years, the fact that older vehicles are often solely owner driven resulting in greater care taken of the vehicle; amongst other things.

Your Officer's letter mentions emissions from older vehicles and whilst it is true that newer vehicles may be cleaner, emissions are now checked twice a year and, in 2009 you decided that vehicles had to be 80bhp regardless of engine size. In addition you permitted 1.4cc engines, which are also generally cleaner. So the Committee has taken steps in this area and it is interesting to note that your Officers did not mention this in September.

The Committee should also be mindful; that the increase in vehicle age to 9 and 12 years respectively, does not necessarily mean that those vehicles will be licensed for the full window allowed.

Regarding the concerns of the business community we believe that the effect of your decision has not been clearly seen yet and that more time should be given to analyse this. We believe that together with the measures you have already taken to ensure quality control, there should not be a problem for the business community.

As a result of your decision in September many taxi proprietors have made business decisions based on the new circumstances and to withdraw this in haste could lead to unnecessary financial problems for them.

Removal of Subsidies for Cameras

You will be aware that the trade made a strong case at the meeting in September for a voluntary situation with regard to in cab CCTV. This would have been cost free for the council and would also allow every driver who wished to have a camera system to have one that was compliant with the

council standard. After consideration the Committee voted Mandatory Cameras 4, Voluntary Cameras 4. Mandatory being carried on the casting vote of the Chair. We believe that some of those voting for a mandatory camera system may have done so believing that subsidy would remain.

That being the case we believe that the mandatory condition for taxi cameras [the Pageantry system costs £859.56], which a driver would have to pay up front, should be re-visited and further consideration given to a voluntary system. This would be cost free to the council, cost free to drivers struggling to make ends meet, and all drivers wishing to have a compliant camera system would be free to have one.

Yours sincerely

[Redacted signature area]

Sent: 28 February 2014 13:15

To: Licensing

Subject: Consultation on life of licensed vehicles and ending the subsidy for taxi cameras

Following receipt of your letter I would like to put the following points to the committee

1. I am at a loss to understand why a committee agreed to increase the allowable age of vehicles only 5 months ago, and now feel that it is the wrong decision. There surely must have been compelling reasons for the change, as well as consultations prior to implementation. Nothing has changed in 5 months so there can be no reason to revert back to the old scheme, unless the incorrect decision was made in September. If this is the case, it is something that needs to be reported to the full council.

On the subject of cameras, you say that you have spoken to HMRC who confirm the full costs can be recovered in the 1st year as legitimate costs.

You are wrong !

Perhaps you could inform every driver, who you spoke to at HMRC, and why you believe this to be the case. It has never been the case that HMRC reimburse business expenses. What in fact happens is that self employed drivers are able to offset the full cost of purchase and fitting against any tax liability they may have. This means that currently if they make a profit in excess of £10,000 they can reclaim 20% of the cost. If there profit is less then they can reclaim nothing, and have to stand the full cost themselves.

In your discussions with HMRC perhaps you could ask for some general figures on how many self employed taxi drivers currently earn less than the personal allowance and how many are currently claiming tax credits.

It is completely unacceptable that the committee increases the cost of running a vehicle, at a time when all drivers are struggling to earn a living wage.

I am personally in favour of cameras, however when cameras were introduced it was on the basis that they would be subsidised, if the subsidy is no longer there, then the requirement to fit a camera should be removed.

I hope that you find these comments helpful

Many Thanks

Steele

From: [Redacted]
[Redacted]

Sent: 28 February 2014 16:45

To: Licensing

Subject: Re: Life of licensed vehicles

I have just received your letter regarding the consultation on the life of private hire vehicles in Southampton. I can appreciate the concern of the business community that the cars should be presentable and not look too tatty. My solution would be to include bodywork and interior trim in the taxi compliance test. If a car has scratched or dented panels, and the seats and carpets are threadbare or torn, of course the taxi will not be of the required standard.

On the other hand, if the private hire driver has always looked after his/her car, and kept the bodywork and trim to a high standard there would be no reason for the business community or customers to worry. We already have to do two MOTs each year so the cars are definitely mechanically sound.

