

# Licensing Committee

Wednesday, 7th  
December, 2022  
at 1.30 pm

**PLEASE NOTE TIME OF MEETING**  
Conference Room 3 and 4 - Civic Centre

This meeting is open to the public

## Members

Councillor Bunday (Chair)  
Councillor Cooper (Vice-Chair)  
Councillor Blatchford  
Councillor Furnell  
Councillor G Galton  
Councillor Noon  
Councillor Goodfellow  
Councillor Vassiliou  
Councillor Vaughan  
Councillor Fitzhenry

## Contacts

Democratic Support Officer  
Ed Grimshaw  
Tel: 023 8083 2390  
Email: [ed.grimshaw@southampton.gov.uk](mailto:ed.grimshaw@southampton.gov.uk)

## **PUBLIC INFORMATION**

### **Role of this Committee**

The Committee publishes and implements a statement of licensing policy. It appoints Sub-Committees to deal with individual licensing applications and associated matters for which the Council as Licensing Authority is responsible.

### **Public Representations**

At the discretion of the Chair, members of the public may address the meeting about any report on the agenda for the meeting in which they have a relevant interest.

Southampton: Corporate Plan 2020-2025 sets out the four key outcomes:

- Communities, culture & homes - Celebrating the diversity of cultures within Southampton; enhancing our cultural and historical offer and using these to help transform our communities.
- Green City - Providing a sustainable, clean, healthy and safe environment for everyone. Nurturing green spaces and embracing our waterfront.
- Place shaping - Delivering a city for future generations. Using data, insight and vision to meet the current and future needs of the city.
- Wellbeing - Start well, live well, age well, die well; working with other partners and other services to make sure that customers get the right help at the right time

**Smoking policy** – The Council operates a no-smoking policy in all civic buildings.

**Mobile Telephones:-** Please switch your mobile telephones to silent whilst in the meeting

**Use of Social Media:-** The Council supports the video or audio recording of meetings open to the public, for either live or subsequent broadcast. However, if, in the Chair's opinion, a person filming or recording a meeting or taking photographs is interrupting proceedings or causing a disturbance, under the Council's Standing Orders the person can be ordered to stop their activity, or to leave the meeting. By entering the meeting room you are consenting to being recorded and to the use of those images and recordings for broadcasting and or/training purposes. The meeting may be recorded by the press or members of the public.

Any person or organisation filming, recording or broadcasting any meeting of the Council is responsible for any claims or other liability resulting from them doing so.

Details of the Council's Guidance on the recording of meetings is available on the Council's website.

**Fire Procedure** – Should the fire alarm sound during the meeting leave the building by the nearest available exit and assemble in the Civic Centre forecourt car park.

**Access** – Access is available for disabled people. Please contact the Democratic Support Officer who will help to make any necessary arrangements.

### **Dates of Meetings: Municipal Year 2021/22**

Meetings of the Committee are held as and when required.

## CONDUCT OF MEETING

### TERMS OF REFERENCE

The terms of reference of the Licensing Committee are contained in Part 3 (Schedule 2) of the Council's Constitution.

### BUSINESS TO BE DISCUSSED

Only those items listed on the attached agenda may be considered at this meeting.

### Rules of Procedure

The meeting is governed by the Council Procedure Rules as set out in Part 4 of the Constitution.

### Quorum

The minimum number of appointed Members required to be in attendance to hold the meeting is 4.

## DISCLOSURE OF INTERESTS

Members are required to disclose, in accordance with the Members' Code of Conduct, **both** the existence **and** nature of any "Disclosable Pecuniary Interest" or "Other Interest" they may have in relation to matters for consideration on this Agenda.

### DISCLOSABLE PECUNIARY INTERESTS

A Member must regard himself or herself as having a Disclosable Pecuniary Interest in any matter that they or their spouse, partner, a person they are living with as husband or wife, or a person with whom they are living as if they were a civil partner in relation to:

- (i) Any employment, office, trade, profession or vocation carried on for profit or gain.
- (ii) Sponsorship:

Any payment or provision of any other financial benefit (other than from Southampton City Council) made or provided within the relevant period in respect of any expense incurred by you in carrying out duties as a member, or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.

- (iii) Any contract which is made between you / your spouse etc (or a body in which the you / your spouse etc has a beneficial interest) and Southampton City Council under which goods or services are to be provided or works are to be executed, and which has not been fully discharged.

- (iv) Any beneficial interest in land which is within the area of Southampton.

- (v) Any license (held alone or jointly with others) to occupy land in the area of Southampton for a month or longer.

- (vi) Any tenancy where (to your knowledge) the landlord is Southampton City Council and the tenant is a body in which you / your spouse etc has a beneficial interests.

- (vii) Any beneficial interest in securities of a body where that body (to your knowledge) has a place of business or land in the area of Southampton, and either:

- a) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body, or
- b) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you / your spouse etc has a beneficial interest that exceeds one hundredth of the total issued share capital of that class.

## **Other Interests**

A Member must regard himself or herself as having an, 'Other Interest' in any membership of, or occupation of a position of general control or management in:

Any body to which they have been appointed or nominated by Southampton City Council

Any public authority or body exercising functions of a public nature

Any body directed to charitable purposes

Any body whose principal purpose includes the influence of public opinion or policy

## **Principles of Decision Making**

All decisions of the Council will be made in accordance with the following principles:-

- proportionality (i.e. the action must be proportionate to the desired outcome);
- due consultation and the taking of professional advice from officers;
- respect for human rights;
- a presumption in favour of openness, accountability and transparency;
- setting out what options have been considered;
- setting out reasons for the decision; and
- clarity of aims and desired outcomes.

In exercising discretion, the decision maker must:

- understand the law that regulates the decision making power and gives effect to it. The decision-maker must direct itself properly in law;
- take into account all relevant matters (those matters which the law requires the authority as a matter of legal obligation to take into account);
- leave out of account irrelevant considerations;
- act for a proper purpose, exercising its powers for the public good;
- not reach a decision which no authority acting reasonably could reach, (also known as the "rationality" or "taking leave of your senses" principle);
- comply with the rule that local government finance is to be conducted on an annual basis. Save to the extent authorised by Parliament, 'live now, pay later' and forward funding are unlawful; and
- act with procedural propriety in accordance with the rules of fairness.

## AGENDA

### **1 APOLOGIES AND CHANGES IN MEMBERSHIP (IF ANY)**

To note any changes in membership of the Committee made in accordance with Council Procedure Rule 4.3.

### **2 DISCLOSURE OF PERSONAL AND PECUNIARY INTERESTS**

In accordance with the Localism Act 2011, and the Council's Code of Conduct, Members to disclose any personal or pecuniary interests in any matter included on the agenda for this meeting.

### **3 STATEMENT FROM THE CHAIR**

### **4 EXCLUSION OF THE PRESS AND PUBLIC - LEGAL ADVICE**

At a predetermined point during the consideration of all items the Sub-Committee may move into private session in order to receive legal advice when determining issues. The parties to the hearing, press and the public, unless otherwise excluded by the Licensing Act 2003 (Hearings) Regulations 2005, will be invited to return immediately following that private session at which time the matter will be determined and the decision of the Sub-Committee will be announced.

### **5 TAXI TRADE INFORMAL CONSULTATION PROCESS**

(Pages 1 - 36)

Report of Head of Service seeking approval of the arrangements to be used to hold regular meetings with representatives from the taxi trades in Southampton.

### **6 HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE CONDITIONS.**

(Pages 37 - 94)

Minor addition to vehicle conditions to re-enforce current practice in line with recommendations from the Information Commissioners Office

Tuesday, 29 November 2022

Executive Director Communities, Culture & Homes

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# Agenda Item 5

<b>DECISION-MAKER:</b>	LICENSING COMMITTEE
<b>SUBJECT:</b>	TAXI TRADES CONSULTATION PROCESS
<b>DATE OF DECISION:</b>	7 DECEMBER 2022
<b>REPORT OF:</b>	<b>Phil Bates, Service Manager Licensing</b>

<b><u>CONTACT DETAILS</u></b>			
<b>Executive Director</b>	<b>Title</b>	Communities, Culture and Homes	
	<b>Name:</b>	<b>Mary D’Arcy</b>	Tel: 023 8083 4611
	<b>E-mail</b>	<b>mary.d’arcy@southampton.gov.uk</b>	
<b>Author:</b>	<b>Title</b>	<b>Licensing Manager</b>	
	<b>Name:</b>	<b>Phil Bates</b>	Tel: 023 8083 3523
	<b>E-mail</b>	<b>Phil.bates@southampton.gov.uk</b>	

## **STATEMENT OF CONFIDENTIALITY**

N/A

## **BRIEF SUMMARY**

The current Department for Transport (DfT) Taxi and Private Hire Licensing Best Practice Guidance was issued in 2010 and says it is good practice to consult on any significant changes to rules, to include the taxi trades and other groups with a wider transport interest. The DfT are currently consulting on a new guidance document where they repeat the recommendation and add consideration to be given to engaging with neighbouring authorities on any impact of changes to licensing policies.

The current arrangement, which has elected trade representatives and guests invited by the Chair, has attracted criticism from some elements of the trade who feel they are not properly represented and consider the cost of elections an unnecessary expense.

## **RECOMMENDATIONS:**

	(i)	To consider the contents of this report, appendices and any comments or representations made.
	(ii)	To adopt proposed arrangements for consultation with immediate effect. (Appendix 1)
	(iii)	To delegate authority to the service manager for licensing to accept groups meeting the criteria set out in the arrangements, any considered not to meet the criteria to be determined by the service manager for licensing in consultation with the Chair of the licensing committee.

## **REASONS FOR REPORT RECOMMENDATIONS**

1.	It is good practice to consult with the taxi trades and other interested parties on aspects that impact the taxi trades and taxi users.
2.	Providing a formal arrangement gives a legitimate means of raising and discussing matters of interest.

3.	The current process has attracted criticism from some quarters of the taxi trade and it is recognised that this process does not fully meet the requirements of both the council and the trade. A considerable number of groups of licence holders, including two Unions are not currently formally included in the process, and consequently large sections of the taxi trades feel they are not involved in consultation/discussions. This proposal is put forward to address these concerns.
<b>ALTERNATIVE OPTIONS CONSIDERED AND REJECTED</b>	
4.	Continuing with the current arrangement will continue to attract criticism from some in the trade, it also fails to meet the requirements of the council and trade.
<b>DETAIL (Including consultation carried out)</b>	
5.	There has been consultation in some form since at least 1996. It is a subject that has come before the licensing committee on several occasions since; 1996, 2002, 2009. In 2012 the process had broken down but was introduced on a more informal basis with previously recognised trade representatives attending meetings.
6.	In 2019 an election process was introduced to identify trade representatives. The process sought to elect three trade representatives for the private hire trade and three for the hackney carriage trade. The intention was for representatives to serve for a period of three years but to keep continuity in the first election only the top polling candidates would serve three years, the second placed candidates two years and the third one year, with annual elections to replace the outgoing representatives.
7.	This system proved to be controversial as it did not address the lack of diverse representation sought when the process was introduced. To try and address this the Chair at the time invited guests to the meeting but this resulted in elected trade representatives feeling that their role was undermined.
8.	However, consultation meetings have continued and the consultation process has been a subject for discussion. Different models of best practice have been reviewed the current proposal was drafted and generally agreed as appropriate to be issued for consultation.
9.	The proposal is a combination of other schemes, there was a strong desire from the current elected trade representatives to retain the elected element in the new proposal, and it has been agreed to reduce the number to one representative for hackney carriage and one for private hire. To keep costs to a minimum trade representatives have requested that the election is managed by council staff. If the proposal is adopted no election will be required until June 2025. This will allow time for options to be considered, consulted upon and a best value election process to be implemented.
10.	Representatives from identifiable groups, who demonstrate that they meet the criteria set out in the proposal will also be accepted into the new consultation process. This will allow recognised associations and organisations including Unions to be represented.



11.	The new proposal also allows for the Chair to be able to invite others as they see fit and will include individuals representing the trade, community groups who use taxi services and responsible authorities such as the police.
12.	There is more than 2,000 holders of Southampton City Council taxi licences. Each has been written to seeking their views on the new proposal. A copy of the letter is attached to this report at Appendix 2. This consultation ran from 21st July 2022 to 21st August 2022. Four responses were received. One response did not mention the consultation process at all but other taxi related matters. All the responses are attached as appendix 3
13.	Mr Hall who represents the Southampton Hackney and Private Hire Association (SHPHA) submitted a response on their behalf. The response outlined that the association is against the inclusion of elected representatives, is against the involvement of the council any election process and is against the costs of any such election coming from licence fees. The response refers to the regulators code which the authority abides by, and it should be noted that it does not give a legal entitlement as is suggested in the response. The SHPHA is in favour of in person meetings.
14.	Matthew Freckleton responded on behalf of Uber who welcomed the proposals and support virtual meetings “as it provides opportunity for a more diverse attendance and respects the undertaking of those attendees that give of their time to attend.”
15.	Russell Hawkins, The Senior Licensing Officer responsible for taxi licensing responded to the consultation, and suggests changing the criteria so any holder of a private hire operating licence operating more than 25 vehicles be included. Secondly to avoid confusion between these meetings and other more formal consultations he also suggests changing the name of the meeting to be Southampton Taxi and Private Hire Forum. This is supported by officers in order to eliminate any confusion regarding this type of consultation (engagement) and statutory consultations.
16.	In light of these responses the recommended arrangements, Appendix 1 have been slightly amended from the consulted upon version. A copy of the recommended version with tracked changes is provided at appendix 4.
<b>RESOURCE IMPLICATIONS</b>	
<b><u>Capital/Revenue</u></b>	
17.	Administering the engagement/consultation process forms part of the administration of the licences involved and therefore it is appropriate and lawful for any associated costs to be borne by the relevant licensing budgets.
<b><u>Property/Other</u></b>	
<b>LEGAL IMPLICATIONS</b>	
<b><u>Statutory power to undertake proposals in the report:</u></b>	
18.	Section 111 Local Government Act 1972
<b><u>Other Legal Implications:</u></b>	
19.	Human Rights Act 1998

	The Act requires UK legislation to be interpreted in a manner consistent with the European Convention on Human Rights. It is unlawful for the Council to act in a way that is incompatible (or fail to act in a way that is compatible) with the rights protected by the Act. Any action undertaken by the Council that could have an effect upon another person's Human Rights must be taken having regard to the principle of Proportionality – the need to balance the rights of the individual with the rights of the community as a whole. Any action taken by the Council which affect another's rights must be no more onerous than is necessary in a democratic society. The matter set out in this report must be considered in light of the above obligations
20.	Equality Act 2010 Section 149 of the Act states a public authority must, in the exercise of its functions, have due regard to the need to — a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act; b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
21.	Legislative and Regulatory Reform Act 2006 Section 22 of the Act requires regulators to have regard to the code in determining any general policy or principles by reference to which the person exercises the function.
<b>RISK MANAGEMENT IMPLICATIONS</b>	
22.	Some elements of the trade that are not in full agreement with the new proposal. However, there has also been historic dissatisfaction with the former process. There is consequently some risk that not all elements of the trade will engage with this new process, but it is anticipated that those representing the trade, will wish to be part of any future engagement process and this is therefore deemed to be a low -risk decision
<b>POLICY FRAMEWORK IMPLICATIONS</b>	
23.	The proposed policy is not contrary to the Council's policy framework

<b>KEY DECISION?</b>	<b>No</b>
<b>WARDS/COMMUNITIES AFFECTED:</b>	All wards
<u>SUPPORTING DOCUMENTATION</u>	
<b>Appendices</b>	
1.	Recommended consultation arrangements for the taxi trades.
2.	Copy of letter opening consultation
3.	Copies of responses received
4.	Recommended version with tracked changes from consultation copy.

**Documents In Members' Rooms**

1.	Regulators Code	
<b>Equality Impact Assessment</b>		
Do the implications/subject of the report require an Equality and Safety Impact Assessment (ESIA) to be carried out.		<b>Yes</b>
<b>Data Protection Impact Assessment</b>		
Do the implications/subject of the report require a Data Protection Impact Assessment (DPIA) to be carried out.		<b>No</b>
<b>Other Background Documents</b>		
Other Background documents available for inspection at:		
<b>Title of Background Paper(s)</b>	<b>Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable)</b>	
1.		
2.		

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## SOUTHAMPTON HACKNEY CARRIAGE AND PRIVATE HIRE FORUM

The purpose of the forum is defined as:

- A two-way exchange of information, dialogue and discussion
- To hear views, comments and concerns of the trade
- To receive information, comments, and concerns of the Licensing Team, Members and the Council as a whole.
- Not a decision making forum
- Where matters are of a particular concern and with the approval of the Chair, matters raised can be referred to the Licensing Committee where a formal decision can be made.

It should be borne in mind that consultation does not necessarily mean agreement with and that consultation meetings cannot be decision making meetings.

The forum is attended by

- Licensing Councillors,
- Council officers,
- reps elected by the trade
- reps representing groups of the taxi trade that meet the criteria below.
- Relevant guests of the chair.

The criteria a group need to demonstrate is as follows

1. The Group is identifiable (named)
2. Provide contact details of the group (email at least)
3. Have a minimum of 30 members
4. Provide an adequate group constitution or rule book
5. Have a process to communicate effectively with their membership
6. Hold at least two meetings per year
7. Hold notes/minutes of all meetings
8. Have a process to elect the representative to attend the consultation meetings, including a substitute.
9. Have a process for the group to agree items to be proposed for the consultation meetings

Additionally private hire operators who operate more than 25 vehicles will be accepted. They will need to demonstrate how they will communicate with their drivers and proprietors, as well as demonstrate how they agree who will represent them at the meeting.



These checks for groups will be completed at least two weeks prior to the first meeting under this regime and two weeks before any new member is considered and annually from the anniversary date of the first meeting under this regime.

Groups wishing to take part are to submit evidence demonstrating all of the above to the Licensing Team who will approve the application, any they consider that do not meet the criteria will be brought to the attention of the Chair/Licensing Committee who will decide.

There will be two elected trade reps, one who holds a current private hire licence, whether it is as an operator, proprietor or driver and one who currently holds a hackney carriage licence, whether it is a vehicle or driver licence. Elected reps will sit for a period of three years. The election process will be agreed between officers and the chair of the licensing committee at the start of the year when an election falls. This forum will discuss this at the meeting preceding this decision. Should an elected trade rep cease to be a licence holder then a new rep will be elected for the remaining period unless it is so close to the end of term the Chair agrees to leave the position vacant.

The licensing team will prepare brief notes of the meeting, amounting to the topic discussed, the key bullet points discussed and any actions. We are not provided with meeting support so cannot commit to full minutes.

The following is an example of notes from part of the August 2021 meeting

#### Race Hate Crime

- Helal Ali is Hate Crime Training & Engagement Co-ordinator, H&IOW Victim Support.
- Is there to support marginalised communities
- Encourages use of Victim support charities
- Reporting to police does not automatically result in support

#### New Hackney Plate Allocation policy

- Consulting on policy
- Not issuing new additional licences but in cases where a current licence lapses.
- Unable to require PHs in same way we can HCs to be wheelchair accessible
- Unmet demand survey likely to be carried out in 2022 at a cost of around £15,000
- Wheelchair users experience difficulty booking taxis
- Fees cannot be used to encourage wheelchair accessible vehicles, any financial support is required to come from tax payers

#### Euro 5 WAVs

- Currently consulting on WAVs with Euro 5 Diesel to remain on fleet until end of 2024 as long as they comply with 12 yr age limit

#### Driver Badges

- Licensing will be enforcing the wearing of badges
- Will consider arm band wearing, 2 badges and other options

#### Future of consultation group

- Current system will continue until June 2022



- Proposals to be brought before next meeting

#### DfT Standards

- Large Response to consultation
- Before committee 8th September

#### Increase in hackney table of fares

- Last increase 2014
- Need to agree in time to do change for BHs in 2022
- SCC cannot regulate PH charges (Uber surge pricing)
- Agreement will be needed from trade

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Southampton City Council  
Civic Centre,  
Southampton

Direct dial: 023 8083 3002  
Our ref:

E-mail: [licensing@southampton.gov.uk](mailto:licensing@southampton.gov.uk)  
Please ask for: Mr. Bates

21<sup>st</sup> July 2022

### ***Taxi trades consultation process***

After discussions with trade representatives, licensing committee councillors, others with an interest in taxi licensing, we are proposing a new system to consult with the trade and interested parties.

Attached to this documentation is a proposed consultation scheme. Please read through this and if you wish to provide any comments or feedback please email [licensing.consultations@southampton.gov.uk](mailto:licensing.consultations@southampton.gov.uk) or write to the licensing team at the above address no later than Sunday 21<sup>st</sup> August 2022. Please mark all correspondence clearly 'Consultation process'.

The responses will be considered, after which a report proposing a new consultation process will be submitted to the licensing committee.

Yours faithfully,

Phil Bates  
Licensing Manager

## SOUTHAMPTON HACKNEY CARRIAGE AND PRIVATE HIRE CONSULTATION FORUM

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9. Have a process for the group to agree items to be proposed for the consultation meetings

Additionally operators who represent more than 3 companies with a combined total of drivers that exceeds 100 drivers will be accepted. They will need to demonstrate how they will communicate with the other operators and their drivers and proprietors, as well as demonstrate how they agree who will represent them at the meeting.

These checks for groups will be completed at least two weeks prior to the first meeting under this regime and two weeks before any new member is considered and annually from the anniversary date of the first meeting under this regime.

Groups wishing to take part are to submit evidence demonstrating all of the above to the Licensing Team who will approve the application, any they consider that do not meet the criteria will be brought to the attention of the Chair/Licensing Committee who will decide.

There will be two elected trade reps, one who holds a current private hire licence, whether it is as an operator, proprietor or driver and one who currently holds a hackney carriage licence, whether it is a vehicle or driver licence. To maintain impartiality and transparency the election will be conducted by a company selected by the council's procurement process. These costs will be split between the five taxi budgets in proportion to the amount of time recorded against each area.

The licensing team will prepare brief notes of the meeting, amounting to the topic discussed, the key bullet points discussed and any actions. We are not provided with meeting support so cannot commit to full minutes.

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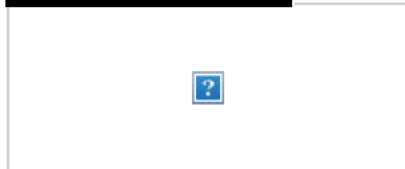
**From:** [REDACTED]  
**To:** [Licensing Consultations](#)  
**Subject:** Re: Taxi trades consultation process  
**Date:** 03 August 2022 13:29:36

You don't often get email from [REDACTED]. [Learn why this is important](#)

### Fergus Muir Highclere Solutions Ltd

[REDACTED]

[REDACTED]



[REDACTED]



On Sun, 31 Jul 2022 at 11:09, Fergus Muir [REDACTED] wrote:

Please see my comments and feedback for this Taxi consultation.

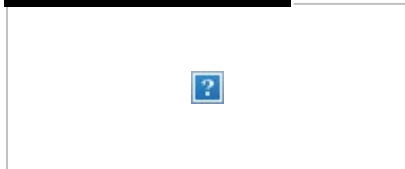
My name is Fergus Muir (address below), and I currently drive for Uber and Bolt.

- Taxi (Uber) stickers
  - Please please can drivers like me be allowed to use magnetic door stickers? I predominantly work for Uber and want to work for Bolt as well. To do this, I need to remove the Uber stickers and replace them with Bolt ones. To change back to Uber costs £10 for a new set of stickers. The stickers damage paintwork and with UV exposure leave permanent marks on cars that significantly devalues cars when selling. Radio Taxis are now allowed to accept Uber rides and do so without any need for sticker changes. I have read that some councillors said that magnetic stickers blow off and come of Taxis too easily (one even saying they saw one on a road). This is not the case at all, it's nearly impossible for them just to fall off. It just does not happen. I've had a magnetic set of L plates on a car for the last few years with magnetic strips just on the top and bottom of the

plates, and they have never come off. They are allowed in Portsmouth, the New Forest has very small stickers so we're being disadvantaged in Southampton. In my opinion, Uber is the safest and most tracked service, so there is not a safety argument. My daughters only use Uber because of this.

- New Student accommodation
  - There are a number of recently built student accommodations that seem to have drop-off points built, but at least 2 I know have a bizarrely raised curbs to access these. They seem to be higher than normal curbs. Some you'd need a 4x4 to access them. Planning really needs to improve the drop off areas for the safety of our passengers
  - I also think it very odd the Uber drivers cannot drop off at Taxi ranks especially when they are empty and loads are located near crossing and zig-zag lines. The drop-off point at Southampton Central is so small it's frankly dangerous. The worst thing about driving for me is finding a space where customers want to be put down and safely for them without out being shouted at for not dropping off where they think they should be
- Drivers Badges
  - My view is the rule should be that drivers badges should always be visible to all passengers in the car wherever they choose to sit as they are in London black cabs. I'd like to have my badge on the central dashboard and round a drivers neck is not always viewable

**Fergus Muir**  
**Highclere Solutions Ltd**



**From:** [Hawkins, Russell](#)  
**To:** [Licensing Consultations](#)  
**Subject:** Representation - Consultation Group  
**Date:** 19 August 2022 14:55:20

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Dear Phil

Two things I would like to comment on:

The proposed policy only allows operators in if they are representing three or more companies with a certain amount of drivers. I believe that all operators that operate twenty five or more vehicles should be able to attend.

Secondly, we refer to this as the taxi consultation meetings. I believe this causes confusion with public consultations and would suggest the name Southampton Taxi and Private Hire Forum.

Regards

**Russell Hawkins**  
Senior Licensing Officer  
Licensing Team  
Southampton and Eastleigh Licensing Partnership  
Southampton City Council  
Civic Centre  
Southampton  
SO14 7LY

phone:

█

e-mail:

web: [www.eastleigh.gov.uk/licensing](http://www.eastleigh.gov.uk/licensing) or [www.southampton.gov.uk/licensing](http://www.southampton.gov.uk/licensing)

█

**From:** [Bates, Phil](#)  
**To:** [Licensing Consultations](#)  
**Subject:** FW: The Southampton Hackney Carriage and Private Hire Consultation Forum  
**Date:** 10 August 2022 13:29:17

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**Phil Bates**

Licensing Manager  
Licensing Team  
Southampton and Eastleigh Licensing Partnership  
Southampton City Council  
phone: 023 8083 3523  
Mobile: 075 0009 6993  
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post: LicensingTeam, Southampton City Council  
Civic Centre Road, Southampton. SO14 7LY

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**From:** SHA [REDACTED]  
**Sent:** 09 August 2022 17:08  
**To:** Bates, Phil <[Phil.Bates@southampton.gov.uk](mailto:Phil.Bates@southampton.gov.uk)>  
**Cc:** [REDACTED]

**Subject:** The Southampton Hackney Carriage and Private Hire Consultation Forum

Phil,

The Southampton Hackney Carriage and Private Hire  
Consultation Forum

1. This the view of the Southampton Hackney Private Hire  
on the proposed forum is as follows:-



2. Our group is identifiable and has been since its formation in 2001.
3. Contact details of our association will be given if our members agree and it is legally correct in line with GDPR.
4. We have more than thirty members.
5. We have a 16 page Constitution (Rule book) which we have had since our inception. We have 54 clauses in our constitution with the objective of the association clause 2.1, to promote and provide for the benefit of the Southampton Hackney Carriage trade on matters of a common interest.
6. Clause 2.2, to consult and formulate policy with SCC. That is why we supported the licensing department in the door signage issue.
7. We communicate effectively with our membership through our members Facebook page, our website [www.southamptontaxis.org](http://www.southamptontaxis.org) and by telephone/text.
8. Through the pandemic I emailed our committee, keeping them up-to-date.
9. We now have an arrangement with the Swaythling Working Mens Club, every 2 months we hold a committee meeting at the venue.

We have a process to attend consultation meetings. Under clause 2.3 of our constitution, the committee shall manage all the affairs of the association and shall have power to have everything for that purpose.

We are of the opinion that there is no need for council ballots, since councils cannot ever be involved in association or union voting.

Anyone who is nominated as a trade representative, is legally entitled to attend meetings in accordance with the Regulators Code 2014, regardless of the result of any phantom council

voting scheme.

If licensing has chosen to hold such a voting exercise, with no actual purpose or goal, then the council should be paying for council decisions? We do not as an association agree that costs should be split between the five taxi budgets, we should pay nothing. (We are still waiting for an email reply from Mr Bates on this subject)

This should not be a trade expense at all, as the trade does not need nor do they require such a voting fiasco.

Furthermore, the council vote results do not actually mean anything since those voting to attend council meetings, may not actually be the spokespersons for the trade? This has just been proved with the resignation of a hackney carriage representative.

We are alarmed at how complicated this has all become and without face-to-face meetings, consultation seems futile. The only way forward is the Brighton model of consultation.

SCC are contracted by Eastleigh Borough Council (EBC) to manage the licensing department (for want of a better wording) and you attend their consultation meetings which are face to face? What is the difference between them and us?

Regards,

**Ian Hall**

CHAIRMAN

Southampton Hackney and Private Hire Association (SHPHA)

Southampton Hackney Taxi and Private Hire drivers in our City

[www.southamptonhackneyassociation.co.uk](http://www.southamptonhackneyassociation.co.uk)



Virus-free. [www.avast.com](http://www.avast.com)

**From:** [REDACTED]  
**To:** [Licensing Consultations](#)  
**Subject:** Uber / Consultation Process  
**Date:** 19 August 2022 09:29:07

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Dear Licensing Team,

We welcome the opportunity to contribute to the consultation on Southampton Council's Taxi & Private Hire Trade meetings.

As an operator licensed by over 50 Local Authorities in the UK, Uber has unique experience in Trade Meeting participation.

We support the mentioned objectives of the Trade Meetings and believe they provide a useful format for multiple stakeholders in the industry to discuss their perspectives on topics relevant to passengers/drivers/operators/regulators.

As a participant, Uber would only be able to represent their views as a licensed operator. We rely on the GMB union to represent the perspective of those drivers affiliated with Uber. We understand from the proposed scheme that we would be invited as an operator that has over 100 drivers affiliated.

We recommend Trade Meetings be conducted virtually where possible, as it provides opportunity for a more diverse attendance and respects the undertaking of those attendees that give of their time to attend.

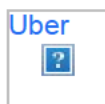
Kind regards,

--

**Matthew Freckelton**

Head of Cities North of England, Scotland and the South Coast

[REDACTED]



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### SOUTHAMPTON HACKNEY CARRIAGE AND PRIVATE HIRE FORUM

The purpose of the consultation is defined as:

- A two-way exchange of information, dialogue and discussion
- To hear views, comments and concerns of the trade
- To receive information, comments, and concerns of the Licensing Team, Members and the Council as a whole.
- Not a decision making forum
- Where matters are of a particular concern and with the approval of the Chair, matters raised can be referred to the Licensing Committee where a formal decision can be made.

It should be borne in mind that consultation does not necessarily mean agreement with and that consultation meetings cannot be decision making meetings.

The forum is attended by

- Licensing Councillors,
- Council officers,
- reps elected by the trade
- reps representing groups of the taxi trade that meet the criteria below.
- Relevant guests of the chair.

The criteria a group need to demonstrate is as follows

1. The Group is identifiable (named)
2. Provide contact details of the group (email at least)
3. Have a minimum of 30 members
4. Provide an adequate group constitution or rule book
5. Have a process to communicate effectively with their membership
6. Hold at least two meetings per year
7. Hold notes/minutes of all meetings
8. Have a process to elect the representative to attend the consultation meetings, including a substitute.
9. Have a process for the group to agree items to be proposed for the consultation meetings

Additionally private hire operators who operate more than 25 vehicles will be accepted. They will need to demonstrate how they will communicate with their drivers and proprietors, as well as demonstrate how they agree who will represent them at the meeting.



These checks for groups will be completed at least two weeks prior to the first meeting under this regime and two weeks before any new member is considered and annually from the anniversary date of the first meeting under this regime.

Groups wishing to take part are to submit evidence demonstrating all of the above to the Licensing Team who will approve the application, any they consider that do not meet the criteria will be brought to the attention of the Chair/Licensing Committee who will decide.

There will be two elected trade reps, one who holds a current private hire licence, whether it is as an operator, proprietor or driver and one who currently holds a hackney carriage licence, whether it is a vehicle or driver licence. Elected reps will sit for a period of three years. The election process will be agreed between officers and the chair of the licensing committee at the start of the year when an election falls. This forum will discuss this at the meeting preceding this decision. Should an elected trade rep cease to be a licence holder then a new rep will be elected for the remaining period unless it is so close to the end of term the Chair agrees to leave the position vacant.

The licensing team will prepare brief notes of the meeting, amounting to the topic discussed, the key bullet points discussed and any actions. We are not provided with meeting support so cannot commit to full minutes.

The following is an example of notes from part of the August 2021 meeting

#### Race Hate Crime

- Helal Ali is Hate Crime Training & Engagement Co-ordinator, H&IOW Victim Support.
- Is there to support marginalised communities
- Encourages use of Victim support charities
- Reporting to police does not automatically result in support

#### New Hackney Plate Allocation policy

- Consulting on policy
- Not issuing new additional licences but in cases where a current licence lapses.
- Unable to require PHs in same way we can HCs to be wheelchair accessible
- Unmet demand survey likely to be carried out in 2022 at a cost of around £15,000
- Wheelchair users experience difficulty booking taxis
- Fees cannot be used to encourage wheelchair accessible vehicles, any financial support is required to come from tax payers

#### Euro 5 WAVs

- Currently consulting on WAVs with Euro 5 Diesel to remain on fleet until end of 2024 as long as they comply with 12 yr age limit

#### Driver Badges

- Licensing will be enforcing the wearing of badges
- Will consider arm band wearing, 2 badges and other options

#### Future of consultation group

- Current system will continue until June 2022



- Proposals to be brought before next meeting

#### DfT Standards

- Large Response to consultation
- Before committee 8th September

#### Increase in hackney table of fares

- Last increase 2014
- Need to agree in time to do change for BHs in 2022
- SCC cannot regulate PH charges (Uber surge pricing)
- Agreement will be needed from trade

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### Equality and Safety Impact Assessment

The **Public Sector Equality Duty** (Section 149 of the Equality Act) requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity, and foster good relations between different people carrying out their activities.

The Equality Duty supports good decision making – it encourages public bodies to be more efficient and effective by understanding how different people will be affected by their activities, so that their policies and services are appropriate and accessible to all and meet different people’s needs. The Council’s Equality and Safety Impact Assessment (ESIA) includes an assessment of the community safety impact assessment to comply with Section 17 of the Crime and Disorder Act and will enable the Council to better understand the potential impact of proposals and consider mitigating action.

<b>Name or Brief Description of Proposal</b>	Adoption of informal consultation meetings with the taxi trades.
<b>Brief Service Profile (including number of customers)</b>	
There are approximately 2,000 individuals that hold da Southampton City Council Taxi licence. These are spread across hackney carriages, hackney carriage and private hire drivers, private hire vehicles and private hire operators.	
<b>Summary of Impact and Issues</b>	
It is recognised good practice to consult with the local taxi trades and service users. Different processes for deciding the format of these meetings and more importantly who can attend them have been used over the years and each iteration has received complaints about lack of accountability and representation. The proposed process has broad agreement amongst the taxi trades and officers.	
<b>Potential Positive Impacts</b>	
The adoption of this process will broaden the representation at meetings. This will allow officers and members to be better informed on the impacts of policies and council processes on the taxi trades and users. Will allow officers and members to discuss proposed changes with a broad spectrum of the trades. The taxi trades will be better informed about the development process of policies. This has the potential to harness a more understanding approach in policy development and improve the reputation of the process and council.	
<b>Responsible Service Manager</b>	Phil Bates, Licensing Manger
<b>Date</b>	23/09/2022
<b>Approved by Senior Manager</b>	Mary D’Arcy, Executive Director, Communities, Culture & Homes
<b>Date</b>	11/07/2022

#### Potential Impact

<b>Impact Assessment</b>	<b>Details of Impact</b>	<b>Possible Solutions &amp; Mitigating Actions</b>
<b>Age</b>	No identified impacts.	N/a
<b>Disability</b>	Disability groups disproportionately rely upon taxi services. Failing to properly include them in any consultation process is likely to lead to policies that discriminate.	The proposal includes the participation of groups representing the disabled.
<b>Gender Reassignment</b>	No identified impacts.	N/a
<b>Marriage and Civil Partnership</b>	No identified impacts.	N/a
<b>Pregnancy and Maternity</b>	No identified impacts.	N/a
<b>Race</b>	Southampton is a multicultural city with people from all backgrounds, living working and visiting in Southampton and as a consequence using taxi services. Individual licence holders are increasingly coming from backgrounds other than white British. Policies and how the taxi trades work need to reflect this.	Community groups and a wide range of licence holders will be able to be a part of the consultation group.
<b>Religion or Belief</b>	No identified impacts.	N/a
<b>Sex</b>	There are not many women that hold licences. Female drivers have different needs and concerns to their male counterparts. Particularly at night female passengers are often viewed as being vulnerable or have a perception of being more vulnerable.	The inclusion of women in the group is encouraged.
<b>Sexual Orientation</b>	No identified impacts.	N/a
<b>Community Safety</b>	Licensing is based on public safety. Having a proper consultation group will assist in moving forward the public safety agenda.	
<b>Poverty</b>	No identified impacts.	N/a
<b>Health &amp; Wellbeing</b>	No identified impacts.	N/a
<b>Other Significant Impacts</b>	No identified impacts.	N/a



Department  
for Business  
Innovation & Skills

Better  
Regulation  
Delivery Office

## Regulators' Code

## Foreword



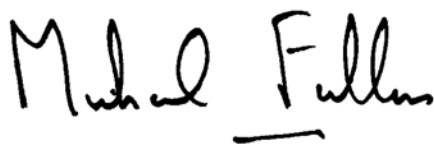
In the Autumn Statement 2012 Government announced that it would introduce a package of measures to improve the way regulation is delivered at the frontline such as the Focus on Enforcement review of appeals, the proposed Growth Duty for non-economic regulators and the Accountability for Regulator Impact measure.

This Government is committed to reducing regulatory burdens and supporting compliant business growth through the development of an open and constructive relationship between regulators and those they regulate. The Regulators' Code provides a flexible, principles based framework for regulatory delivery that supports and enables regulators to design their service and enforcement policies in a manner that best suits the needs of businesses and other regulated entities.

Our expectation is that by clarifying the provisions contained in the previous Regulators' Compliance Code, in a shorter and accessible format, regulators and those they regulate will have a clear understanding of the services that can be expected and will feel able to challenge if these are not being fulfilled.