If the bodywork and trim was more stringently regulated, i'm sure a driver would much rather spend money on some new seats or paintwork rather than invest in a new vehicle. Remember some people actually take pride in their cars. You can have a 3 year old car that is dirty and tatty. All customers will appreciate smart clean cars regardless of their age.

Yours faithfully

Steele, Lynda

From: Richard Bates
Sent: 28 February 2014 17:07
To: Licensing
Subject: Life of licensed vehicles

Dear Mr Bates

Thank you for the letter dated 24th February 2014, I see from the letter that the council are considering reverting the life of vehicles back to 7 years due to in my opinion unfounded concerns that older vehicles will have a negative impact on the image of the city, a 3 year old car with dents looks worse than an immaculate well maintained 8 year old car.

As you are aware other licensing authorities around the country have different regulations as regards to age of vehicles , I previously worked in Lewes East Sussex where the life of the vehicle was permitted to be TEN years , however unlike Southampton the vehicle had to be a maximum age at first licensing, in their case FIVE yrs old,would it not be acceptable for Southampton adopting a similar system thereby ensuring the Vehicle is of respectable appearance.

Furthermore when I first arrived in the city I was informed that the compliance test took into account the appearance of the vehicle before a pass certificate would be issued , is this still the case ? if so the concerns about vehicle appearance becomes irrelevant . As regards to image of the city I would like to direct the committees attention to the appearance of the drivers (not their vehicles)representing the city !!!! I understand there is a dress code in place but in the four years I have been licensed by Southampton I have neither heard of or seen a licensing officer patrolling the ranks or random checks on phv drivers as regards to dress,that in my opinion will have a far greater impact on both revenue and image of the city and not the age of a RESPONSIBLY licensed vehicle.

Kind Regards

Ste

From: safimunsifmj2000@yahoo.com
Sent: 28 February 2014 18:26
To: Licensing
Subject: Fwd:Consultation on life of licensed vehicles

My apologies if you have received surplus similar emails.

----- Original message -----

Subject: Consultation on life of licensed vehicles
From: safimunsifmj2000@yahoo.com
To: licensing@southampton.gov.uk
CC:

Dear Mr.Phil Bates

Re:Your Letter 24th Feb 2014

Thank you for giving me the opportunity to have a say on the life of licensed vehicles and ending of the subsidy for taxi cameras.Having read the contents of your letter,I respectfully disagree with the idea of curtailing the life of Private Hire or Hackney vehicles on the grounds of the negative impact the vehicles might have, and the idea of emissions improvement if younger medium of transport was introduced.

I would like to express my opposition to both of them,firstly,the taxis in southampton,particularly the Private Hire ones are regularly checked for roadworthy through qualified MOT garages twice a year, making themselves sure the emission volume of each vehicle does not exceed the required limit, and secondly, taxi drivers here tend to keep their vehicles well-maintained,though there may have been some non-compliances around since several taxi businesses have been operating in and around Southampton.

The other impact it will have would have been the financial aspect as a driver whose car,though in good condition,would have to purchase a new one at any cost once the expiry date was approached,plus the concomitant costs of replacing and fitting.

Given the above, I hope the Council will seek an alternative option or continue to hold onto the decision it took on the 19th September 2013 on both catagories,A and B.

Yours sincerely,

Sent from Samsung tablet

24/03/2014

Steel Lynda

From: Lynda Steel
Sent: 28 February 2014 20:26
To: Licensing
Subject: life of licensed vehicles

Dear Sir or Madam,

Regarding the proposal to reduce the age of vehicles back to 7 years, I totally disagree with this argument about the negative impact the extra 2 years on taxis would make on standards and emissions, as you are aware taxis have to pass 2 mots a year now and the appearance is checked by the taxi companies, modern cars built in the last 10 years are built to a high standard and built to last, the cost to replace a 7 year old car is astronomical and when that 7 year old car is still like new in appearance and performance, it really is disheartening, in this time of recession trying to find the funds to purchase a vehicle is very difficult and causes a lot of hardship.

When you look at Eastleigh Council they have no age limit on there taxis, so for Southampton Council to have a 9 year limit is more sensible then a 7 year limit when a vehicle still has a lot of life left in it.

Lynda Steel
Licensing

Steele, Lynda

From: Lynda Steele
Sent: 03 March 2014 21:20
To: Licensing
Subject: Hackney Carriage 097.

Dear Sir or Madam.

I think we are still struggling with recession, and this has more effect on a single citizen than a business community, This is a very lame excuse that the age of cars will have a negative impact on the image of southampton, i want to ask you is southampton is a better city or Winchester, why they don't think that the age of the car has negative impact on their city and Eastleigh as well, All cars doing twice OMT every year they all in good conditions, we want the life of vehicle 12 years for M1 and 9 years for B.
Thank you.

Steele, [\[unread\]](#)

From: [\[unread\]](#)

Sent: 04 March 2014 12:17

To: Licensing

Subject: Taxi consultation

In response to your letter of the 24th February I do not agree with the proposals set out.

Firstly it is difficult to make a living as it is as an owner of a private hire vehicle. To re-introduce 9 years would make it harder to survive. As you know we have also had increases in diesel and cameras and renewal of MOTs and licenses. I live in Kennedy Road and the roads around me are in a dreadful state yet you say you are concerned about the 'image' of the city. If you cutback on the hierarchy in the Council then there would be more money available without looking at slicing more off us taxi drivers. A 9 year old is acceptable in many other Cities in England and often longer lifespans. Could you inform us of what businesses are concerned about this?

Secondly regarding the cameras I would like to know how the full costs of camera installation can be recovered in the first year?

Yours

[\[unread\]](#) | Owner

Steele,

From: [Paul Steele - Southampton.gov.uk](mailto:Paul.Steele@Southampton.gov.uk)
Sent: 05 March 2014 18:59
To: Licensing
Subject: Consultation on life of licensed vehicles

Dear Sirs

With reference to your letter 24th February 2014 regarding the life of a Licensed Vehicle which was extended by the licencing committee by 2 years - after requests from various parties I respond as follows:

I note the Business Community and the Council are concerned about the 2 year extension making a negative impact on the image of the city. All licenced vehicles have to undergo inspection twice a year by V O S A REGISTERED INSPECTORATE. Are the Business Community and the Council suggesting that V O S A are not up to EU standards? On both occasions vehicles have to pass an EMISSIONS TEST: surely this alone should ensure these vehicles are fit for purpose otherwise someone is not doing their job regarding emissions? It is also the job for council licencing officers to visually inspect these vehicles... so where is the problem re: the image of the city?

I personally think they, i.e. the Business Community and the Council, should be more concerned about the condition of Southampton roads and the damage sustained to taxis by the lack of road maintenance, not to mention the endless traffic jams and the high number of unnecessary traffic lights which operate throughout the night when not needed contributing towards pollution.

The business community should be more concerned why Cruise liner passengers arriving and disembarking in Southampton disappear almost instantly: it is not the condition of the taxis causing this. The general public, including cruise liner passengers, are more concerned by the fact that they have never seen so many taxis at one time all sat doing nothing brought to its knees by costs and recession. I will add that I personally suffered costs of £37000 plus annual running costs over 2 Years as a sole trader operating Hackney plate number 281 disable capable vehicle. Please note I have responded to this letter at my expense and getting tired of wasted business time for this council .

Paul Steele

Steele, I

From: [redacted]
Sent: 06 March 2014 12:09
To: Licensing
Subject: consultation on life of licensed vehicles and ending the subsidy for taxi cameras

Dear Sirs,

With regard to the above subject.

The proposal to revert back to 7 years life expectancy of the vehicle is not logical for the following reasons:

1. We have 2 MOT's a year, which control emissions and maintenance of the vehicle.
2. The vehicles manufactured over the last 7 years their engines have set new standards for cleanliness EU directives.
3. Financially, withdrawing the subsidies for cameras, 2 MOT's, and all the vehicles white, with the economic recession, is asking drivers to work longer hours to make the vehicle pay.
Drivers working longer hours on the roads creates more emissions and traffic congestion.
4. The surrounding councils have unlimited replacement life of vehicles.
5. Most of the committee who make these proposals for the standard of the Southampton licence trade have no understanding of the economics of the licensed hackney carriage and private hire trade.