Regulators within scope of the Regulators' Code are diverse but they share a common primary purpose – to regulate for the protection of the vulnerable, the environment, social or other objective. This Code does not detract from these core purposes but seeks to promote proportionate, consistent and targeted regulatory activity through the development of transparent and effective dialogue and understanding between regulators and those they regulate.

I believe the Regulators' Code will support a positive shift in how regulation is delivered by setting clear expectations and promising open dialogue. Ultimately this will give businesses greater confidence to invest and grow.

A handwritten signature in black ink that reads "Michael Fallon". The signature is written in a cursive style with a horizontal line underneath the name.

Michael Fallon  
Minister of State for Business and Enterprise  
Department for Business, Innovation and Skills

## Regulators' Code

This Code was laid before Parliament in accordance with section 23 of the Legislative and Regulatory Reform Act 2006 ("the Act"). Regulators whose functions are specified by order under section 24(2) of the Act **must** have regard to the Code when developing policies and operational procedures that guide their regulatory activities. Regulators must equally have regard to the Code when setting standards or giving guidance which will guide the regulatory activities of other regulators. If a regulator concludes, on the basis of material evidence, that a specific provision of the Code is either not applicable or is outweighed by another relevant consideration, the regulator is not bound to follow that provision, but should record that decision and the reasons for it.

### **1. Regulators should carry out their activities in a way that supports those they regulate to comply and grow**

1.1 Regulators should avoid imposing unnecessary regulatory burdens through their regulatory activities<sup>1</sup> and should assess whether similar social, environmental and economic outcomes could be achieved by less burdensome means. Regulators should choose proportionate approaches to those they regulate, based on relevant factors including, for example, business size and capacity.

1.2 When designing and reviewing policies, operational procedures and practices, regulators should consider how they might support or enable economic growth for compliant businesses and other regulated entities<sup>2</sup>, for example, by considering how they can best:

- understand and minimise negative economic impacts of their regulatory activities;
- minimising the costs of compliance for those they regulate;
- improve confidence in compliance for those they regulate, by providing greater certainty; and
- encourage and promote compliance.

1.3 Regulators should ensure that their officers have the necessary knowledge and skills to support those they regulate, including having an understanding of those they regulate that enables them to choose proportionate and effective approaches.

1.4 Regulators should ensure that their officers understand the statutory principles of good regulation<sup>3</sup> and of this Code, and how the regulator delivers its activities in accordance with them.

### **2. Regulators should provide simple and straightforward ways to engage with those they regulate and hear their views**

2.1 Regulators should have mechanisms in place to engage those they regulate, citizens and others to offer views and contribute to the development of their policies and service standards. Before changing policies, practices or service standards, regulators should consider the impact on business and engage with business representatives.

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<sup>1</sup> The term 'regulatory activities' refers to the whole range of regulatory options and interventions available to regulators.

<sup>2</sup> The terms 'business or businesses' is used throughout this document to refer to businesses and other regulated entities.

<sup>3</sup> The statutory principles of good regulation can be viewed in Part 2 (21) on page 12: [http://www.legislation.gov.uk/ukpga/2006/51/pdfs/ukpga\\_20060051\\_en.pdf](http://www.legislation.gov.uk/ukpga/2006/51/pdfs/ukpga_20060051_en.pdf).

- 2.2 In responding to non-compliance that they identify, regulators should clearly explain what the non-compliant item or activity is, the advice being given, actions required or decisions taken, and the reasons for these. Regulators should provide an opportunity for dialogue in relation to the advice, requirements or decisions, with a view to ensuring that they are acting in a way that is proportionate and consistent.

This paragraph does not apply where the regulator can demonstrate that immediate enforcement action is required to prevent or respond to a serious breach or where providing such an opportunity would be likely to defeat the purpose of the proposed enforcement action.

- 2.3 Regulators should provide an impartial and clearly explained route to appeal against a regulatory decision or a failure to act in accordance with this Code. Individual officers of the regulator who took the decision or action against which the appeal is being made should not be involved in considering the appeal. This route to appeal should be publicised to those who are regulated.
- 2.4 Regulators should provide a timely explanation in writing of any right to representation or right to appeal. This explanation should be in plain language and include practical information on the process involved.
- 2.5 Regulators should make available to those they regulate, clearly explained complaints procedures, allowing them to easily make a complaint about the conduct of the regulator.
- 2.6 Regulators should have a range of mechanisms to enable and regularly invite, receive and take on board customer feedback, including, for example, through customer satisfaction surveys of those they regulate<sup>4</sup>.

### **3. Regulators should base their regulatory activities on risk**

- 3.1 Regulators should take an evidence based approach to determining the priority risks in their area of responsibility, and should allocate resources where they would be most effective in addressing those priority risks.
- 3.2 Regulators should consider risk at every stage of their decision-making processes, including choosing the most appropriate type of intervention or way of working with those regulated; targeting checks on compliance; and when taking enforcement action.
- 3.3 Regulators designing a risk assessment framework<sup>5</sup>, for their own use or for use by others, should have mechanisms in place to consult on the design with those affected, and to review it regularly.
- 3.4 Regulators, in making their assessment of risk, should recognise the compliance record of those they regulate, including using earned recognition approaches and should consider all available and relevant data on compliance, including evidence of relevant external verification.
- 3.5 Regulators should review the effectiveness of their chosen regulatory activities in delivering the desired outcomes and make any necessary adjustments accordingly.

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<sup>4</sup> The Government will discuss with national regulators a common approach to surveys to support benchmarking of their performance.

<sup>5</sup> The term 'risk assessment framework' encompasses any model, scheme, methodology or risk rating approach that is used to inform risk-based targeting of regulatory activities in relation to individual businesses or other regulated entities.

**4. Regulators should share information about compliance and risk**

- 4.1 Regulators should collectively follow the principle of “collect once, use many times” when requesting information from those they regulate.
- 4.2 When the law allows, regulators should agree secure mechanisms to share information with each other about businesses and other bodies they regulate, to help target resources and activities and minimise duplication.

**5. Regulators should ensure clear information, guidance and advice is available to help those they regulate meet their responsibilities to comply**

- 5.1 Regulators should provide advice and guidance that is focused on assisting those they regulate to understand and meet their responsibilities. When providing advice and guidance, legal requirements should be distinguished from suggested good practice and the impact of the advice or guidance should be considered so that it does not impose unnecessary burdens in itself.
- 5.2 Regulators should publish guidance, and information in a clear, accessible, concise format, using media appropriate to the target audience and written in plain language for the audience.
- 5.3 Regulators should have mechanisms in place to consult those they regulate in relation to the guidance they produce to ensure that it meets their needs.
- 5.4 Regulators should seek to create an environment in which those they regulate have confidence in the advice they receive and feel able to seek advice without fear of triggering enforcement action.
- 5.5 In responding to requests for advice, a regulator's primary concerns should be to provide the advice necessary to support compliance, and to ensure that the advice can be relied on.
- 5.6 Regulators should have mechanisms to work collaboratively to assist those regulated by more than one regulator. Regulators should consider advice provided by other regulators and, where there is disagreement about the advice provided, this should be discussed with the other regulator to reach agreement.

**6. Regulators should ensure that their approach to their regulatory activities is transparent**

- 6.1 Regulators should publish a set of clear service standards, setting out what those they regulate should expect from them.
- 6.2 Regulators' published service standards should include clear information on:
  - a) how they communicate with those they regulate and how they can be contacted;
  - b) their approach to providing information, guidance and advice;
  - c) their approach to checks on compliance<sup>6</sup>, including details of the risk assessment framework used to target those checks as well as protocols for their conduct, clearly setting out what those they regulate should expect;

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<sup>6</sup> Including inspections, audit, monitoring and sampling visits, and test purchases.

- d) their enforcement policy, explaining how they respond to non-compliance;
  - e) their fees and charges, if any. This information should clearly explain the basis on which these are calculated, and should include an explanation of whether compliance will affect fees and charges; and
  - f) how to comment or complain about the service provided and routes to appeal.
- 6.3 Information published to meet the provisions of this Code should be easily accessible, including being available at a single point<sup>7</sup> on the regulator's website that is clearly signposted, and it should be kept up to date.
- 6.4 Regulators should have mechanisms in place to ensure that their officers act in accordance with their published service standards, including their enforcement policy.
- 6.5 Regulators should publish, on a regular basis, details of their performance against their service standards, including feedback received from those they regulate, such as customer satisfaction surveys, and data relating to complaints about them and appeals against their decisions.

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<sup>7</sup> This requirement may be satisfied by providing a single web page that includes links to information published elsewhere.



## Monitoring the effectiveness of the Regulators' Code

The Government is committed to making sure the Regulators' Code is effective. To make sure that the Code is being used effectively, we want businesses, regulated bodies and citizens to challenge regulators who they believe are not acting in accordance with their published policies and standards. It is in the wider public interest that regulators are transparent and proportionate in their approaches to regulation.

The Government will monitor published policies and standards of regulators subject to the Regulators' Code, and will challenge regulators where there is evidence that policies and standards are not in line with the Code or are not followed.

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This publication is also available on our website at:  
<https://www.gov.uk/government/publications/regulators-code>

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# Agenda Item 6

<b>DECISION-MAKER:</b>	LICENSING COMMITTEE
<b>SUBJECT:</b>	HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE CONDITIONS
<b>DATE OF DECISION:</b>	7 <sup>TH</sup> DECEMBER 2022
<b>REPORT OF:</b>	<b>Phil Bates, Service Manager Licensing</b>

<b><u>CONTACT DETAILS</u></b>			
<b>Executive Director</b>	<b>Title</b>	Communities, Culture and Homes	
	<b>Name:</b>	<b>Mary D’Arcy</b>	Tel: 023 8083 4611
	<b>E-mail</b>	<b>mary.d’arcy@southampton.gov.uk</b>	
<b>Author:</b>	<b>Title</b>	<b>Licensing Manager</b>	
	<b>Name:</b>	<b>Phil Bates</b>	Tel: 023 8083 3523
	<b>E-mail</b>	<b>Phil.bates@southampton.gov.uk</b>	

## **STATEMENT OF CONFIDENTIALITY**

N/A

## **BRIEF SUMMARY**

The committee is asked to approve a minor addition to the vehicle conditions for both hackney carriages and private hire vehicles to require the display of an information sign in relation to the use of taxi cameras in licensed vehicles.

## **RECOMMENDATIONS:**

	(i)	To consider the contents of this report, appendices and any comments made.
	(ii)	To adopt the addition of one condition as detailed in the report to both the hackney carriages and private hire licences.

## **REASONS FOR REPORT RECOMMENDATIONS**

1.	On reviewing the taxi camera policy, it was noted there was no condition requiring the display of a fair processing notice. The display of the notice is a requirement to satisfy Human Rights and Data Protection Legislation
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## **ALTERNATIVE OPTIONS CONSIDERED AND REJECTED**

2.	If no condition is approved officers are in a weakened position in requiring compliance. The adoption of such a condition makes it very clear to licence holders what their responsibility is.
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## **DETAIL (Including consultation carried out)**

3.	The taxi policy was adopted by Southampton City Council on 8 <sup>th</sup> September 2021. This included the conditions to be applied to the various taxi licences. A copy of the policy is at Appendix 1
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4.	To comply with the data protection and human rights legislation it is necessary for vehicles that are required to have fitted a taxi camera to display a fair processing notice. All our vehicles do currently display such a notice, however there is no condition requiring it.
5.	<p>Condition 24 of the hackney carriage conditions require taxi cameras to be fitted. The conditions currently reads:</p> <p><b>24. DIGITAL TAXI CAMERAS</b></p> <p><i>24.1 A secure digital taxi camera system approved by the Council shall be fitted to the vehicle prior to the grant of the licence and maintained in the vehicle thereafter for the duration of the licence to the satisfaction of the Council.</i></p> <p><i>24.2 The above requirement will be effective immediately on the grant of a new licence (other than by way of renewal) or on the replacement of a licensed vehicle.</i></p>
6.	<p>Condition 23 of the private hire vehicle conditions require taxi cameras to be fitted. The condition currently reads:</p> <p><b>23. DIGITAL TAXI CAMERAS</b></p> <p><i>23.1 A secure digital taxi camera system approved by the Council shall be fitted to the vehicle prior to the grant of the licence and maintained in the vehicle thereafter for the duration of the licence to the satisfaction of the Council.</i></p> <p><i>23.2 The above requirement will be effective immediately on the grant of a new licence (other than by way of renewal) or on the replacement of a licensed vehicle.</i></p>
7.	<p>As the wording is identical in each case. To address the lack of a requirement to display a fair processing notice it is recommended to insert a new 2<sup>nd</sup> paragraph as follows:</p> <p><i>An approved yellow Taxi camera sticker will be displayed on both side windows of the vehicle, both inside and outside so they can be easily read by the public.</i></p> <p>The current 2<sup>nd</sup> paragraph will then become the third paragraph in that section as below:</p> <p><i>XX.1 A secure digital taxi camera system approved by the Council shall be fitted to the vehicle prior to the grant of the licence and maintained in the vehicle thereafter for the duration of the licence to the satisfaction of the Council.</i></p> <p><i>XX.2 An approved yellow Taxi camera sticker will be displayed on both side windows of the vehicle and be both inside and outside so they can be easily read by the public.</i></p> <p><i>XX.3 The above requirement will be effective immediately on the grant of a new licence (other than by way of renewal) or on the replacement of a licensed vehicle.</i></p>
8.	A copy of the approved sticker is at Appendix 2.
9..	As this is a minor change to the policy and supports current practice there is no requirement to consult on the matter.

**RESOURCE IMPLICATIONS**

<b><u>Capital/Revenue</u></b>	
10.	N/A
<b><u>Property/Other</u></b>	
11.	N/A
<b>LEGAL IMPLICATIONS</b>	
<b><u>Statutory power to undertake proposals in the report:</u></b>	
12.	Town Police Clauses Act 1847 Licensing of hackney carriages and hackney carriage drivers.
13.	Local Government (Miscellaneous Provisions) Act 1976 Licensing of private hire vehicles, drivers and operators and provides powers with regards hackney carriages and hackney carriage drivers.
14.	Local Government Act 2000 – Functions and Responsibilities Regulations 2000 Provides the framework for the discharge of various functions of a local authority.
<b><u>Other Legal Implications:</u></b>	
15.	Human Rights Act 1998 The Act requires UK legislation to be interpreted in a manner consistent with the European Convention on Human Rights. It is unlawful for the council to act in a way that is incompatible (or fail to act in a way that is incompatible) with the rights protected by the Act. Any action undertaken by the council that could have an effect upon another person's human rights must be taken having regard to the principle of proportionality – the need to balance the rights of the individual with the rights of the community as a whole. Any action taken by the council which affect another's rights must be no more onerous than is necessary in a democratic society. The matter set out in this report must be considered in light of the above obligations.
16.	Under Article 5(1)(a) of the UK GDPR, the Council must, as Data Controller for the personal data processed as part of the system, ensure that the processing is fair and transparent. Making it a condition of the licence to have the notices displayed ensures that the Council complies with this obligation. Failure to comply could result in a fine of up to £17,500,000]
<b>RISK MANAGEMENT IMPLICATIONS</b>	
17.	There has been no refusal to display the fair processing stickers, the adoption of this amendment merely provides enforcement options should there be an issue so the likelihood of it being an issue is low. It strengthens our justification to mandate the use of taxi cameras and so the harm could be significant. Overall this is a moderate risk.
<b>POLICY FRAMEWORK IMPLICATIONS</b>	
18.	The changes proposed are in line with the policy framework of the council.

<b>KEY DECISION?</b>	<b>No</b>
<b>WARDS/COMMUNITIES AFFECTED:</b>	All

SUPPORTING DOCUMENTATION

**Appendices**

- |    |                     |
|----|---------------------|
| 1. | Current taxi policy |
| 2. | Approved sticker    |

**Documents In Members' Rooms**

- |    |  |
|----|--|
| 1. |  |
| 2. |  |

**Equality Impact Assessment**

<b>Do the implications/subject of the report require an Equality and Safety Impact Assessment (ESIA) to be carried out.</b>	<b>Yes/No</b>
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**Data Protection Impact Assessment**

<b>Do the implications/subject of the report require a Data Protection Impact Assessment (DPIA) to be carried out.</b>	<b>Yes/No</b>
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**Other Background Documents**

**Other Background documents available for inspection at:**

<b>Title of Background Paper(s)</b>	<b>Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable)</b>
1.	
2.	

### **HACKNEY CARRIAGE AND PRIVATE HIRE POLICY STATEMENT 2021 TO 2026**

#### **1. VISION STATEMENT**

- 1.1 The overriding factor in licensing is the safety of the public. This policy sets out how Southampton City Council will apply legislation to maintain public safety, to ensure users of licensed vehicles receive a safe and pleasant service and those providing the service are appropriately rewarded and protected.

#### **2. INTRODUCTION**

- 2.1 The Council and those who provide hackney carriage and private hire services share the aim of providing a safe, reliable and efficient service. This document and its appendices set out the policies and conditions applied to hackney carriage and private hire licensing.
- 2.2 The Council has an overriding duty to protect the public. In setting its policies and licence conditions the Council has to ensure this is done but in such a manner that does not unnecessarily restrict prosperous business within the trades.
- 2.3 It therefore makes sense for the Council and those who drive, operate and own hackney carriages and private hire vehicles to work together. Council officers and members representing the licensing committee will hold regular meetings with taxi trade reps and user groups.
- 2.4 The Council is responsible for issuing licences and making policy and conditions. Elected councillors set these. Officers of the council, or their agents, put them into practice. Appendices 1 to 5 set out the specific policy and conditions for the 5 types of licensing. As hackney carriage drivers cannot have conditions applied to their licences the council has adopted a code of conduct for both hackney carriage and private hire drivers to set standards expected. This is at Appendix 9
- 2.5 Section 177(4) of The Policing and Crime Act 2017 enables the Secretary of State for Transport to issue statutory guidance on exercising hackney carriage and private hire vehicle licensing functions to protect children and vulnerable individuals who are over 18 from harm when using these services.
- 2.6 In carrying out these functions Councillors and officers must have regard to the Statutory guidance. "Having regard" is more than having a cursory glance at a document before arriving at a preconceived conclusion
- 2.7 There is evidence to support the view that hackney carriages and private hire vehicles are a high-risk environment. In terms of risks to passengers, this can be seen in abuse and exploitation of children and vulnerable adults facilitated and, in some cases, perpetrated by the trade and the number of sexual crimes reported which involve hackney carriage and private hire vehicle drivers. For those in the trade they are at risk of abuse, assault and theft.
- 2.8 Although it remains the case that licensing authorities must reach their own decisions, both on overall policies and on individual licensing matters in light of the relevant law, it may be that the Statutory Taxi and Private Hire Vehicle Standards might be drawn upon in any legal challenge to an authority's practice, and that any failure to adhere to the standards without sufficient justification could be detrimental to the authority's defence.

- 2.9 The Statutory Taxi and Private Hire Vehicle Standards does not purport to give a definitive statement of the law and any decisions made by a licensing authority remain a matter for that authority.
- 2.10 The Statutory Guidance recommends all licensing authorities make publicly available a cohesive policy document that brings together all their procedures on hackney carriage and private hire vehicle licensing. This should include but not be limited to policies on convictions, a 'fit and proper' person test, licence conditions and vehicle standards.
- 2.11 When formulating a hackney carriage and private hire vehicle policy, the primary and overriding objective must be to protect the public. The importance of ensuring that the licensing regime protects the vulnerable cannot be overestimated.
- 2.12 Any changes in licensing requirements will be followed by a review of the licences already issued. If the need to change licensing requirements has been identified, this same need is applicable to those already in possession of a licence. Where appropriate licence holders will be given time to meet any new requirements. For more subjective changes such as a change in convictions policy each case will be determined on its own merits. Where there are exceptional, clear and compelling reasons to deviate from policy the authority will consider doing so and record the reasons for doing so.

### **3. CONSULTATION**

- 3.1 Southampton City Council will consult on proposed changes in licensing rules that may have significant impacts on passengers and/or the trade. Such consultation will include not only the hackney carriage and private hire vehicle trades but also groups likely to be the trades' customers.
- 3.2 As any decision taken to alter the licensing regime is likely to have an impact on the operation of the hackney carriage and private hire vehicle sector in neighbouring areas Southampton City Council will engage with these areas to identify any concerns and issues that might arise from a proposed change.
- 3.3 Officers, members of the licensing committee and representatives agreed by the council will meet quarterly to discuss matters relevant to the trade. A code of conduct for these meetings is at appendix 6.
- 3.4 Southampton City Council officers attend the Hampshire and Isle of Wight Licensing Officers Group meetings to discuss licensing matters including taxi matters.

### **4. DURATION OF LICENCES**

- 4.1 The Local Government (Miscellaneous Provisions) Act 1976 (as amended) sets a standard length at three years for hackney carriage and private hire vehicle drivers and five years for private hire vehicle operators. Driver licences will be given an expiry date at the end of the month prior to the birth month. Any shorter duration licence should only be issued when the licensing authority thinks it is appropriate in the specific circumstances of the case, if a licensee has requested one or where required (e.g. when the licence holder's leave to remain in the UK is time-limited) or when the licence is only required to meet a short-term demand; they should not be issued on a 'probationary' basis.
- 4.2 Vehicle licences cannot be for more than one year. To manage the renewal process and spread demand across the year Southampton City Council has allocated plate expiry dates to blocks of licences. See the table below. For new vehicle applications this will mean the grant of the licence will be for a period less than one year. Applicants will always be offered the longest period that is available. For licences that are less than 6 months in duration a reduced fee will be charged.



## Plating Schedule

### Hackney Carriages

Plate	Expiry date	Renewal date
001 to 075	31 AUG	1 SEP
076 to 145	30 SEP	1 OCT
146 to 223	31 OCT	1 NOV
224 to 283	30 NOV	1 DEC

### Private Hire Vehicles

Plate	Expiry Date	Renewal date
0001 to 0100	31 JAN	1 FEB
0101 to 0200	28/29 FEB	1 MAR
0201 to 0300	31 MAR	1 APR
0301 to 0400	30 APR	1 MAY
0401 to 0500	31 MAY	1 JUN
0501 to 0600	30 JUN	1 JUL
0601 to 0700	31 JUL	1 AUG
0701 to 0800	31 AUG	1 SEP
0801 to 0900	30 SEP	1 OCT
0901 to 1000	31 OCT	1 NOV
1001 to 1100	30 NOV	1 DEC

## 5. WHISTLEBLOWING

Southampton City Council has a whistleblowing ([Duty to Act](#)) policy. This sets out the process for staff to report concerns if policies are not being correctly applied.

## 6. INFORMATION TO BE CONSIDERED FOR APPLICATIONS

- 6.1 The licensing authority will consider all relevant information when determining the suitability of an applicant or current licence holder. The following is not an exhaustive list.
- 6.2 Southampton City Council will require drivers of Hackney Carriages and Private Hire Vehicles to subscribe to the DBS update service and undertake an enhanced DBS check including both the children and adult barred lists. Operators and proprietors will be required to undergo basic DBS checks.

- 6.3 Southampton City Council maintain a close link with the police and other regulatory bodies and when necessary share information for the purpose of determining applications.
- 6.4 Licence holders are required to notify the authority within 48 hours of any arrest, charge or conviction of any sexual offence, any offence involving dishonesty or violence and any motoring offence including the issue of an endorseable fixed penalty notice. An arrest for any of the offences within this scope will result in a review as to whether the licence holder continues to be fit.
- 6.5 Southampton City Council will share with other authorities and on the National NR3 site details of any licence revoked or refused. The authority will carry out checks of applicants and licence holders on the NR3 database. The authority will only release the reasons for any such decision on an official and legal request from another authority.
- 6.6 Southampton City Council will share with other authorities, upon receipt of the appropriate request, details of any complaints or enquiries received regarding a licence holder.
- 6.7 The licensing team will maintain contacts with various departments within the Council and partners such as Children and Adult Services, School transport commissioning teams and community wardens to assist in identifying and reporting on risks linked to the hackney carriage and private hire trades.
- 6.8 The licensing team will keep a separate record of all complaints and enquiries relating to licence holders, both current and expired. This will include the date, nature of the complaint, the licence complained about and result.
- 6.9 Applicants that have been abroad for a period in excess of 6 months in any one year in the previous 5 years will be required to obtain a certificate of good conduct from the country/countries they visited in that time. Any inability to obtain such a certificate will result in the application being refused.

## **7. ENFORCING THE LICENSING REGIME**

- 7.1 Southampton City Council will work with relevant enforcement agencies such as the police and other local authorities to ensure any licensed vehicle or driver working in Southampton, regardless of the authority that licences them, meets any national standards and is legally compliant.
- 7.2 Complaints and condition breaches will be monitored and considered when assessing the suitability of any applicant.
- 7.3 Southampton City Council will ask for complaints to be submitted either through the [‘How to make a complaint’](#) webpage [or email](#) or letter to:

Licensing Team,  
Civic Centre,  
Southampton.  
SO14 7LY

Verbal complaints will only be accepted in exceptional circumstances.

## **8. DECISION MAKING**

- 8.1 Southampton City Council will ensure any individuals involved in determining licensing applications are appropriately trained. For officers determining to grant licences this will involve training on the law relating to hackney carriages and private hire trades. These officers will be provided with refresher training as and when required.

- 8.2 For officers and any Councillors involved in making a determination whether to suspend, revoke or refuse a licence the training will be annual and delivered by a legal professional well versed in licensing law, including, but not limited to, hearing processes, decision making and taxi legislation.
- 8.3 Public safety is the paramount consideration, but the discharge of licensing functions must be undertaken in accordance with the following general principles:
- policies will be used as internal guidance and is supported by a member/officer code of conduct.
  - any implications of the Human Rights Act will be considered.
  - the rules of natural justice will be observed.
  - decisions will be reasonable and proportionate.
  - where a hearing is required it will be fairly conducted and allow for appropriate consideration of all relevant factors.
  - decision makers must avoid bias (or even the appearance of bias) and predetermination.
  - data protection legislation
- 8.4 When a decision maker has a prejudicial interest in a case, whether it be financial or a personal relationship with those involved they must declare their interest at the earliest opportunity; this must be prior to any discussions or votes and, once declared, they will not participate in the determining process.
- 8.5 Each case will be considered on its own merits.

## **9. REGULATORY STRUCTURE**

- 9.1 Southampton City Council's constitution sets out how the functions and responsibilities will be carried out.
- 9.2 The Licensing Committee will determine policy and from the committee it delegates to the Licensing (General) subcommittee the determination of licences.
- 9.3 The Service Manager for licensing also has delegated authority to determine licences. The Licensing manager will use this authority
- in urgent cases when the continuance of any licence poses a risk to the public or
  - in cases that are a clear breach of policy or
  - to deal with minor breaches when suspension is considered and the chair of the licensing committee or their deputy agree the licensing manager can make the determination.
- 9.4 In each case the licensing manager will liaise with the chair of the licensing committee or their deputy before making the determination except in urgent cases when it is not practicable to delay making the determination.
- 9.5 The licensing manager will not normally be involved in any investigations, however should the manager be involved in an investigation the decision must be referred to the sub committee.

## **10. FIT AND PROPER TEST**

- 10.1 Licensing authorities have a duty to ensure that any person to whom they grant a hackney carriage or private hire vehicle driver's licence is a 'fit and proper' person to be a licensee. When assessing whether an applicant or licensee is fit and proper the following question will be considered:

*Without any prejudice, and based on the information before you, would you allow a person for whom you care, regardless of their condition, to travel alone in a vehicle driven by this person at any time of day or night?*

- 10.2 If, on the balance of probabilities, the answer to the question is 'no', the individual should not hold a licence.
- 10.3 Licensing authorities have to make difficult decisions, but the safeguarding of the public is paramount. All decisions on the suitability of an applicant or licensee will be made on the balance of probability. This means that an applicant or licensee should not be 'given the benefit of doubt'. If the committee or delegated officer is only "50/50" as to whether the applicant or licensee is 'fit and proper', they will not hold a licence. The threshold used here is lower than for a criminal conviction (that being beyond reasonable doubt) and can take into consideration conduct that has not resulted in a criminal conviction.

## **11. SUITABILITY TO HOLD A HACKNEY CARRIAGE OR PRIVATE HIRE LICENCE**

- 11.1 To assist in applying the fit and proper test Southampton City Council has taken note of the Department for Transport recommendation in their Statutory Taxi and Private Hire standards and the Institute of Licensing Guidance on determining the suitability of applicants and licensees in the hackney carriage and private hire trades. Appendix 7 has been adopted as the policy for determining the suitability to hold a licence.

## **12. DRIVER MEDICALS**

- 12.1 Southampton City Council have adopted the DVLA Group 2 medical standards for all drivers. See appendix 8

## **13. EQUALITY ACT 2010**

- 13.1 Southampton City Council is committed to an accessible public transport system in which disabled people have the same opportunities to travel as other members of society. Hackney Carriages and Private Hire Vehicles are a vital link in the accessible transport chain, and it is important that people who use wheelchairs or assistance dogs can have confidence that drivers will accept them and their wheelchair or assistance dog and carry them at no extra charge.
- 13.2 Southampton City Council maintains a list of wheelchair accessible vehicles which can be [here](#).
- 13.3 See appendix 10 for the policy for drivers to obtain medical exemptions from the obligations placed upon them by the Equality Act 2010.

## APPENDIX LIST

[Appendix 1 Hackney Carriage policy and conditions](#)

[Appendix 2 Hackney carriage drivers' policy](#)

[Appendix 3 Private hire vehicle policy and conditions](#)

[Appendix 4 Private hire driver policy and conditions](#)

[Appendix 5 Private hire operator policy and conditions](#)

[Appendix 6 Taxi trade rep consultation meetings code of conduct](#)

[Appendix 7 Guidance on determining suitability of applicants and licensees in the hackney and private hire trades](#)

[Appendix 8 Medical policy](#)

[Appendix 9 Drivers code of conduct](#)

[Appendix 10 Medical Exemptions under Equality Act 2010](#)

## Appendix 1

# HACKNEY CARRIAGE LICENCE POLICY AND CONDITIONS From 2021

## 1. APPLICATIONS

- 1.1 Before a licence is granted in respect of a hackney carriage, the applicant being a proprietor of the vehicle must:-
- complete a requisition for the same, in such form as the licensing authority from time to time provide for the purpose, shall be made and signed by the licence holder or one of the licence holders of the hackney carriage and in every such requisition shall be truly stated the name and surname and place of abode of the person(s) applying for such licence, and of every licence holder or part licence holder of such carriage, or person concerned, either solely or in partnership with any other person, in the keeping, employing or letting to hire of such carriage. In the case of a Limited Company the requisition shall be signed by the Secretary and all Directors of such Company shall be named.
  - Satisfy the Council that the vehicle complies with the conditions for hackney carriage licences made by the Council.
- 1.2 Each person named in the requisition shall supply either an enhanced or basic DBS check that is dated no more than 6 months old at the time of application.
- 1.3 Each person named in the requisition shall satisfy the council they are a safe and suitable person in accordance with the council's policy for determining the suitability to hold such a licence.

## 2. GENERAL

- 2.1 Operators of licensed hackney carriages shall comply with all the requirements of the Town Police Clauses Act 1847 and any byelaw made thereunder, of the Local Government (Miscellaneous Provisions) Act 1976, Part II, and any other local or general legislation regarding the use of motor vehicles.
- 2.2 We do not allow dual licensing of vehicles – that is, licensing of a vehicle with more than one council/local authority.
- 2.3 **Interpretation**
- In this licence and in this document, unless the subject or context otherwise requires: -
- 2.3.1 "authorised officer" means any officer of the Council authorised in writing in accordance with the Council's scheme of delegations for the purposes of the Town Police Clauses Act 1847 and Part II of the Local Government (Miscellaneous Provisions) Act 1976;
- 2.3.2 "the Council" means Southampton City Council;
- 2.3.3 "hackney carriage" has the same meaning as in the Town Police Clauses Act 1847;
- 2.3.4 "licence plate" means the plate issued by the Council for the purpose of identifying the vehicle as a hackney carriage duly licensed to ply for hire by the Council;
- 2.3.5 "licence holder" includes a part-licence holder and, in relation to a vehicle which is the subject of a hiring agreement or a hire purchase agreement, means the person in possession of the vehicle.
- 2.3.6 "Hybrid" is a vehicle that is capable using its electric motor only as propulsion. (without the internal combustion engine running). It does not include vehicles that use an electric motor purely as a supplement for performance.

## 2.4 Duration of Licence

- 2.4.1 Each licence shall expire on the date shown in the licence as the expiry date, not being more than one year from the date of issue.
- 2.4.2 The licence holder shall observe and carry out the following terms and conditions: -

## 3. TYPE OF VEHICLE

- 3.1 General conditions covering all types of vehicles that are licensable as hackney carriages are set out in 3.2 and 3.3 below.
- 3.2 The vehicle to be licensed, of whatever type shall, subject to what is to follow and other conditions mentioned herein must be suitable in size, type and design for use as a hackney carriage to the satisfaction of the Council.
- 3.3 Without prejudice to the generality of 3.2 above, the vehicle shall,
- 3.3.1 having an engine producing 50 kW, or greater
- 3.3.2 have a rear seat with a width of no less than 1220 mm and must be of a bench seat type, without an arm rest, and in the case of individual/folding seats, have a minimum seat width of 407 mm per person;
- 3.3.3 shall be able to carry not less than four passengers;
- 3.3.4 have rear headroom that is adequate for passengers to sit comfortably and in any event, the distance from the squab to the headlining, as measured at the squab's central point (from side to side) at the point where it meets the headlining, and then measured vertically to the headlining, shall be no less than 840 mm;
- 3.3.5 be of right-hand drive;
- 3.3.6 shall be fitted with sufficient and suitable seat belts for every person who may be carried in the licensed vehicle, pursuant to condition 16;
- 3.3.7 in the case of estate cars, the space between the top edge of the rear seat and the roof of the vehicle, must be fitted with a grille to ensure the safety of passengers from possible displacement of luggage;
- 3.3.8 must at all times be in and maintained to standards that meet the then current requirements of the Council, and must be in a clean, safe and comfortable condition for the carriage of passengers.
- 3.4 Without prejudice to 3.2 and 3.3 above, and any other general requirement or condition, herein, or from time to time made by this Council, any hackney carriage to be licensed as such must also comply with the requirements within one or the other of the following Categories (according to vehicle type) in order to qualify for licensing. The Categories are as follows:
- 3.4.1 Category A - This Category shall include any vehicle otherwise licensable as a hackney carriage by this Council, other than Category B vehicles, subject to any other requirement or condition herein, or from time to time made by this Council and would satisfy the Council's reasonable requirement as to suitability, that are:
- specifically designed and manufactured for hackney carriage operation
- or
- purpose adapted or converted by manufacturers, or those professionally engaged in adaptation or conversion, that are "M1" certified after adaptation or conversion and are wheelchair accessible to a person who wishes to remain in his or her wheelchair during the journey, including entry and exit from the vehicle
- or
- A purpose-built full hybrid or plug-in hybrid, with a minimum range of 16km using battery power only or, full electric with a minimum range of 112km.

- 3.4.2 Category B - This Category shall include any vehicle otherwise licensable as a hackney carriage (other than a Category A vehicle) under the various conditions imposed by this Council.
- 3.5. No diesel vehicle with an emissions standard of level 5 (Euro 5) or lower will be granted a licence on or after 1st January 2020 other than by way of licence renewal unless the vehicle has been converted with approved CVRAS technology. See 3.5.2
- 3.5.1 No diesel vehicle with an emissions standard of level 5 (Euro 5) or lower will be licensed or relicensed by way of renewal on or after 1st January 2022 unless the vehicle has been converted with approved CVRAS technology. See 3.5.2
- 3.5.2 Any vehicle fitted with approved Clean Vehicle Retrofit Accreditation Scheme (CVRAS) technology (e.g. a CVRAS LPG conversion) may be exempt from condition 3.5 and 3.5.1 subject to the vehicle meeting all other relevant conditions and on production of approved certification.
- 3.6 Hackney Carriage licence numbers 216 and higher shall only be issued to wheelchair accessible vehicles as prescribed in 3.4.

#### **4. AGE OF VEHICLE**

- 4.1 No Category A vehicle will be licensed (or relicensed by way of renewal) as a hackney carriage which was first registered under the Vehicles (Excise) Acts of 1949, 1971, or successor legislation, more than twelve years before the date of the commencement of the licence.
- 4.2 No Category B vehicle will be licensed (or relicensed by way of renewal) as a hackney carriage which was first registered under the Vehicles (Excise) Acts of 1949, 1971, or successor legislation, more than nine years before the date of the commencement of the licence.

#### **5. COLOUR OF VEHICLE**

- 5.1 The bodywork of all hackney carriages (subject to other conditions herein) shall be white. Standard production components etc fitted by the manufacturer in the course of production, which are not white, will be exempted from this requirement.

#### **6 ADVERTISEMENTS**

- 6.1 No advertisement, sign, notice, mark, illumination or other feature, other than as required by law or permitted by these conditions shall be placed on the exterior of any licensed hackney carriage including the windows.
- 6.2 Advertising, including third party products and services, etc. shall be permitted (subject to conditions and law) on any part of the body of the licensed vehicle. Advertising on vehicle windows is restricted to the rear and side rear non opening windows and must either be evenly perforated over 50% of the film to allow vision out of the vehicle or comply with 6.1.
- 6.3 All such advertising as mentioned below may only be displayed following approval by the Service Manager for Licensing.
- 6.4 At all stages prior to approval the proprietor or operator will accept the risk involved in not meeting these criteria or requirements.
- 6.5 The power to give approval will be delegated to the Service Manager for Licensing
- 6.6 All advertising is to be completed to a professional standard and quality.
- 6.7 This advertising may promote the proprietor or operator of the licensed vehicle or a trade, business, goods or services of a third party.



- 6.8 The white body colour shall predominate, as referred to below, over any other sign, notice, mark, illumination or other feature whatsoever. The white body colour shall cover no less than 65% of the total area of the vehicle's body, after the advertising area has been allowed for. The window area and any manufacturers' standard components that may not be white on a white car, such as bumpers, shall be excluded from the calculation.