Regards,

Steele, Lynda

From: Lynda Steele
Sent: 07 March 2014 09:09
To: Licensing
Subject: Taxi

Dear Mr Bates

I've been a taxi for 13 years now. And there's been a lot of changes since then. We was forced to have cameras which was wrong. I don't mind having a camera in the taxi at a respectable price witch we can afford. When I first started it was a hard taxi test to pass. But now seems very easy to pass when you get drivers come up to you asking where the docks or the hospital are and there Standard of driving is bad. The extra two years was a good idea but once again you take it away from us. We have 2 mots a year and as long as it pass them and the car looks good there should not be a problem. It cost a lot of money to put a vehicle on. Please can you send me a copy of the business community that have expressed concern. Because I pick up working class and older people and family's all there concerns are drivers don't no where they are going and not about the life of the vehicles. You could make the image in southampton by filling in all the pot holes. The damage it does to vehicles. And there's so many traffic problems in southampton then 10 years ago because of to many traffic lights and no common sense when people close roads off and no left or right turn anymore. Your making southampton a hard place to drive around in a bus or taxi and for the public.

Steel

From: [redacted]
Sent: 12 March 2014 10:49
To: Licensing; Bates, Phil
Subject: Consultation on life of licensed vehicles and ending the subsidy for taxi cameras

Dear Phil

I am writing with regards to your consultation letter regarding life of licensed vehicles and ending the subsidy of taxi cameras. I would like to respond to both points.

- 1) Life of licensed vehicles. On the 19th September 2013 you wrote to inform us that the renewal age for the vehicle had been extended by two years. This was a move that we welcomed. As you are aware neighbouring councils of Eastleigh, Fareham and New Forest do not have restrictions on the age of their vehicles meaning that an unfair market locally has been created as Southampton registered and licensed operators have had to have a younger vehicles in their fleet compared to operators registered in the neighbouring borough and yet private hire vehicles from these boroughs carry out a large percentage of their work in the City of Southampton. Essentially they are therefore able to keep their costs lower in tender situations due to the vehicles being on the road for a longer lifetime. Unfortunately the business community who you refer to as concerned about the negative impact the older vehicles have on the city are the same business community who ultimately go with the cheapest provider. Southampton City Council being one of these members. On the Southampton City Council Transport framework under which SCC car and minibus routes are tendered everything comes down to price. The quality and age of the vehicle counts for nothing and therefore operators who are registered in neighbouring boroughs who are on the framework are able to submit cheaper prices because they do not have to replace their vehicles as frequently. I would also suggest to you that the business community who have commented will include a number of car dealerships who no doubt look forward to the taxi and private hire companies having to renew their vehicles But these dealerships are generally part of regional, national and global companies. Ford have already ditched Southampton as a place of manufacture. If SCC is serious about reducing emissions then they should ban or place a tax on vehicles registered with neighbouring boroughs that are over a certain age from entering the city a bit like the low emissions zone in London. **I therefore request that you kindly keep the vehicle age increase you implemented on the 19th September 2013.**
- 2) Taxi Camera subsidy we understand the councils need to make budget cuts but again I refer you to my argument about private hire vehicles registered in neighbouring boroughs again they do not have to meet this criteria to have them fitted which in tender situations gives them an advantage. I happen to think the cameras are a very good idea can SCCs licensing team influence the neighbouring borough councils in introducing cameras into their vehicles?

Yours Sincerely

Steel

From: [redacted]
Sent: 13 March 2014 20:10
To: Licensing
Subject: Life of Licensed Vehicles

Dear Sirs

I wish to object to the proposal that vehicles revert back to the 7 year life.

Its bad enough that there isn't enough work in the city, due to the allocation of too many private hire vehicles, on some days we struggle to do 8 jobs a day. Therefore not earning enough to keep replacing our cars. That extra 2 year life has given a lot of us a much needed life line. The cars have 2 mots a year to ensure they are fit to be on the road in the City of Southampton. You go to any other towns around Southampton and you will find their cars can be up to 10, 11 or even 12 years old, and these cars are coming in to our city and probably picking up from the same businesses that want us to revert back to younger vehicles.

There is quite an easy solution to check the condition of the cars, every mot on a car over 7 years old, should go to Adams Morey for every mot and not just the yearly one. Common sense on their part should tell them whether the car is suitable for private hire or not.

I agree there are cars that shouldn't be on the road after 7 years, but normally because they are running 18 / 24 hrs a day, due to being double / triple banked. Perhaps this should be taken into account.

Yours faithfully

[redacted signature block]

To the licensing team

I'd like to express my views and concerns about the proposed sudden u turn on the age limit of hackney and private hire vehicles within the city.

In your letter dated 24th February 2014 you mention local companies express concerns but you fail to name the companies that opposed the changes! Surely we have a right to know the name of the opposing companies, also if the views of those companies were so important maybe you should have contacted these companies with the proposed 19th September 2013 before you put the changes into motion! Also do these companies know of the strict council guidelines & 6 monthly mot & emission test we abide by?

My own private hire vehicle is a 08 plate which I have serviced regularly in a Southampton licensed mot Garage & also cleaned inside and outside weekly, I can honestly say that I have never had a single customer express concern about my car but everyday I receive numerous complimentary comments from customers about how well kept and clean my car is, also when hackney & private hire vehicles have there mot tests at Adam Moreys I would hope that they liaise with you and would contact you with concerns of any vehicles with numerous failures or advices, I feel you should take action against the owners of these vehicles not punishing the owners of who look after their vehicles and keep them roadworthy, surely a better way would be to make any car with numerous failures or advices from Adams Morey to have 3 monthly mot tests at Adams Morey for 1 or 2 years, that way you are taking action against owners who neglect their duties to the council & the public.

I'd also be interested in the legality of such a sudden u turn in your proposed changes?

For instance if I bought a car from a garage with a 3 yr warranty then 18 months later I took the car back to the same garage for repairs to a fault and the garage told me that 6 months after I bought the car they changed the warranty from 3 yrs to 1 yr! It seems to me that your proposed changes equate to the same!

If you bring these changes into effect it should only effect new & change hackney and private hire vehicles from the date of the 24th February 2014 letter.

I personally paid out a substantial amount of money on my private hire vehicle at the end of December 2013 on a new clutch and flywheel on the understanding of the extra 2 years plate life on my 08 vehicle! Without the extra 2 years I may have decided not to pay for the expensive repairs & looked around for a newer replacement vehicle & I should imagine a lot of owners have had similar expensive repairs done on the promise of the extra 2 years.



Finally modern cars these days are built far better than cars in the past & last a lot longer when well maintained so I think the extra 2 yrs reflects fairly on this.

Yours sincerely

Phil [unclear]

Steele, [redacted]

From: [redacted] [mailto:[redacted]@southampton.gov.uk]
Sent: 18 March 2014 21:40
To: Licensing
Subject: Re: Consultation on life of licensed vehicles and ending camera subsidy for taxi cameras

From: [redacted] [mailto:[redacted]@southampton.gov.uk]
Date: Tue, 18 Mar 2014 21:40:00
Subject: Consultation on life of licensed vehicles and ending camera subsidy for taxi cameras
To: Licensing@southampton.gov.uk