## **7. ADVERTISEMENT CONTENT**

- 7.1 All advertisements must comply with the British Code of Advertising Practice and it is the responsibility of the agency or individual seeking the Licensing Authority's approval to ensure that they do so.
- 7.2 Each proposal is considered on its merits, but the following advertisements **WILL NOT BE APPROVED**, always subject to the provisions of the Human Rights Act 1998 and any other law.
- 7.2.1 those with political, ethnic, religious, sexual or controversial texts
  - 7.2.2 those for escort agencies, gaming establishments or massage parlours
  - 7.2.3 those displaying nude or semi-nude figures
  - 7.2.4 those likely to offend public taste.
  - 7.2.5 those which seek to advertise more than one company/service or product
  - 7.2.6 those which promote the sale or consumption of tobacco products or cigarettes.
- 7.3 The Service Manager for Licensing will be delegated to give approval of matters in 7.1 above, but a refusal of approval can only be given by the appropriate Sub-Committee.
- 7.4 It is the proprietor's responsibility, as part of the contract entered into when commissioning any exterior advertising of the foregoing nature, to ensure that, at the completion of the contract, or upon the vehicle ceasing to be a licensed hackney carriage, a re-spray to the vehicles original manufacturer's colour is included.

## **8. "TAXI" SIGN**

- 8.1 All hackney carriages shall exhibit a TAXI sign on the roof (subject to these conditions) as approved by the Council. This shall be capable of being illuminated at night. No other form of lighting shall be displayed on the vehicle save those required by law.
- 8.2 Category A vehicles not having an integral or otherwise factory fitted TAXI sign mounted on its roof similar in size and design to that fitted to London-style purpose built vehicles, and all Category B vehicles shall display a full-width illuminated roof sign.
- 8.3 The sign will be 900 mm wide and 170 mm high, measured from the centre point of the sign to the top, with a depth of approximately 170 mm. The front of the sign will show the word "TAXI" centrally placed in lettering 83 mm x 460 mm width (in black) above will show the words "CITY OF SOUTHAMPTON" 35 mm height x 460 mm width (in blue). The City Council "Bargate" logo will also appear either side of the word "TAXI" and will be 90 mm in height x 130 mm in width in size and in blue, the lettering will be colour black, and the logo will be prefixed by the words "LICENSED BY" colour white, contained in a black box, text width 130 mm. The front of the sign will be white.
- 8.4 The rear of the sign shall be the same as the front save some dimensions will differ slightly and the background will be white as in the front but will appear red when illuminated. The rear of the sign will show the word "TAXI" centrally placed in lettering 55 mm in height x 460 mm in width (in black), above will appear the words "CITY OF SOUTHAMPTON" 35 mm in height x 460 mm in width (in blue). The City Council "Bargate" logo will also appear either side of the word "TAXI" and will be 75 mm in height x 110 mm in width, colour blue, the lettering will be colour black and the logo will be prefixed by the words "LICENSED BY", colour white, contained in a box, text width 110 mm. The owner of the vehicle may display his/her name

and telephone number, or that of the operator, under the word "TAXI" and City logos, in black lettering no higher than 30 mm in height and no wider than 800 mm in width.

- 8.5 The sides of the sign will be left blank other than for the hackney carriage plate number in black on a white background in numbers which will fit a space no larger than 70 mm in height and 90 mm in width.

## **9. IDENTIFICATION**

- 9.1 A Category A vehicle, which is not required under these conditions to carry a full-width roof sign, shall display a "taxi" sticker on each side of the vehicle above the rear doors or windows.

- 9.2 The "taxi" stickers shall be to the satisfaction of the City Council and shall be 100 mm in height by 500 mm in width on a white background. The stickers shall comprise the City "Bargate" logo in blue to the left and the words "LICENSED" "SOUTHAMPTON" and "NUMBER" in lettering not less than 14 mm in height across the top of the sticker to the right of the Bargate logo.

Below these words will appear "TAXI" in bold black upper-case lettering not less than 273 mm in total width and 54 mm in height and the number of the licence of the licensed hackney carriage in black numerals being not less than 45 mm in height.

## **10. LICENCE PLATE**

- 10.1 The licence plate shall be securely fixed in a position at the rear of the hackney carriage to the satisfaction of the Council.

## **11. RETURN OF LICENCE PLATE**

- 11.1 Licence plates remain the property of the Council and, on revocation, expiry or suspension of the licence, must be returned within seven days after the service on the licence holder by the Council of a notice requiring its return.

## **12. TAXIMETERS**

- 12.1 An accurate electronic taximeter of a type approved by the Council must be affixed in the hackney carriage in a position satisfactory to the Council. No licence holder or driver may tamper with the mechanism of the taximeter or its seals, provided that, should the meter become defective it may be repaired and a service meter substituted. The service meter and repaired meter must, before use, be duly tested and sealed.

## **13. INSPECTION OF VEHICLE**

- 13.1 The hackney carriage shall be submitted for inspection at least once, but not more than three times, in a year. In addition the Council may arrange for the vehicle to be tested at any reasonable time and require further inspection and testing if it proves unsatisfactory. Licence holders will be notified by letter of time and date that vehicle is to be presented for inspection.

- 13.2 Without prejudice to the foregoing, where more than two years has elapsed since the first registration of the hackney carriage under the Vehicles (Excise) Acts of 1949, 1971, or successor legislation, the hackney carriage shall undergo a DVSA "MOT" test in the period of one week either side of the date six months prior to the expiry date of the vehicle licence (the "due date").

#### **14. DAMAGE TO VEHICLE**

- 14.1 If a hackney carriage is involved in a road traffic accident and either mechanical or bodily damage is sustained, a report must be made by the licence holder to the Service Manager for Licensing within three days of the accident and, after repair, which must be completed within 28 days of the damage being sustained, may be required to pass a mechanical inspection at a place to be determined by the Council, subject to payment of an appropriate fee. The hackney carriage licence plate is liable to be removed from any vehicle which, in the opinion of an appropriate Officer or agent of the Council in any way constitutes a danger to the public, is in breach of any Road Traffic enactment or the Construction and Use Regulations, or is unfit for use as a hackney carriage.
- 14.2 On completion of the repairs, to the satisfaction of the Service Manager for Licensing, the plate may be restored.
- 14.3 The removal of the hackney carriage licence plate will constitute suspension of the hackney carriage licence.

#### **15. PRODUCTION OF DOCUMENTS**

- 15.1 The proprietor shall on being so required by an authorised officer, produce for inspection the licence and/or the certificate of insurance in relation to the use of the vehicle as a hackney carriage. Provided that, if the proprietor fails to produce such licence and/or certificate of insurance on request, he shall produce it within five days of such request to an authorised officer at the licensing office.

#### **16. TARIFF SHEET**

- 16.1 The tariff sheet, must be mounted and displayed inside the hackney carriage in a position approved by the Council.

#### **17. NUMBER OF PASSENGERS**

- 17.1 The licensee shall not convey, or cause or permit to be conveyed in the vehicle a greater number of persons, exclusive of the driver, than specified in the licence. In addition, children under three years will not be conveyed in the front seat of a vehicle whether restrained or unrestrained. For the avoidance of doubt babies in arms are included in this number.

#### **18. EMPLOYMENT OF DRIVERS**

- 18.1 The holder of a hackney carriage licence shall notify the Council within seven days of the commencement or termination of employment of any driver of their hackney carriage.

#### **19. CHANGE OF ADDRESS**

- 19.1 The licensee shall notify the Council in writing within seven days of any change of address.

#### **20. LOST PROPERTY**

- 20.1 The holder of a hackney carriage licence shall, if any property accidentally left in the vehicle by any passenger is found by or handed to him, take it within 24 hours, if not sooner claimed by or on behalf of its owner, to the nearest Police Station and leave it in the custody of the officer in charge. Any property not accepted by the police is to be kept for a period of 28 days to allow for the loser to claim it. A record is to be kept of all such property including the date it was found, date claimed or disposed of and how.

## **21. TRANSFER OF LICENCE**

- 21.1 If the holder of a hackney carriage licence intends to transfers interest in the hackney carriage to any other person, he/she shall arrange an appointment to see a licensing officer with all the parties that have an interest in the vehicle and those intending to have an interest in the hackney carriage licence
- 21.2 Those attending that meeting will be required to provide sufficient documentation as required by the Licensing Authority to confirm the identity of those with an interest in the hackney carriage.

## **22 RECORDS OF BOOKINGS**

- 22.1 Where one or more persons form an association for the purpose of providing a hackney carriage service to the public and an office is established for the purpose, records of bookings shall be kept in such form as the Council may prescribe. Such records shall be kept for at least one year. The entries to be entered in such record book to be: -
- 22.1.1 Name of person making booking, name and address of passenger and place where passenger is to be picked up.
- 22.1.2 Time and date when passenger(s) are to be picked up.
- 22.1.3 Destination.
- 22.1.4 Licence number of hackney carriage so used.
- 22.2 The person acting as the operator or controller of such service shall enter therein before commencement of each journey particulars of every booking of a hackney carriage invited or accepted by them whether by accepting the booking from the hirer or by undertaking it at the request of another operator.
- 22.3 Such record shall be produced on request to any authorised officer of the Council, or to any constable for inspection.

## **23. VEHICLE SPECIFICATION**

- 23.1 All hackney carriages shall be maintained to their original specification whilst the licence remains in force. This includes all supporting systems such as air conditioning, heated screens etc..
- 23.2 All licensed vehicles will be kept clean both internally and externally, all furniture and fittings must be well maintained.

## **24. DIGITAL TAXI CAMERAS**

- 24.1 A secure digital taxi camera system approved by the Council shall be fitted to the vehicle prior to the grant of the licence and maintained in the vehicle thereafter for the duration of the licence to the satisfaction of the Council.
- 24.2 The above requirement will be effective immediately on the grant of a new licence (other than by way of renewal) or on the replacement of a licensed vehicle.

## **25. CONVICTIONS**

- 25.1 Any person who has an interest in the licence must notify the Licensing team at the Council within 2 working days of any arrest or conviction.

**26. SMOKING**

26.1 Smoking, including the use of electronic smoking devices, is not permitted in a licensed vehicle. (See additional information)

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Note: For the purposes of condition 9 (Identification) and in order to avoid doubt, an example of the taxi sticker appears below:



Note: For the avoidance of doubt all of the above requirements shall be deemed to form both the Council's policy (i.e. prerequisite to the grant of the licence) as well as conditions subject to which the licence is granted (which will continue to apply throughout the duration of the licence, as appropriate. As a result, any requirement which requires action or implementation prior to the grant of the licence is to be considered the Council's policy and any requirement to be complied with after the grant of the licence is a condition and compliance is required for the duration of the licence.

## ADDITIONAL INFORMATION

Please note that this information does not form part of Southampton City Council's licence policy or conditions

Drivers, proprietors and operators of licensed hackney carriages and private hire vehicles are reminded of the other statutory duties and restriction placed on them, amongst which are the following:

### Smoking

The Health Act 2006 prohibits the smoking of tobacco or any other substance by anyone in a licensed hackney carriage or private hire vehicle. The legislation applies at all times whilst the vehicle remains licensed, thus smoking remains prohibited when the vehicle is not hired or not for hire.



Every licensed vehicle is required to carry appropriate signage under the Smoke-free (Signs) Regulations 2007. Guidance and signs are available from: <http://www.smokefreeengland.co.uk/resources/guidance-and-signage.html>

### Assistance Dogs

The Equality Act 2010 imposes a duty on licensed drivers and operators to convey any guide, hearing or other assistance dog in a licensed hackney carriage or private hire vehicle. Drivers must:

- carry assistance dogs accompanying disabled people;
- do so without additional charge; and
- allow the dog to remain with the passenger

Operators must:

- accept bookings made by or on behalf of a disabled person who is accompanied by an assistance dog;
- accept bookings made by a person who will be accompanied in a PHV by such a disabled person; and
- not make an additional charge for carrying the assistance dog

If a driver has a medical condition, such as severe asthma, which is aggravated by contact with dogs, or is allergic or has an acute phobia to dogs, it may be possible for them to qualify for an exemption. Please discuss this with the licensing team in the first instance, to whom application for exemption must be made. The driver will be required to produce conclusive medical evidence in support of the application.

Please note that the law does not allow for an exemption to be granted on religious grounds.



Additional information is available from: <http://www.dft.gov.uk/transportforyou/access/taxis/>

## Appendix 2

# HACKNEY CARRIAGE DRIVERS LICENCE POLICY

**From 2021**

Please note that the holder of a Hackney Carriage Driver's licence must observe and carry out the requirements of the Town Police Clauses Act 1847 and any byelaw thereunder, Part II of the Local Government (Miscellaneous Provisions) Act 1976, and any order or regulation made thereunder, and the requirements of any other Act of Parliament or orders, regulations or byelaws made thereunder relating to the driving of motor Hackney Carriages.

1. Before a hackney carriage driver's licence is granted or renewed the applicant must:-
  - 1.1 complete and submit to Southampton City Council an application in the form prescribed by the Council;
  - 1.2 satisfy Southampton City Council that:-
    - 1.2.1 he/she is a fit and proper person to hold such a licence including the right to work in the UK, adhering to relevant legislation and the council's code of conduct for drivers;
    - 1.2.2 he/she is medically fit to drive a hackney carriage. For this purpose the applicant shall, produce a medical report in the manner approved by Southampton City Council and no older than 4 months. Thereafter medical certificates shall be produced by applicants on reaching the age of 45 years -50 - 55 - 60 - 65 and annually from 65 years of age onwards.
    - 1.2.3 he/she has attained the age of 21 years;
    - 1.2.4 he/she has, for at least two years prior to the date of the application, held a driver's licence (not being a provisional licence) granted to the applicant under Part VI of the Road Traffic Act 1988 authorising him to drive a motor car;
    - 1.2.5 he/she has a sound knowledge of the topography of the City of Southampton.
  - 1.3 produce for examination a current driving licence issued to the applicant under the Road Traffic Acts 1960-1988.
  - 1.4 be the subject of 6 monthly enhanced disclosure of criminal convictions including a check on the children and adults barring lists made to Southampton City Council as licensing authority and to maintain a current subscription to the update service.
  - 1.5 be the subject of a check with the National Anti Fraud Network database on refusals and revocations of hackney carriages and private hire licences
  - 1.6 be the subject of a recent (no older than six months) licence check with the Driver and Vehicle Licensing Agency made by Southampton City Council as licensing authority.
  - 1.7 undergo and pass an approved basic skills assessment in oral and written English and arithmetic to the satisfaction of Southampton City Council
  - 1.8 undergo and pass a driving skills assessment to the satisfaction of Southampton City Council.
  - 1.9 New hackney carriage driver's licences shall only be granted for a period of six months and shall only be renewed on expiry if the licence holder has obtained the BTech or similar approved qualification for transporting passengers by taxi and private hire vehicle.

- 1.10 All holders of existing hackney carriage driver's licences shall obtain a BTech qualification or a council approved similar qualification for transporting passengers by taxi and private hire vehicle before the expiry of six months from the first grant of their licence. For the avoidance of doubt, this requirement will not apply to those holders of hackney carriage driver's licences who had held their licence for a continuous period of three years as at 26<sup>th</sup> August 2009 or to an applicant for a hackney carriage driver's licence who, at the date of grant of that licence, holds a Southampton private hire driver's licence.
- 1.11 All applicants for hackney carriage and private hire driver licences will have successfully completed safeguarding training approved by Southampton City Council within the previous three years.
- 1.12 The council reserves the right to use third party agencies, organisations and companies to carry out tests, examinations and checks on its behalf.



## Appendix 3

# PRIVATE HIRE VEHICLE LICENCE POLICY AND CONDITIONS From 2021

### 1. APPLICATIONS

- 1.1 Before a licence is granted in respect of a private hire vehicle, a requisition for the same, in such form as the licensing authority from time to time provide for the purpose, shall be made and signed by the licence holder or one of the licence holders of the private hire vehicle and in every such requisition shall be truly stated the name and surname and place of abode of the person(s) applying for such licence, and of every licence holder or part licence holder of such vehicle, or person concerned, either solely or in partnership with any other person, in the keeping, employing or letting to hire of such vehicle. In the case of a Limited Company the requisition shall be signed by the Secretary and all Directors of such Company shall be named.
- 1.2 Each person named in the requisition shall supply either an enhanced or basic DBS check that is dated no more than 6 months old at the time of application.
- 1.3 Each person named in the requisition shall satisfy the council they are a safe and suitable person in accordance with the council's policy for determining the suitability to hold such a licence.
- 1.4 Satisfy the Council that the vehicle complies with the conditions for private hire vehicles licences made by the Council.

### 2. GENERAL

- 2.1 The licence holder must observe and carry out the requirements of the Local Government (Miscellaneous Provisions) Act 1976, Part II, and any orders or regulations made thereunder and the requirements of any other Act of Parliament or order.

- 2.2 The proprietor must ensure the vehicle is maintained to an acceptable standard at all times.

#### 2.3 Interpretation

In this licence and in this document, unless the subject or context otherwise requires:-

- 2.3.1 "authorised officer" means any officer of the Council authorised in writing in accordance with the Council's scheme of delegation for the purposes of Part II of the Local Government (Miscellaneous Provisions) Act 1976;
- 2.3.2 "the Council" means Southampton City Council;
- 2.3.3 "private hire" has the same meaning as in the Local Government (Miscellaneous Provisions) Act, 1976
- 2.3.4 "licence plate" means the plate issued by the Council for the purpose of identifying the vehicle as a private hire vehicle duly licensed by the Council;
- 2.3.5 "licence holder" includes a part-proprietor and, in relation to a vehicle which is the subject of a hire purchase agreement, means the person in possession of the vehicle.
- 2.3.6 "Hybrid" is a vehicle that is capable using its electric motor only as propulsion. (without the internal combustion engine running). It does not include vehicles that use an electric motor purely as a supplement for performance.

### 3. TYPE OF VEHICLE

- 3.1 General conditions covering all types of vehicles that are licensable as private hire vehicles are set out in 3.2 and 3.3 below.
- 3.2 The vehicle to be licensed, of whatever type, shall, subject to what is to follow, and other conditions herein, be suitable in size, type and design for use as a private hire vehicle to the satisfaction of the Council.
- 3.3 Without prejudice to the generality of 3.2 above, the vehicle shall:-
- 3.3.1 have an engine producing 50 kW or greater;
- 3.3.2 not be a London type taxi or any other type of vehicle constructed solely or primarily for use as a hackney carriage or be of such design or appearance as to be able to lead any person to reasonably believe that the vehicle is a hackney carriage;
- 3.3.3 have a rear seat with a width of no less than 1220 mm and must be of a bench seat type, without an arm rest, and in the case of individual/folding seats, have a minimum seat width of 407 mm per person;
- 3.3.4 have rear headroom that is adequate for passengers to sit comfortably and in any event, the distance from the squab as measured at its central point (from side to side), at the point where it meets the backrest, and then measured vertically to a point on the headlining, shall be no less than 840 mm;
- 3.3.5 except as provided in condition 23 below, be of right hand drive;
- 3.3.6 be fitted with sufficient and suitable seat belts for every person who may be carried in the licensed vehicle pursuant to conditions 14 and 15;
- 3.3.7 in the case of estate cars, the space between the top edge of the rear seat and the roof of the vehicle must be fitted with a grille to ensure the safety of passengers from displacement of luggage;
- 3.3.8 at all times be maintained to standards that meet the then current requirements of the Council and must be in a clean and comfortable condition for the carriage of passengers.
- 3.4 Without prejudice to 3.2 and 3.3 above, and any other general requirement or condition herein or from time to time made by this Council, any private hire vehicle to be licensed as such must also comply with the requirements within one or the other of the following Categories (according to vehicle type) in order to qualify for licensing. The Categories are as follows:
- 3.4.1 Category A - This Category shall include any vehicle otherwise licensable as a private hire vehicle by this Council, other than Category B vehicles, subject to any other requirement or condition herein, or from time to time made by this Council and would satisfy the Council's reasonable requirement as to suitability, that is
- purpose adapted or converted by manufacturers, or those professionally engaged in adaptation or conversion, that are "M1" certified after adaptation or conversion and are wheelchair accessible to a person who wishes to remain in his or her wheelchair during the journey, including entry and exit from the vehicle.
- or
- a purpose-built full hybrid or plug-in hybrid, with a minimum range of 16km using battery power only or full electric with a minimum range of 112km.
- 3.4.2 Category B - This Category shall include any vehicle otherwise licensable as a hackney carriage (other than a Category A vehicle) under the various conditions imposed by this Council.