My comments are as follows :-

LIFE OF LICENSED VEHICLES

The two year extension to vehicles was given to ease the burden on proprietors at a time of recession. This decision was taken 19/9/2014 which is exactly 5 months since you wrote to us regarding wanting to revert to the old age limits. To my knowledge the recession within the Taxi trade is still very much with us to which I will come to in a minute. You cite the reasons to revert to the old limit are 1) the business communities concerns on the image of the city and business in general and 2) in addition EU improved standards on newer vehicles and the councils desire to reduce emissions within the city. My response to these points are as follows- Firstly all licensed taxis and private hire vehicles in the city are subject to a strict hackney or private hire mechanical test which also covers the bodywork and interior once a year. In addition they are subject to a normal MOT test six months later. Should we lobby for a ban on all private vehicles over seven years old within the city, I wonder what the business community and public would make of that?!!! Secondly 99% of the present fleet of taxis and private hire vehicles already meet EU standards and in fact are taxed at a reduced rate because of low emissions. Reducing the life of the fleet by two years will do nothing when Buses HGVs and the general public vehicles are taken into account. The Licensing Committee very rightly made their decision 5 months ago to ease the burden on hard pressed taxi drivers by extending the lifetime to a quite reasonable 2 years in line with many other Authorities in the UK. For Gods sake there has been no time to test that decision FIVE MONTHS!!!

Going back to point on the recession in your letter regarding the taxi camera subsidy you state that there is an average of 100 new private hire vehicles being licensed every year this equates to £2000000 coming out of the earnings of the present fleet of drivers every year. Our income has fallen in real terms by 40% WE ARE ON OUR KNEES. If things carry on the way they are going there will be no trade. Drivers working longer and longer hours servicing being neglected and illegal minicabs all over the place. Please work with us not against us a good trade is in all our interests.

TAXI CAMERA SUBSIDY

I have no problem with the removal of the above subsidy. Proprietors have had enough time to have cameras fitted.
 (owner/driver)

Steele, yoda

From: david.billingham [mailto:dbillingham@supac.uk]

Sent: 18 March 2014 21:32

To: Licensing

Subject: life of vehicles

Dear Mr Bates

I think it would be unfair to reduce the age of vehicles back to 7 years and 10 years as some owners have replaced vehicles thinking they have a set number of years left for that to be reduced by 2 years would mean more expense for them not only for the vehicle but the cost for fitting meter camera and radio .

I know of one driver who spent about £900 on clutch and dual mass fly wheel because he had 3 years left but if he had to change his car next year he has wasted £900.

If one of the reasons was to help proprietors at a time of recession we are still in a recession but the news will tell you different.

May be you could make it any vehicle replaced from the date of the meeting will be 7/10 years but 9/12 for all other vehicles

As for the cameras I thought funding ended a long time ago

Steel, Lynn

From: Lynn Steel
Sent: 19 March 2014 20:11
To: Bates, Phil
Subject: Age of Vehicles, Taxi Camera Subsidy

Good Evening Phil,

This is the Southampton Hackney Association's (SHA's) response to the lowering of age of vehicles and subsidy of camera's.

We would of course like to see the correspondence from the business community who express their concern of having older vehicles working as taxis in Southampton because of a negative impact they will have on the image of the City.

Category A Vehicles M1 Classification

These vehicles can range in price from approx. £16,00 to £40,000, depending on the size of disabled ramps and how many seats the vehicle has. There does not appear at the present time for an electric vehicle to have been produced that has been approved by the necessary bodies and has passed beyond doubt the M1 Specification, although we believe that there are some in the early stages of manufacture.

Category B Vehicles

If there is a case for a saloon car having an extended life because of it's electric capabilities, we would say that there should be no discrimination between the electric one/normal engine type.

Taking all this into consideration with regards to Category A and B Vehicles, we would like to make two suggestions :-

1. We feel it would be appropriate for members of the Licensing team to spend a bit more time observing taxis, parked on ranks. The exterior and interior of these vehicles should be checked on a more regular basis. For example, when we used to have the annual fare increase, it was conducted within the Docks. Vehicles were at least checked by the licensing team for faults. This does not happen now in any shape or form, at any time. We would suggest that if vehicles have torn seats, are generally dirty, have dents, etc., they should be taken off the road, repaired accordingly and presented to the Licensing Office before they are allowed to resume their job description as a taxi.
2. Taxis that have one driver on the vehicle, whether they be rented or driven by an owner driver are generally looked after far better than a vehicle that has multi-drivers. We would suggest that when a particular vehicle has reached it's so-called age of removal as a licensed taxi, an appointment should be made at VOSA situated at the Industrial Estate at Bitterne Manor for the vehicle to be thoroughly checked over to ascertain if an extension of one year can be approved? We must take into consideration that when a vehicle is over a certain age, it has to have, apart from the yearly compliance test, another MOT carried out throughout the year.