- 3.5. No diesel vehicle with an emissions standard of level 5 (Euro 5) or lower will be granted a licence on or after 1st January 2020 other than by way of licence renewal unless the vehicle has been converted with approved CVRAS technology. See 3.5.2
- 3.5.1 No diesel vehicle with an emissions standard of level 5 (Euro 5) or lower will be licensed or relicensed by way of renewal on or after 1st January 2022 unless the vehicle has been converted with approved CVRAS technology. See 3.5.2
- 3.5.2 Any vehicle fitted with approved Clean Vehicle Retrofit Accreditation Scheme (CVRAS) technology (e.g. a CVRAS LPG conversion) may be exempt from condition 3.5 and 3.5.1 subject to the vehicle meeting all other relevant conditions and on production of approved certification.

#### **4. AGE OF VEHICLE**

- 4.1 No Category A vehicle will be licensed (or re-licensed by way of renewal) as a private hire vehicle which was first registered under the Vehicles (Excise) Acts of 1949, 1971, or successor legislation, more than twelve years before the date of the commencement of the licence.
- 4.2 Except as provided in condition 23 below, no Category B vehicle will be licensed (or re-licensed by way of renewal) as a private hire vehicle which was first registered under the Vehicles (Excise) Acts of 1949, 1971, or successor legislation, more than nine years before the date of the commencement of the licence.

#### **5. COLOUR OF VEHICLE**

- 5.1 Except as provided in condition 23 below, the bodywork of any private hire vehicle shall be any colour except for white.

#### **6. ADVERTISEMENTS AND SIGNS**

- 6.1 No advertisement, sign, notice, mark, illumination or other feature, other than as required by law or permitted by these conditions shall be placed on the exterior of or visible from outside of any licensed private hire vehicle including the windows, except as follows:-
- 6.1.1 An unilluminated sign in the upper or lower rear window, but not both, of the licensed vehicle bearing lettering not more than 51 mm in height stating only the name, style or title of the proprietor or operator and their telephone number.
- 6.1.2 Advertising, including third party products and services, etc. shall be permitted (subject to conditions and law) on any part of the body of the licensed vehicle. Advertising on vehicle windows is restricted to the rear and side rear non opening windows and must either be evenly perforated over 50% of the film to allow vision out of the vehicle or comply with 6.1.1
- 6.2 All such advertising as mentioned below may only be displayed following approval by the Service Manager for Licensing
- 6.3 At all stages prior to approval the proprietor or operator will accept the risk involved in not meeting these criteria or requirements.
- 6.4 The power to give approval will be delegated to the Service Manager for Licensing.
- 6.6 All advertising is to be completed to a professional standard and quality.
- 6.7 This advertising may promote the proprietor or operator of the licensed vehicle or a trade, business, goods or services of a third party.
- 6.8 The advertising shall not exceed 35% of the body area, always excluding the area taken up by the City Identity Sticker. The window area shall be excluded from the calculation.

## **7. ADVERTISEMENT CONTENT**

All advertisements must comply with the British Code of Advertising Practice and it is the responsibility of the agency or individual seeking the Licensing Authority's approval to ensure that they do so.

- 7.1 Each proposal is considered on its merits, but the following advertisements WILL NOT BE APPROVED, always subject to the provisions of the Human Rights Act 1998 and any other law.
  - 7.1.1 those with political, ethnic, religious, sexual or controversial texts
  - 7.1.2 those for escort agencies, gaming establishments or massage parlours
  - 7.1.3 those displaying nude or semi-nude figures
  - 7.1.4 those likely to offend public taste.
  - 7.1.5 those which seek to advertise more than one company/service or product
  - 7.1.6 those which promote the sale or consumption of tobacco products or cigarettes.
- 7.2 The Service Manager for Licensing will be delegated to give approval of matters in 7.1 above.
- 7.3 It is the proprietor's responsibility, as part of the contract entered into when commissioning any exterior advertising of the foregoing nature, to ensure that, at the completion of the contract, or upon the vehicle ceasing to be a licensed private hire vehicle, a re-spray to the vehicles original manufacturer's colour is included.
- 7.4 Provided always that no advertisement permitted by these conditions shall consist of or include the words "taxi" or "cab" whether in the singular or plural or "hire" or any word of similar meaning or appearance of any other feature which may suggest that the vehicle is a hackney carriage, and no advertisement, sign, notice, mark, illumination or other feature shall be placed on the licensed private hire vehicle without the prior approval of the Service Manager for Licensing.
- 7.5 No combination of letters or numbers must be used in the registration number of the vehicle to indicate or imply the words "taxi" or "cab" or any related idea which could lead a member of the public to take the view that the vehicle is a hackney carriage.

## **8. IDENTIFICATION**

- 8.1 Other than as permitted by these conditions, no other advertisement, sign, notice, mark, illumination or other feature will be permitted.
- 8.2 Except as provided in condition 23 below, all private hire vehicles shall display two "City Identity Stickers" of the prescribed type for private hire vehicles. One sticker shall be placed on each front door, in a central position and as high as practicable under the window. The positioning of the sign shall not obstruct the opening of the door.
- 8.3 The City Identity Sticker shall be to the satisfaction of the City Council and shall be 240 mm in height by 600 mm in width on a white background. The upper portion of the display will show the words "LICENSED BY" in white capital letters with a letter height of 10 mm, on a black background 110 mm wide and 21 mm high.
- 8.4 Immediately below will be the City "Bargate" logo in blue, 90 mm at its widest point and 83 mm in height. Immediately below as part of the logo, in black, shall be the word "Southampton", below which shall be the words "City Council" in letters 14 mm high and text width 90 mm. Immediately below, in blue, shall be the words "Licensed Private Hire Vehicle No" with words on each of two descending lines, lettering 10 mm in height, the text width on each line will be 144 mm. Below those words shall be shown in individual boxes, the licence number of the private hire vehicle in black. Each box shall measure 50 mm in height and 30 mm in width.

- 8.5 To the right of the above mentioned panel there shall be a vertical black line 230 mm in length in 3 mm in width. To the right of this line, along the whole remaining width of the sticker shall appear the words "PRE-BOOKED ONLY" in black capital letters, 24 mm high with a total length of 400 mm. Immediately below this wording shall appear a black horizontal line 420 mm in length and 3 mm in width running from the vertical line mentioned above to the rightmost edge of the sticker.
- 8.6 The sticker may be screen printed on a white background and must be supplied with adhesive backing, or some other similar method meeting the requirements of the Council, to enable it to be fixed in the correct position. Magnetic signs will not be permitted. For the avoidance of doubt, no roof mounted box or other structure or sign will be permitted.
- 8.7 The name of the operator and their telephone number or domain name shall appear in bold clearly legible lettering in the space 190 mm high by 420 mm in length on the sticker, immediately beneath the wording "Pre-Booked Only".

Provided always that this identification shall not consist of or include the words "taxi" or "cab" whether in the singular or plural or "hire" or any word of similar meaning or appearance of any other feature which may suggest that the vehicle is a hackney carriage and shall not be placed on the licensed private hire vehicle without the Service Manager for Licensing prior approval.

## **9. LICENCE PLATES**

- 9.1 Except as provided in condition 23 below, one licence plate shall be securely fixed in a position at the rear of the private hire vehicle to the satisfaction of the Service Manager for Licensing.
- 9.2 A second licence plate shall be securely fixed in a position on the front of the private hire vehicle to the satisfaction of the Head of Legal and Democratic Services.

## **10. RETURN OF LICENCE PLATES**

- 10.1 Licence plates remain the property of the Council and, on revocation, expiry or suspension of the licence, must be returned within seven days after the service on the licence holder by the Council of a notice requiring its return

## **11. INSPECTION OF VEHICLE**

- 11.1 The licence holder shall present the vehicle for inspection at the time and place notified by the Council, the private hire vehicle shall be submitted for inspection at least once, but not more than three times, in a year. In addition the Council may arrange for the vehicle to be tested at any reasonable time and require further inspection and testing if it proves unsatisfactory. Licence holders will be notified by letter of time and date that vehicle is to be presented for inspection.
- 11.2 Without prejudice to the foregoing, where more than two years has elapsed since the first registration of the private hire vehicle under the Vehicles (Excise) Acts of 1949, 1971, or successor legislation, the vehicle shall undergo a DVSA "MOT" test in the period of one week either side of the date six months prior to the expiry date of the vehicle licence (the "due date").

## **12. DAMAGE TO VEHICLE**

- 12.1 If a private hire vehicle is involved in a road traffic accident and either mechanical or bodily damage is sustained, a report must be made by the proprietor to the Service Manager for Licensing within three days and, after repair, which must be completed within one month of the damage being sustained, may be required to pass a mechanical inspection at a place to be determined by the Council, subject to payment of an appropriate fee. The private hire licence plate is liable to be removed from any vehicle which, in the opinion of an appropriate Officer or agent of the Council in any way constitutes a danger to the public, is in breach of any road traffic enactment or the Construction and Use Regulations, or is unfit for use as a

private hire vehicle. On completion of the repairs, to the satisfaction of the Service Manager for Licensing, the licence plate may be restored.

- 12.2 The removal of the private hire licence plate will constitute suspension of the vehicle licence.

### **13. INSURANCE**

- 13.1 At all times during the currency of the licence the licence holder shall keep in force in relation to the use of the vehicle as a private hire vehicle a policy of insurance complying with the requirements of Part VI of the Road Traffic Act 1972.

### **14. PRODUCTION OF DOCUMENTS**

- 14.1 The proprietor shall on being so required by an authorised officer, produce for inspection the licence and/or the certificate of insurance in relation to the use of the vehicle as a private hire vehicle. Provided that, if the proprietor fails to produce such licence and/or certificate of insurance on request, he shall produce it within five days of such request to an authorised officer at the office of the Service Manager for Licensing.

### **15. SEATING CAPACITY**

- 15.1 Every private hire vehicle with an internal combustion engine shall have sufficient seating capacity to carry not less than four nor more than eight passengers in comfort in addition to the driver.

Every private hire vehicle that is powered solely by an electric motor and is capable of 112 kilometres between charges shall have sufficient seating capacity to carry not less than three nor more than eight passengers in comfort in addition to the driver.

### **16. NUMBER OF PASSENGERS**

- 16.1 The licensee shall not convey, or cause or permit to be conveyed in the vehicle a greater number of persons, exclusive of the driver, than specified in the licence. In addition, children under three years will not be conveyed in the front seat of a vehicle whether restrained or unrestrained. For the avoidance of doubt babies in arms are included in this number.

### **17. TAXIMETER**

- 17.1 Should a taximeter be installed in a private hire vehicle, it must be electronically designed and of the type and model approved by the Council. It must be fitted in a position satisfactory to the Council.
- 17.2 No operator, proprietor or driver may tamper with the mechanism of the Taximeter or its seals provided that, should the meter become defective it may be replaced by a service meter.
- 17.3 Any tariff set in the meter must correspond to the tariff approved by the operator the vehicle is licensed with.

### **18. TRANSFER OF LICENCE**

- 18.1 If the proprietor of a private hire vehicle transfers the licence and vehicle, he shall within fourteen days give notice to the Service Manager for Licensing details of the name and address of the person to whom he has transferred the licence.

### **19. CHANGE OF ADDRESS**

- 19.1 The licensee shall notify the Council in writing within seven days of any change of address.

### **19. ADHERENCE TO BOOKINGS**

19.1 The holder of a licence who has agreed, or whose vehicle has been hired to be in attendance at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with such vehicle at such appointed time and place.

## 20. **WEDDINGS AND FUNERALS**

20.1 Private hire vehicles being used to carry passengers to, from or in connection with any wedding ceremony or funeral will not be required to display a private hire vehicle plate during such journeys.

## 21. **SPECIALIST VEHICLES**

21.1 In exceptional circumstances, the Service Manager for Licensing may determine that a vehicle is a specialist vehicle, such as, but not exclusively, stretched limousines, classic cars and other unusual vehicles to be used for private hire.

21.3 Where the Service Manager for Licensing determines that a vehicle is a specialist vehicle, and that it is intended to be used in the circumstances described in section 75(3) of the Local Government (Miscellaneous Provisions) Act 1976, a notice may be issued of the suspending the requirement for the display of the rear licence plate in those circumstances, as required by condition 9.1 above.

21.4 Additionally, in the case of a specialist vehicle, the Service Manager for Licensing may, at his or her absolute discretion, suspend or amend all or some of the provisions of the following conditions:

- 3.3.5 (right hand drive);
- 4.2 (age of vehicle);
- 5.1 (colour of vehicle);
- 8.2 (city identity stickers)
- 23.1 Taxi cameras

## 22. **ORIGINAL VEHICLE SPECIFICATION**

22.1 All licensed private hire vehicles shall be maintained to their original specification whilst the licence remains in force.

## 23. **DIGITAL TAXI CAMERAS**

23.1 A secure digital taxi camera system approved by the Council shall be fitted to the vehicle prior to the grant of the licence and maintained in the vehicle thereafter for the duration of the licence to the satisfaction of the Council.

23.2 The above requirement will be effective immediately on the grant of a new licence (other than by way of renewal) or on the replacement of a licensed vehicle.

## 24. **CONVICTIONS**


24.1 Any person who has an interest in the licence must notify the Licensing team at the Council within 2 working days of any arrest or conviction.

## 25. **SMOKING**

Smoking, including the use of electronic smoking devices, is not permitted in a licensed vehicle. (See additional information)

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Note: For the purposes of condition 8 (Identification) and in order to avoid doubt, an example of the identity sticker appears below:

<p><b>LICENSED BY</b></p>  <p><b>SOUTHAMPTON CITY COUNCIL</b></p> <p><b>LICENSED PRIVATE HIRE VEHICLE NO:</b></p> <table border="1" data-bbox="272 465 555 555"> <tr> <td style="width: 30px; height: 30px;"></td> <td style="width: 30px; height: 30px;"></td> <td style="width: 30px; height: 30px;"></td> <td style="width: 30px; height: 30px;"></td> </tr> </table>					<p style="text-align: center;"><b>PRE – BOOKED ONLY</b></p> <div style="border: 1px solid gray; padding: 10px; margin: 20px auto; width: 80%;"> <p>Name and telephone number or domain/email of the operator to appear here. See condition 8.7</p> </div>

**Note** For the avoidance of doubt all of the above requirements shall be deemed to form both the Council’s policy (i.e. pre requisite to the grant of the licence) as well as conditions subject to which the licence is granted (which will continue to apply throughout the duration of the licence, as appropriate. As a result, any requirement which requires action or implementation prior to the grant of the licence is to be considered the Council’s policy and any requirement to be complied with after the grant of the licence is a condition and compliance is required for the duration of the licence.



## Appendix 4

# PRIVATE HIRE VEHICLE DRIVERS LICENCE POLICY AND CONDITIONS From 2021

### PRIVATE HIRE VEHICLE DRIVER POLICY

1. Before a Private Hire Vehicle Driver's Licence is granted or renewed the applicant must: -
  - 1.1 complete and submit to Southampton City Council an application in the form prescribed by the Council;
  - 1.2 satisfy Southampton City Council that: -
    - 1.2.1 he/she is a fit and proper person to hold such a licence including the right to work in the UK, adhering to relevant legislation and the council's code of conduct for drivers;
    - 1.2.2 he/she is medically fit to drive a private hire vehicle. For this purpose the applicant shall, produce a medical report in the manner approved by Southampton City Council and no older than 4 months. Thereafter medical certificates shall be produced by applicants on reaching the age of 45 years, 50, 55, 60, 65 and annually from 65 years of age onwards;
    - 1.2.3 he/she has attained the age of 21 years
    - 1.2.4 he/she has, for at least two years prior to the date of the application, held a driver's licence (not being a provisional licence) granted to the applicant under Part III of the Road Traffic Act 1972 authorising him to drive a motor car;
    - 1.2.5 except only in the case of an applicant for a restricted licence to drive specialist private hire vehicles, he/she has a sound knowledge of highway code, taxi law and conditions as well as basic topography of the City of Southampton.
  - 1.3 produce for examination a current driving licence issued to the applicant under the Road Traffic Acts 1960-1972 (as amended).
  - 1.4 be the subject of 6 monthly enhanced disclosure of criminal convictions including a check on the children and adults barring lists made to Southampton City Council as licensing authority and to maintain a current subscription to the update service.
  - 1.5 be the subject of a check with the National Anti Fraud Network database on refusals and revocations of hackney carriages and private hire licences
  - 1.6 be the subject of a recent (no older than six months) licence check with the Driver and Vehicle Licensing Agency made by Southampton City Council as licensing authority
  - 1.7 undergo and pass an approved basic skills assessment in oral and written English and arithmetic to the satisfaction of Southampton City Council
  - 1.8 undergo and pass a driving skills assessment to the satisfaction of Southampton City Council.
  - 1.9 New private hire driver's licences shall only be granted for a period of six months, and shall only be renewed on expiry if the licence holder has obtained the BTech or similar approved qualification for transporting passengers by taxi and private hire vehicle.
  - 1.10 All holders of existing private hire driver's licences shall obtain the RQF Level 2 certificate in the Introduction to the role of the professional taxi and private hire driver or equivalent before the expiry of the third year from the first grant of their licence. For the avoidance of doubt, this requirement will not apply to those holders of private hire driver's licences who had held their licence for a continuous period of three years as at 26<sup>th</sup> August 2009.
  - 1.11 All applicants for hackney carriage or private hire driver licences will have successfully completed safeguarding training approved by Southampton City Council within the previous three years.
  - 1.12 The council reserves the right to use third party agencies, organisations and companies to carry out tests, examinations and checks on its behalf.

## **PRIVATE HIRE VEHICLE DRIVERS' LICENCE CONDITIONS**

### **General**

The holder of a Private Hire Vehicle Driver's licence must observe and carry out the requirements of Part II of the Local Government (Miscellaneous Provisions) Act 1976, and any order or regulation made thereunder, and the requirements of any other Act of Parliament or orders, regulations or byelaws made thereunder relating to the driving of motor vehicles.

### **Interpretation**

In this licence and in these Conditions, unless the subject or context otherwise requires:-

"authorised officer" means any officer of the Council authorised in writing in accordance with the scheme of delegation for the purposes of Part II of the Local Government (Miscellaneous Provisions

"the Council" means the Southampton City Council;

"licence plate" means the plate issued by the Council for the purpose of identifying the vehicle as a vehicle duly licensed by the Council.

### **1. APPEARANCE OF DRIVER**

- 1.1 The driver of a Private Hire Vehicle shall be clean and tidy in appearance, and shall be attired to a standard acceptable to the Council
- 1.2 Acceptable - As a minimum clothing should be clean, smart casual in appearance with shoes.
- 1.3 Unacceptable jeans, singlets, sports shorts or bathing costumes, open backed footwear
- 1.4 and shall behave in a civil and orderly manner and shall take all reasonable precautions to ensure the safety of persons conveyed in or entering or leaving the vehicle.