Subsidy of Camera's

It would appear that unfortunately due to the Council's budget, the subsidy for the camera's is to be taken away. The SHA committee has investigated as best as we can this contentious subject of in-car cameras and the three camera makes we have at the moment that are approved by this council are - Brigade, Pageantry and Verifeye. Because of the so-called fixed storage unit that these camera's

have, they are ideally suited for their purpose, especially if the film is required to do with a Court Hearing. But if the £250 subsidy is taken away, these become an expensive item, so we would suggest that the camera becomes voluntary?

We now have the situation that although there are cheaper models on the market, they have a SD Card, instead of a fixed storage unit. Our suggestion, if the camera's cannot be voluntary, we need these cheaper models that could be fitted with a seal so that the camera is not tampered with. Can this possibility be looked into?

Looking forward to hearing from you.

Regards,



Steel

From: [redacted]
Sent: 20 March 2014 16:34
To: Licensing
Subject: Fwd: Delivery Status Notification (Failure)

Forwarded conversation

Subject: Life of licensed vehicles

From: Steven King <[redacted]> 1>
Date: Thu, Mar 20, 2014 at 1:28 PM
To: [redacted]

Dear Mr. Bates,

I would like to give my views on the proposed life reduction for licensed vehicles to 7 years. The original argument to increase the life was to ease the burden on drivers. I'm not sure what has changed in this respect. It is extremely difficult to make a decent living in the trade today. There is a limit on Hackney Carriages in Southampton but not on Private Hire Vehicles. I would be interested to know the number of vehicles year by year as there does seem to be too many vehicles for the amount of work in the city. Also because Hackney Carriages do not seem to be policed there is less work from certain nightspots in the city for Private Hire Vehicles, due to the drivers sitting right outside these bars. These include Revolution (even though they have been repeatedly told not to), The Edge, For Your Eyes Only and Cargo (even though there is a rank round the corner so cheating their own colleagues).

With regard to the arguments concerning the actual vehicles I cannot see that 2 years is going to make any difference. Modern vehicles are extremely reliable and 95% of drivers keep them up together mechanically and with respect to cleanliness. Also because we have 2 MOTs a year any fault is soon found and I personally always have a full service before both my MOTs. Within these MOTs is an emissions test which has to be passed so I'm not sure what the argument there is. In order to reduce emissions perhaps the council should stop putting up unnecessary traffic lights and make sure that they operate more efficiently.

Finally I'm sure there are more safety issues with some drivers working in excess of 14 hours a day in order to make a living than there is with vehicles being 2 years older. After visiting many areas around the country I'm can see that Southampton Licensing Dept. is one of the strictest in regard to the age and condition of vehicles. This in itself is a good policy but again reducing it back to 7 years will only have the effect of penalising drivers in these tough times.

I hope you will take into account these points and keep it as it is.

Yours sincerely

21/03/2014
Bitterne Cars Ltd
10 Lymington Road
Southampton

21/03/2014

Response to consultation letter of 24/02/2014

Life of licensed vehicles:

We are surprised that the business community have expressed concern about the negative impact of the change.

Are we to assume that the business community only use Southampton licensed vehicles as many other licensed vehicles from adjoining councils who have far different regulations to Southampton service these business's.

We believe that with a compliance test once a year and an M.O.T. six months later Southampton's licensed vehicles are well regulated and we believe the age is not an issue.

We also believe that we are discriminated against in respect of vehicles from other local council's not having age limits as stringent as Southampton's.

Why does this council operate anti competitive rules against their own vehicles?

We have driver's who have made business decisions based on the 19th September's resolution and any change now will have a detrimental effect on their continuing finances.

On the point of emissions, whilst we accept that it is desirable to try and reduce them, is it only taxi's that are being targeted as this council subsidises other public transport i.e. buses, SCA mini buses and the like without imposing age limits.

Our considered view is that the resolution passed by councillors on the 19th September should not be reviewed or changed back to the previous ruling.