### **2. VEHICLE LICENCE PLATE**

- 2.1 The driver shall not wilfully or negligently cause or suffer the number of the licence on the plate issued by the Council to be concealed from public view or to be so defaced as to be illegible.

### **3. PLYING FOR HIRE**

- 3.1 The licensee shall not, whilst driving or in charge of a private hire vehicle:
  - 3.1.1 tout or solicit any person to hire or be carried for hire in any private hire vehicle; or
  - 3.1.2 cause or procure any other person to tout or solicit any person to hire or be carried for hire in any private hire vehicle; or
  - 3.1.3 offer that vehicle for immediate hire while the licensee of that vehicle is on a road or other place to which the public have access; or
  - 3.1.4 accept an offer for the immediate hire of that vehicle whilst that vehicle is on a road or other place to which the public have access except where such offer is first communicated to him/her by an operator licensed by Southampton City Council. (In this Condition, "road" means any highway and any other road to which the public have access and includes bridges over which a road passes).

### **4. NUMBER OF PASSENGERS**

The licensee shall not convey, or cause or permit to be conveyed in the vehicle a greater number of persons, exclusive of the driver, than specified in the licence. In addition, children under three years will not be conveyed in the front seat of a vehicle whether restrained or unrestrained.

5. **DRIVER'S BADGE**

5.1 The licensee shall, when acting in accordance with the private hire vehicle driver's licence granted to him/her, wear the badge issued to him/her in such position and manner as to be plainly and distinctly visible.

6. **RETURN OF DRIVER'S BADGE**

6.1 The driver's badge referred to in Condition 5 shall remain the property of the Council and if the driver's licence is not renewed or is revoked shall be returned by the licensee to the Council within seven days of the serving upon him/her of a notice by the Solicitor to the Council requiring the return of such badge.

7. **CHANGE OF ADDRESS**

7.1 The holder of a private hire vehicle driver's licence shall notify the Solicitor to the Council licensing authority in writing within seven days any change of his/her address.

8. **ADHERENCE TO BOOKING**

8.1 The driver of a private hire vehicle which has been hired to be in attendance at any appropriate time and place shall, unless delayed and prevented by some sufficient cause, punctually attend at the appointed time and place.

9. **DRIVER'S OBLIGATIONS**

9.1 The driver shall, when requested by the hirer:

9.1.1 convey a reasonable quantity of luggage,

9.1.2 afford reasonable assistance in loading and unloading, including assistance in removing luggage to and from the entrance of any house or other place where he/she collects or sets down his/her passengers

9.2 Provided always that the driver of a private hire vehicle shall not be obliged to convey:-

9.2.1 any article or animal, except guide dogs, which is of such bulk or amount or character that the carrying of such article or animal would be likely to cause damage to the vehicle or its fittings

9.2.2 any petroleum spirit or explosive or dangerous substance.

9.2.3 any noxious, odorous, foul or offensive substance.

9.2.4 any person in a state of intoxication.

10. **LOST PROPERTY**

10.1 The driver shall, immediately after the termination of any hiring, or as soon as practicable afterwards, carefully search the vehicle for any property that may have been accidentally left therein and, if such property is found, or is handed to him, unless it be sooner claimed by or on behalf of its owner. Any remaining property shall be handed to the operator as soon as practicable and certainly within 24 hours.

10.2 Be entitled to receive from any person to whom the property shall be delivered an amount equivalent to the fare from the place of finding to the Operator where deposited.

11. **DISABLED PERSONS**

11.1 No person shall refuse to carry a passenger in a private hire vehicle by reason of the fact that the passenger is disabled or requires to have with them a wheelchair or other facility of reasonable size for the disabled.

12. **ADVERTISEMENTS**

12.1 The driver of a private hire vehicle shall not place or suffer to be placed in any window or in any part of the vehicle any advertisement, sign, printed matter or distinguishing mark other than such has been approved or authorised by the Council.

13. **LICENCES TO DRIVE SPECIALIST RESTRICTED PRIVATE HIRE VEHICLES**

13.1 At the discretion of the Service Manager Licensing, a licence may be issued entitling the holder to drive only specialist vehicles licensed as restricted private hire vehicles.

14. **CONVICTIONS ETC.**

14.1 The holder of a private hire driver's licence shall notify the Licensing Team of their being convicted of any criminal or motoring conviction or being subject to any finding of guilt or caution or arrest notification of intended prosecution or the issue of an endorseable fixed penalty notice for any offence before the expiry of 14 days from that occurrence.

15. **SMOKING**

15.1 In addition to not allowing smoking in the vehicle you must not use or allow to be used an e-cigarette or similar smoking type object.

16. **HEALTH**

16.1 You need to be medically fit before we will grant a licence. When you are a licence holder, if you have a serious illness or injury, such as a heart attack, stroke, broken limbs, diabetes or sleep apnoea, you must tell us, in writing, as soon as possible and within five days of the start of the illness or injury. This also applies to anything that may affect your driving, or that has to be reported to the DVLA because it would affect your licence. We may ask you to have an additional medical examination or to produce written confirmation from your own GP or hospital consultant about your continued fitness to drive. The council may also seek an independent assessment of any such report or medical.

## Appendix 5

# PRIVATE HIRE VEHICLE OPERATOR LICENCE POLICY AND CONDITIONS From 2021



### PRIVATE HIRE OPERATOR LICENCE POLICY

1. Before a licence is granted to a private hire vehicle operator, the applicant must:-
  - 1.1 complete and submit to the City Council an application in the form prescribed by the Council, and
  - 1.2 satisfy the Council that the applicant(s) is a fit and proper person to hold such a licence.
  - 1.3 satisfy the Council that the applicant is a fit and proper person to hold such a licence. Applicants will be required to provide a Basic DBS certificate no more than 6 months old to assist with this.

# PRIVATE HIRE OPERATOR LICENCE CONDITIONS

## General

The holder of a private hire vehicle operator's licence must observe and carry out the requirements of the Local Government (Miscellaneous Provisions) Act 1976, Part II, and any order or regulation made thereunder, and the requirements of any other Act of Parliament or orders, regulations or byelaws made thereunder relating to the operation of the motor vehicle(s) in accordance with the licence. Additionally must be compliant with all other legislation relating to their operation, for example health and safety and employment legislation.

## Interpretation

In this licence and in this document, unless the subject or context otherwise requires:-

- "authorised officer" means any officer of the Council authorised in writing in accordance with the Council's scheme of delegations for the purposes of the Town Police Clauses Act 1847 and Part II of the Local Government (Miscellaneous Provisions) Act 1976;
- "the Council" means the Southampton City Council;
- "hackney carriage" has the same meaning as in the Town Police Clauses Act 1847;
- "licence plate" means the plate issued by the Council for the purpose of identifying the vehicle as a private hire vehicle duly licensed by the Council;
- "proprietor" includes a part-proprietor and, in relation to a vehicle which is the subject of hire purchase agreement, means the person in possession of the vehicle.

The proprietor shall observe and carry out the following terms and conditions:-

### 2. TRANSFER OF LICENCE

- 2.1 The licence is not transferable to another person or company nor does authorise the licensee to operate from any address(es) other than that (those) specified in the licence.

### 3. STAFF WITH ACCESS TO CUSTOMER DATA

- 3.1 Licence holders will maintain a register of all staff who have access to customer personal data, recording the date and times they work and their role. This will include staff that take bookings from customers and despatch vehicles.
- 3.2 The licence holder will provide a policy on employing ex-offenders recognising those with a conviction for offences provided in the councils policy on previous convictions, other than those relating to driving matters, may not be suitable to have access to such data.
- 3.3 Licence holders will require a basic or higher DBS certificate of individuals named in the register in 3.1 at the time of employment to be no more than 3 months old and any contracts of employment will include a clause requiring the individual to disclose any arrest or conviction to the employer
- 3.4 Operators may outsource booking and dispatch functions but they cannot pass on the obligation to protect children and vulnerable adults. Operators are required to evidence that comparable protections are applied by the company to which they outsource these functions.

### 4. NUMBER OF PASSENGERS

- 4.1 The licensee shall not convey, or cause or permit to be conveyed in the vehicle a greater number of persons, exclusive of the driver, than specified in the licence. In addition, children under three years will not be conveyed in the front seat of a vehicle whether restrained or unrestrained.

## 5. RECORDS OF BOOKINGS

5.1 Section 56 of the Local Government (Miscellaneous Provisions) Act 1976 requires private hire vehicle operators to keep records of the particulars of every booking invited or accepted, whether it is from the passenger or at the request of another operator. Operators are required to record the following information for each booking:

(i) the name of the person or identifying feature, that is unique to the location the request is made from, of the equipment making the booking;

(ii) the name of the passenger;

(iii) the time and date of the request;

(iv) the time and date of intended pick up;

(v) the pick-up point;

(vi) the destination;

(vii) the name of the driver;

(viii) the driver's licence number;

(ix) the vehicle registration and plate number of the vehicle;

(x) the name of any individual that responded to the booking request;

(xi) the name of any individual that dispatched the vehicle.

5.2 All record books shall be maintained for at least 12 months.

5.3 As a minimum before the booking is undertaken the operator must record (i), (iii), (iv) and (v) of the above. If all of the information is not available at the time of accepting the booking then the remaining details must be recorded as soon as is practicable and certainly within 1 hour of the completion of the booking.

## 6. CONTRACTS

6.1 Every contract for the hire of a private hire vehicle licensed by the Council shall be deemed to be made with the operator who accepted the booking for that vehicle, whether or not the operator provided the vehicle

## 7. VEHICLES OPERATED BY THE LICENCE HOLDER

7.1 The operator shall notify the Licensing Authority in writing within seven days of the commencement or termination of any vehicle operated by them.

## 8. USE OF PASSENGER CARRYING VEHICLES (PCV) LICENSED DRIVERS

8.1 The use of a driver who holds a PCV licence and the use of a public service vehicle (PSV) such as a minibus to undertake a private hire vehicle booking is not permitted without the informed consent of the booker, which must be included in any booking record.

8.2 Where a private hire vehicle is unsuitable, for example where a larger vehicle is needed because more than eight passenger seats required or to accommodate luggage, the booker is to be informed that a PSV is necessary, and that a PCV licenced driver will be used who is subject to different checks and not required to have an enhanced DBS check.

## 9. DISABLED PERSONS

- 9.1 No person shall refuse to carry a passenger in a private hire vehicle by reason of the fact that that passenger is disabled or requires to have with them a wheelchair or other facility of reasonable size for the disabled

10. **USE OF PREMISES**

- 10.1 The licence holder while carrying on the business of an operator must ensure that the use of the office premises complies with the requirements of the Town and Country Planning Act 1971 and Orders and Regulations made thereunder.
- 10.2 The licence holder, while carrying on the business of an operator, shall not permit licensed private hire vehicles to obstruct entrances to adjoining premises.
- 10.3 The licence holder will not permit annoyance or interference to be caused to residents of adjoining premises by the use of radio communication apparatus.

11. **CHANGE OF ADDRESS**

- 11.1 The operator shall, within seven days, notify in writing to the Council any change of address (including any address from which he/she operates or otherwise conducts business as an operator).

12. **CONVICTIONS**

- 12.1 The operator shall, within seven days, disclose to the Council in writing details of any conviction imposed.



# Taxi Trade Representatives Code of Conduct

## Introduction

There is no legal requirement for the Licensing Authority to have any consultation process with the Hackney carriage and Private Hire trade other than the discreet issues concerning fees for Vehicle and Operators licences and hackney carriage fare revisions where formal notices must be given.

It is, however, considered to be a matter of good practice that a formal framework exists for two way exchange of views.

The purpose of consultation is defined as:

- A two way exchange of information, dialogue and discussion
- To hear views, comments and concerns of the trade
- To receive information, comments, and concerns of the Licensing Team, Members and the Council as a whole.
- Not a decision making forum
- Where matters of a particular concern and where appropriate, matters raised can be referred to the Licensing Committee where a formal decision can be made.

It should be borne in mind that consultation does not necessarily mean agreement with and that consultation meetings cannot be decision making meetings. The Council and the licensing trades are keen to develop a relationship built on trust, openness and honesty.

## 1. Common Principles

- 1.1 All elements of the Code apply equally to trade representatives, councillors and officers, (called “participants”, unless otherwise stated).
- 1.2 Participants are required at all times to act in a civil manner. Personal attacks, offensive, abusive or racist comments are not acceptable.
- 1.3 In carrying out their role, no participant will discriminate against any person in a manner that is contrary to the Equality Act 2010 and Council’s Equal Opportunities Policy. All participants acknowledge that everybody has the right to be treated with dignity and respect, regardless of ethnic or national origins, disability, gender, marital status, age, sexuality, religion or any other matter which causes people to be treated with injustice.

## 2. Officer code

- 2.1 At all times, officers shall act in a professional manner and shall treat participants with courtesy and respect.
- 2.2 Officers shall use reasonable endeavours to make themselves available to meet with participants providing reasonable notice is given of the meeting and demands are not excessive.
- 2.3 Officers will, providing sufficient notice has been given, supply information to participants regarding issues raised. This will not include information relating to individuals (except at that

individual's request and with their written consent) which is confidential and data protected. Officers have a responsibility to adhere to the Data Protection Act 2018 and GDPR.

- 2.4 The Council is committed to being open and transparent.
- 2.5 "Reasonable notice" will be at least 14 working days prior to any meeting or information request, unless a shorter timescale has been agreed.
- 2.6 Officers will not provide any more or less favourable services to any participants.

### **3. Representatives' Code**

- 3.1 Representatives shall be courteous at all times in their dealings with each other, officers and councillors.
- 3.2 Representatives have a responsibility to accurately report the views of the persons they represent and to accurately feedback those views to the trade in general. If anyone makes a personal point they must state clearly this is their own personal view and not those of the group.
- 3.3 There may be occasions where officers cannot give their personal views about the policies, management, staff or elected members of the Council and should not be pressed to do so.
- 3.4 Representatives must respect the impartiality of officers and must undertake not to make party political statements.
- 3.5 From time to time representatives will have access to sensitive and confidential information which is not yet in the public domain. When representatives are advised that information is confidential or where it is clear by the nature of the information or the purpose of the meeting that the information is confidential, that information must not be disclosed to others under any circumstances. This includes discussions outside of the meeting(s) or with any participants' partners and/or family/friends. Participants may be required to sign a confidentiality statement before the start of the confidential section of the meeting. The Council will explain why this information is confidential. Such information must not be used for personal gain.

### **4. All Participants**

- 4.1 Participants shall respect all individuals' confidentiality, whether present or not, and should not mention specific individual cases in public meetings which may cause embarrassment to or identification of an individual or a member of that person's family.

### **5. Standards for meetings**

- 5.1 The Chair of the licensing committee will chair the meeting or nominate another member of the licensing committee to chair the meeting in their absence.
- 5.2 The Agenda will be followed unless amended by agreement of the chair. The meetings will last no more than 2 hours.
- 5.3 It is intended to hold four meetings a year, approximately one every three months. The Chair of the licensing committee will determine if there is a need to either cancel or arrange for further meetings.

## **6. Representatives' contact with the Media**

- 6.1 Any participant who wishes to express their own individual views to the media must make it clear that the view being expressed is the participant's own view and not that of any group/body.
- 6.2 Representatives can seek advice from the Council's Communications Team if they would like assistance before making any statement to the media. You can contact the Council's media team on 023 8083 2000
- 6.3 It is recommended that all statements to the media should be in written format to ensure that there is no confusion over what has been said and an audit trail is available. Media contact should be made by email wherever possible.
- 6.4 Information given to the media:–
- Should not identify any individual or enable any identification of any individual unless that person has consented to their identification.
  - Must be factual and must not be party political.

## **7. Political affiliation**

- 7.1 Individual participants may be affiliated to or be members of a political party but may not represent a political party in their role as a participant of a group.
- 7.2 No party political references should be made during meetings.

## **8. Breaches of Code of Conduct**

- 8.1 If it comes to the Council's attention that there has been a breach of this Code by a participant, the Licensing Manager and Chair will be informed and the Council will take such action against the individual as appropriate.
- 8.2 Such action may include but is not limited to:
- Verbal or written warning;
  - Removal from a specific meeting
  - Time limited suspension
  - Termination as a representative and exclusion from re-election, either permanently or for a fixed period of time.

## **9. Appeals process**

- 9.1 If an individual or group is not satisfied with the Council's decision to suspend or terminate an individual as a representative then they may appeal against the decision through the Council's formal Customer Complaints Procedure.
- 9.2 Until any appeal has been determined by the Customer Complaints Procedure, the decision will remain in force. The time limit for any exclusion will run from the date of the original decision and not the outcome of the appeal process.

### **GUIDANCE ON DETERMINING THE SUITABILITY OF APPLICANTS IN THE HACKNEY CARRIAGE AND PRIVATE HIRE TRADES**

1. There is no evidence which can provide precise periods of time which must elapse after a crime before a person can no longer be considered to be at risk of re-offending, but the risk reduces over time. In light of that, the suggested timescales below are intended to reduce the risk to the public to an acceptable level.
2. Many members of our society use, and even rely on, hackney carriages and private hire vehicles to provide transportation services. This can be on a regular basis, or only occasionally, but in all cases passengers, other road users and society as a whole must have confidence in the safety and suitability of the driver, the vehicle itself and anyone involved with the booking process.
3. All those involved in the hackney carriage and private hire trades (hackney carriage and private hire drivers, hackney carriage and private hire vehicle owners and private hire operators) should be persons of the highest integrity. This is true, of the vast majority of those involved in these trades, they are decent, upstanding, honest and hard-working individuals. Unfortunately, as in any occupation or trade, there are those few who fail to conform to those standards.
4. The purpose of Appendix 7 is to offer guidance on how Southampton City Council will determine whether a particular person is safe and suitable either to be granted a licence in the first place or to retain such a licence.

#### **Pre-application requirements**

5. Licensing authorities are entitled to set their own pre-application requirements. Southampton City Council has set the following requirements.

##### Vehicles:

- Basic DBS checks;
- Specifications e.g. minimum number of doors, minimum seat size, headroom, boot space etc;
- Mechanical tests and tests of the maintenance of the vehicle e.g. ripped seats etc;
- Emission limits/vehicle age limits;
- Wheelchair accessibility requirements (in respect of relevant vehicles).

##### Drivers:

- Enhanced DBS checks with update service;

- Checks made to the National Anti Fraud Network database on refusals and revocations of hackney carriage and private hire licences (when available);
- Medical checks;
- Knowledge of the geographic area;
- Spoken and written English tests;
- Child sexual exploitation and safeguarding training.

Operators:

- Basic DBS checks;
- Details of their vetting procedures for their staff;
- Knowledge of the licensing area.