Taxi Camera subsidy:

We accept that the subsidy cannot be maintained in the current economic climate.

However, our view has always been that we are totally opposed to all vehicles having to have a camera and surely there must be cheaper alternatives available.

Observations:

It is our considered opinion that this consultation letter has been produced by the licensing department and falls outside the democratic process of the licensing sub committee.

For and on behalf of Bitterne Cars Ltd.

Steele,

From: [redacted]
Sent: 23 March 2014 22:48
To: Bates, Phil
Subject: Re consultation on age and cameras

Mr Bates,

Before I begin may I emphasise that I am making my response as an individual and not as a trade rep.

Re Age of vehicles:

On 19th September 2013 the vehicle age increase by 2 years was one of the welcomed of all the items put to the licensing committee but the same could not be said of certain parties.

To try to revert this before any ample time has been given to trial and monitor fleet quality is a grossly *hostile* move, 5 months have passed but the number of vehicles replaced in this period have been minimal hence to jump to the unsubstantiated conclusion that image of fleet has and will hinder that of the city is *farcical*.

The arguments used against the age increase are weak:

Polluting vehicles : this is weak, many vehicles have Euro 4,5 & 6 diesel engines which are fully compliant with current E.U standards and of those welcomed in London.

It is once again weak as in August 2009 the then licensing manager found that smaller engines were capable of higher b.h.p hence he changed the engine requirement from 1600cc to 80 b.h.p with engine cc irrelevant, the change was based on the fact that smaller cc engines could be introduced into the trade.

So how can such vehicles can suddenly become more polluting ? Most Euro 5 & 6 use low ash engine oil which creates less carbon than mineral oils and ordinary semi & fully synthetic oils.

Fleet quality:

9 or 12 year limit is a window in which anyone can put vehicles on that though they maybe 5 years old but could have lower miles than one which is 3 years old they mostly only stay on for 4 years average. But, if any vehicle can last longer and still look good while being more than 7 years old then credit should be given to owner for looking after it. The theory of Darwinism springs to mind, the weak will die and the strong will go the distance, the vehicle itself will prompt the owner to change it. Age is a number.

Other parties being "concerned" about the city's image: to these people/businesses I would say that they should get and keep their own houses in order.

If it's hotels allegedly complaining then they should firstly shake off their Blackpool guest house image fit only for cheap stag weekends, if it's retail segment allegedly complaining then they should try to discover some individuality, if it's eateries allegedly complaining then they should try their hand at culinary hand aimed at man and not beast, if it's an entrepreneur allegedly complaining then let us have a say in *his* business and finally if it's a public servant

then let us choose *his* suits so he looks like a member of the *bar*.

The most compelling reason for an age increase was the fact that the financial downturn was biting hard & is still very much alive and present with no end in sight which then leads to the point that vehicles are subject to much less wear and tear than 4 years ago.

So far in countering the weak case for reversing the age limit has been academic as I feel I am not contending with a case but a personality or maybe two but not very challenging ones to say the least.

Whatever force is behind this "*coup*" are deeply insensitive to how some of my colleagues are going to be affected it is to this effect that determined me to speak up in the hope that some of their thoughts will be aired in my response to this very much unnecessary consultation prompted by a vendetta to hurt individuals whose budget plans and decision forecasts are being hampered creating an period of severe uncertainty.

One should be also mindful that the second hand car market is currently very strong in prices, I can give you a personal example : April 2009 I bought my Mercedes Vito for £16500, it was 4.5 months old with 5553 miles it is a 58 plate. 4 weeks ago I enquired about the same vehicle the dealer had a 58 plate with 70k circa miles the price was £13999+ vat @ 20% =£16798 - older but dearer than 5 years ago!!

Re cameras, as the powers that be are so in favour of this they will keep it all costs. This was brought in as compulsory with the premise of subsidy : if no subsidy as promised then this should be voluntary.

To end may I say that those who have stirred up this furore are insensitive tyrants hurting and hindering my colleagues especially those who are migrants hence afraid to express their worry and hurt as they feel they have no right of voice in foreign lands.

Kind Regards

Kind Regards
tain.