6. In relation to each of these licences, the licensing authority has discretion as to whether to grant the licence.
7. Drivers and operators cannot be granted a licence unless the authority is satisfied that they are a “fit and proper person” to hold that licence (see Local Government (Miscellaneous Provisions) Act 1976 ss 51 and 59 in respect of drivers; s55 in respect of operators).
8. There are no statutory criteria for vehicle licences, therefore the authority has an absolute discretion over whether to grant either a hackney carriage or private hire proprietor’s licence.
9. “Fit and proper” means that the individual (or in the case of a private hire operator’s licence, the limited company together with its directors and secretary, or all members of a partnership) is “safe and suitable” to hold the licence.
10. In determining safety and suitability the licensing authority is entitled to take into account all matters concerning that applicant or licensee. They are not simply concerned with that person’s behaviour whilst working in the hackney carriage or private hire trade. This consideration is far wider than simply criminal convictions or other evidence of unacceptable behaviour, and the entire character of the individual will be considered. This can include, but is not limited to, the individual’s attitude and temperament.
11. Convictions for attempt or conspiracy will be regarded as convictions for the substantive crime. A caution is regarded in exactly the same way as a conviction. Fixed penalties and community resolutions will also be considered in the same way as a conviction.
12. It is important to recognise that matters which have not resulted in a criminal conviction (whether that is the result of an acquittal, a conviction being quashed, decision not to prosecute or an investigation which is continuing where the individual has been bailed) can and will be taken into account by the licensing authority. In addition, complaints where there was no police involvement will also be considered. Within this document, any reference to “conviction” will also include matters that amount to criminal behaviour, but which have not resulted in a conviction. However appropriate weight must be applied to the evidence available.
13. In the case of any new applicant who has been charged with any offence and is awaiting trial, the determination will be deferred until the trial has been completed or the charges withdrawn. Where an existing licensee is charged, it will be for the licensing authority to decide what action to take in the light of these guidelines.
14. In all cases, the licensing authority will consider the conviction or behaviour in question and what weight should be attached to it, and each and every case will be determined on its own merits, and in the light of these guidelines.

15. Any offences committed, or unacceptable behaviour reported whilst driving a hackney carriage or private hire vehicle, concerning the use of a hackney carriage or private hire vehicle, or in connection with an operator of a private hire vehicle will be viewed as aggravating features, and the fact that any other offences were not connected with the hackney carriage and private hire trades will not be seen as mitigating factors.
16. As the licensing authority will be looking at the entirety of the individual, in many cases safety and suitability will not be determined by a specified period of time having elapsed following a conviction or the completion of a sentence. Time periods are relevant and weighty considerations, but they are not the only determining factor.
17. In addition to the nature of the offence or other behaviour, the quantity of matters and the period over which they were committed will also be considered. Patterns of repeated unacceptable or criminal behaviour are likely to cause greater concern than isolated occurrences as such patterns can demonstrate a propensity for such behaviour or offending.
18. Most applicants or licensees will have no convictions and that is clearly the ideal situation. In relation to other people, it is accepted that human beings do make mistakes and lapse in their conduct for a variety of reasons, and it is further accepted that many learn from experience and do not go on to commit further offences. Accordingly, in many cases an isolated conviction, especially if committed some time ago, may not prevent the grant or renewal of a licence.
19. It is also important to recognise that once a licence has been granted, there is a continuing requirement on the part of the licensee to maintain their safety and suitability. The licensing authority has powers to take action against the holder of all types of licence (driver's, vehicle and operator's) and it must be understood that any convictions or other actions on the part of the licensee which would have prevented them being granted a licence on initial application will lead to that licence being revoked.
20. Any dishonesty by any applicant or other person on the applicant's behalf which is discovered to have occurred in any part of any application process (e.g. failure to declare convictions, false names or addresses, falsified references, cheating in tests) will result in a licence being refused, or if already granted, revoked and may result in prosecution.
21. As the direct impact on the public varies depending upon the type of licence applied for or held, it is necessary to consider the impact of particular offences on those licences separately. However, there are some overriding considerations which will apply in all circumstances.
22. Generally, where a person has more than one conviction, this will raise serious questions about their safety and suitability. The licensing authority is looking for safe and suitable individuals, and once a pattern or trend of repeated offending is apparent, a licence will not be granted or renewed.
23. Where an applicant/licensee is convicted of an offence which is not detailed in this guidance, the licensing authority will take that conviction into account and use these guidelines as an indication of the approach that should be taken.
24. These guidelines do not replace the duty of the licensing authority to refuse to grant a licence where they are not satisfied that the applicant or licensee is a fit and proper person. Where a situation is not covered by these guidelines, the authority must consider the matter from first principles and determine the fitness and propriety of the individual.

## **Drivers**

25. As the criteria for determining whether an individual should be granted or retain a hackney carriage driver's licence are identical to the criteria for a private hire driver's licence, the two are considered together.
26. A driver has direct responsibility for the safety of their passengers, direct responsibility for the safety of other road users and significant control over passengers who are in the vehicle. As those passengers may be alone, and may also be vulnerable, any previous convictions or unacceptable behaviour will weigh heavily against a licence being granted or retained.
27. As stated above, where an applicant has more than one conviction showing a pattern or tendency irrespective of time since the convictions, serious consideration will need to be given as to whether they are a safe and suitable person.
28. In relation to single convictions, the following time periods should elapse following completion of the sentence (or the date of conviction if a fine was imposed) before a licence will be granted.

## **Crimes resulting in death**

29. Where an applicant or licensee has been convicted of a crime which resulted in the death of another person or was intended to cause the death or serious injury of another person they will not be licensed.

## **Exploitation**

30. Where an applicant or licensee has been convicted of a crime involving, related to, or has any connection with abuse, exploitation, use or treatment of another individual irrespective of whether the victim or victims were adults or children, they will not be licensed. This includes slavery, child sexual exploitation, grooming, psychological, emotional, financial or domestic abuse, but this is not an exhaustive list.

## **Offences involving violence**

31. Where an applicant has a conviction for an offence of violence, or connected with any offence of violence, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.

## **Possession of a weapon**

32. Where an applicant has a conviction for possession of a weapon or any other weapon related offence, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

## **Sex and indecency offences**

33. Where an applicant has a conviction for any offence involving or connected with illegal sexual activity or any form of indecency, a licence will not be granted.
34. In addition to the above, the licensing authority will not grant a licence to any applicant who is currently on the Sex Offenders Register or on any 'barred' list.

## **Dishonesty**

35. Where an applicant has a conviction for any offence of dishonesty, or any offence where dishonesty is an element of the offence, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

## **Drugs**

36. Where an applicant has any conviction for, or related to, the supply of drugs, or possession with intent to supply or connected with possession with intent to supply, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.
37. Where an applicant has a conviction for possession of drugs, or related to the possession of drugs, a licence will not be granted until at least 5 years have elapsed since the completion of any sentence imposed. In these circumstances, any applicant will also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.

## **Discrimination**

38. Where an applicant has a conviction involving or connected with discrimination in any form, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

## **Motoring convictions**

39. Hackney carriage and private hire drivers are professional drivers charged with the responsibility of carrying the public. It is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence would not prohibit the granting of a licence or may not result in action against an existing licence. However, applicants or licence holders with multiple motoring convictions may indicate that an applicant or licence holder does not exhibit the behaviours of a safe road user and one that is suitable to drive professionally.
40. Any motoring conviction while a licensed driver demonstrates that the licensee may not take their professional responsibilities seriously. However, it is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence may not necessitate the revocation of a hackney carriage or private hire vehicle driver licence providing the authority considers that the licensee remains a fit and proper person to retain a licence.

## **Drink driving/driving under the influence of drugs/ using a hand-held telephone or hand-held device whilst driving**

41. Where an applicant has a conviction for drink driving or driving under the influence of drugs, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence or driving ban imposed. In these circumstances, any applicant will also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.
42. Where an applicant has a conviction for using a held-hand mobile telephone or a hand-held device whilst driving, a licence will not be granted until at least five years have elapsed since the conviction or completion of any sentence or driving ban imposed, whichever is the later. .

## **Other motoring offences**

43. A minor traffic or vehicle related offence is one which does not involve loss of life, driving under the influence of drink or drugs, driving whilst using a mobile phone, and has not resulted in injury to any person or damage to any property (including vehicles). New applicants with more than 6 points on their licence will be refused. Any holders of a current driver's licence attaining 9 DVLA penalty points will be required to undertake a driver awareness course as directed by the licensing authority and pass a driver assessment within 2 months of conviction. Any failure and the licence will be revoked.



44. A major traffic or vehicle related offence is one which is not covered above and also any offence which resulted in injury to any person or damage to any property (including vehicles). It also includes driving without insurance or any offence connected with motor insurance. Where an applicant has a conviction for a major traffic offence or similar offence, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

#### **Hackney carriage and private hire offences**

45. Where an applicant has a conviction for an offence concerned with or connected to hackney carriage or private hire activity (excluding vehicle use), a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

#### **Vehicle use offences**

46. Where an applicant has a conviction for any offence which involved the use of a vehicle (including hackney carriages and private hire vehicles), a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

#### **Private Hire Operators**

47. A private hire operator (“an operator”) does not have direct responsibility for the safety of passengers, other road users or direct contact with passengers who are in the private hire vehicle (except where they are also licensed as a private hire driver). However, in performing their duties they obtain and hold considerable amounts of personal and private information about their passengers which must be treated in confidence and not revealed to others, or used by the operator or their staff for criminal or other unacceptable purposes.
48. As stated above, where an applicant has more than one conviction, serious consideration will need to be given as to whether they are a safe and suitable person.
49. Operators must ensure that any staff that are used within the business (whether employees or independent contractors) and are able to access any information as described above are subject to the same standards as the operator themselves. This can be effected by means of the individual staff member being required by the operator to obtain a basic DBS certificate. If an operator is found not to be applying the required standards and using staff that do not meet the licensing authority’s overall criteria, that will lead to the operator’s licence being revoked.
50. As public trust and confidence in the overall safety and integrity of the private hire system is vital, the same standards will be applied to operators as those applied to drivers, which are outlined above.

#### **Vehicle proprietors**

51. Vehicle proprietors (both hackney carriage and private hire) have two principal responsibilities.
52. Firstly, they must ensure that the vehicle is maintained to an acceptable standard at all times.
53. Secondly, they must ensure that the vehicle is not used for illegal or illicit purposes.
54. As stated above, where an applicant has more than one conviction, serious consideration will need to be given as to whether they are a safe and suitable person to be granted or retain a vehicle licence.
55. As public trust and confidence in the overall safety and integrity of the private hire system is vital, the same standards will be applied to proprietors as those applied to drivers, which are outlined above.

## Appendix 8

### MEDICAL STANDARDS FOR HACKNEY CARRIAGE OR PRIVATE HIRE DRIVERS

All medical reports must be completed by the General Practitioner with whom you are registered (your Doctor) or an approved medical provider.

Medicals are required by all new applicants for hackney carriage or private hire driver's licences. Current licensed drivers will be required to undertake a medicals at ages 45, 50, 55, 60, 65, and annually thereafter, in line with DVLA best practice guidelines. All medicals need to be completed prior to the relevant date, i.e. date of application or birthday and be no more than 4 months old.

Completed medical forms are to be delivered to the licensing office within 4 weeks of completion.

Drivers may be required to undertake further medical examinations if evidence is presented raising doubt on the fitness of the applicant/driver.

The council has the discretion to seek an independent assessment of any completed medical form to assist in forming their decision on the fitness of an applicant/driver.

The council will suspend driver's licences who do not satisfy the council they continue to meet the required standards, this will include no evidence of a satisfactory medical at the above ages or evidence of an emerging health issue likely to impact on the individual meeting the required standard.

Standards for hackney carriage or private hire drivers, as vocational drivers, are higher than those for ordinary car drivers. In line with recommended good practice, the City Council will expect licensed drivers to meet the **Group 2 vocational driver standards**. Please also refer to the most recent version of leaflet INF4D available via <https://www.gov.uk/government/publications/medical-examination-report-d4-information-and-useful-notes>.

Specific medical conditions which may be a bar to obtaining or holding a hackney carriage or private hire driver's licence are as follows: -

#### 1. **Epilepsy or liability to epileptic attacks**

A diagnosis of epilepsy or spontaneous epileptic attack(s) requires 10 years free of further epileptic attack without taking anti-epilepsy medication during that 10-year period. For conditions that cause an increased liability to epileptic attacks, the risk of attacks must fall to that of the general population. The City Council will refuse or revoke the licence if these conditions cannot be met.

#### 2. **Diabetes**

Applicants with insulin treated diabetes will not normally be able to obtain a licence **unless**:

- they held a hackney carriage or private hire driver's licence valid at 1 April 1991 and the City Council's licensing team had knowledge of the insulin treatment before 1 January 1991
- or
- if they are able to provide documentary evidence that their diabetes is consistently well controlled, with reference to the advice in chapter 3 of the latest edition of the DVLA's "At a Glance Guide to the Current Medical Standards of Fitness to Drive" in respect of Group 2 vocational drivers.

If you have any condition other than insulin treated diabetes your Doctor should be able to advise you as to whether you meet the relevant higher medical standards. Please refer to the section "Other Medical Conditions" in this report.

### 3. Eyesight

All applicants must be able to read in good light with glasses or corrective lenses if necessary, a number plate at 20 metres (65 feet), (post 1 September 2001 font) and, if glasses or contact lenses are required to do so, these must be worn while driving. In addition: -

#### (i) Visual Acuity

Applicants must have: -

- a visual acuity of at least 6/7.5 (decimal Snellen equivalent 0.8) in the better eye; and
- a visual acuity of at least 6/60 (decimal Snellen equivalent 0.1) in the worse eye; and
- If glasses are worn, the distance spectacle prescription of either lens used must not be of a corrective power greater than plus 8 (+8) dioptries.
- Applicants to whom the following applies may be considered, exceptionally:
- An applicant who held a Southampton hackney carriage or private hire driver's licence after 1 March 1992 and also held that licence on 31 December 1996 and has an acuity of 6/9 (decimal Snellen equivalent 0.6) in the better eye and 6/12 (decimal Snellen equivalent 0.5) in the worse eye and an uncorrected acuity of 3/60 (decimal Snellen equivalent 0.05) in at least one eye.
- An applicant who held a hackney carriage or private hire driver's licence before 1 March 1992 if they can still meet the Group 2 eyesight standards which applied when they first held a Southampton hackney carriage or private hire driver's licence.

Please contact the licensing team if you require further information.

#### (ii) Visual field

The horizontal visual field should be at least 160 degrees, the extension should be at least 70 degrees left and right and 30 degrees up and down. No defects should be present within a radius of the central 30 degrees.

#### (iii) Monocular vision

Drivers who have sight in one eye only or their sight in one eye has deteriorated to less than 0.05 (3/60) cannot normally be licensed to drive. Exceptionally, it may be possible for such a driver to be licensed if the Group 2 standards were met before 1 April 1991. You must have a visual acuity of at least 6/12 (decimal Snellen equivalent 0.5) if you held a Southampton hackney carriage or private hire driver's licence on 1 April 1983 or 6/9 (decimal Snellen equivalent 0.6) if you were licensed after that date.

#### (iv) Uncontrolled symptoms of double vision

If you have uncontrolled symptoms of double vision, or you have double vision treated with a patch, you will not meet the Group 2 standard.

**Please note that a failure to meet the epilepsy, diabetes or eyesight requirements will normally result in the refusal of an application.**

#### 4. Other Medical Conditions

**In addition to those medical conditions mentioned above, an applicant or licence holder is likely to be refused if they are unable to meet the national recommended guidelines in cases of:-**

- Within six weeks of myocardial infarction, an episode of unstable angina, CABG or coronary angioplasty
- Angina, heart failure, or cardiac arrhythmia which remains uncontrolled
- Implanted cardiac defibrillator
- Hypertension where the blood pressure is persistently 180 systolic or more or 100 diastolic or more
- A stroke or TIA within the last 12 months
- Unexplained loss of consciousness with liability to recurrence
- Meniere's and other sudden and disabling vertigo, within the last 12 months, with a liability to recurrence
- Insuperable difficulty in communicating by telephone in an emergency
- Major brain surgery and/or recent severe head injury with serious continuing after effects
- Parkinson's disease, multiple sclerosis or other chronic neurological disorders likely to affect safe driving
- Psychotic illness within the past three years
- Serious psychiatric illness
- If major psychotropic or neuroleptic medication is being taken
- Alcohol and/or drug misuse within the last 12 months or alcohol and/or drug dependency or use in the past three years
- Dementia
- Any malignant condition, within the last 2 years, with a significant liability to metastasise to the brain
- Any other serious medical condition likely to affect the safe driving of a hackney carriage or private hire vehicle

#### 5. Tiredness: Sleep Disorders

Up to one fifth of accidents on motorways and other monotonous roads may be caused by drivers falling asleep at the wheel.

Many accidents are attributed to "driver inattention", but once vehicle faults, traffic offences, poor road or weather conditions, alcohol and specific medical causes are excluded, closer inspection suggests driver sleepiness may be the cause. Evidence for this includes the apparent failure to respond to traffic and road conditions generally and in particular the absence of signs of emergency braking.

Driver sleepiness may be caused by modern lifestyles preventing adequate rest. It may be made worse by shift working combined with the monotonous nature of certain types of driving. Alertness fluctuates naturally throughout the day. Driving between 02:00 and 07:00 increases the risk of a sleep related accident. Most people also tend to be less alert during the mid-afternoon or after a heavy meal. All drivers need to address these problems responsibly.

However, some medical conditions may cause excessive sleepiness. These will greatly increase any normal tendency to sleepiness.

The commonest medical cause is **Obstructive Sleep Apnoea Syndrome (OSA)**. This condition occurs most commonly, but not exclusively, in overweight individuals, particularly those with a large collar size. Partners often complain about the snoring and notice that sufferers seem to have irregular breathing during sleep. Sufferers of OSA rarely wake from sleep feeling fully refreshed and tend to fall asleep easily when relaxing.

OSA is one of the few medical conditions that has been shown to increase significantly the risk of traffic accidents. However, once diagnosed, there is very effective treatment available, normally through specialist centres.

The greatest danger is prior to diagnosis, when the significance of the symptoms is not appreciated. A road traffic accident may be the first clear indication of the condition. All drivers, especially professional drivers, and doctors need to be much more aware of the risks of sleepiness from this treatable cause.

## Appendix 9

### **HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS CODE OF CONDUCT**

In order to promote the image of the hackney carriage and private hire trades, the Council has adopted the following Code of Good Conduct, which should be read in conjunction with the other statutory, policy and condition requirements set by the authority.

#### **Responsibility of the Trade**

Licence holders shall endeavour to promote the image of the hackney carriage and private hire trade by:

- a) complying with this Code of Good Conduct
- b) complying with all the Policy and Conditions of their Licence
- c) behaving in a civil, orderly and responsible manner at all times

#### **Responsibility to Customers**

Licence holders shall:

- a) maintain their vehicles in a safe and satisfactory condition at all times
- b) keep their vehicles clean and suitable for hire to the public at all times
- c) attend punctually when undertaking a pre-booked hiring
- d) at no additional cost assist, where necessary and appropriate, passengers into and out of vehicles
- e) at no additional cost offer passengers reasonable assistance with luggage
- f) relationships with customers should be no more than professional, avoid:
  - unnecessary physical contact
  - building personal relationships
  - talking about sensitive or intimate subjects

#### **Responsibility to Local Residents and other Road users**

To avoid nuisance to residents and other road users when picking up, dropping off or waiting for a fare, a driver shall:

- a) not sound the vehicle's horn
- b) keep the volume of any amplified music to a minimum
- c) switch off the engine if required to wait
- d) take whatever additional action is necessary to avoid disturbance to residents in the neighbourhood
- e) park and/or stop considerately, avoiding bus stops, school gates, school zig zags etc.

At hackney carriage ranks drivers shall, in addition to the requirements above:

- a) rank in an orderly manner and proceed along the rank in order and promptly;
- b) remain with the vehicle.
- c) direct any customer to the front vehicle in the rank. However, please be aware that the customer does have the right to select ANY Hackney Carriage they see fit.

## General Information

Drivers shall:

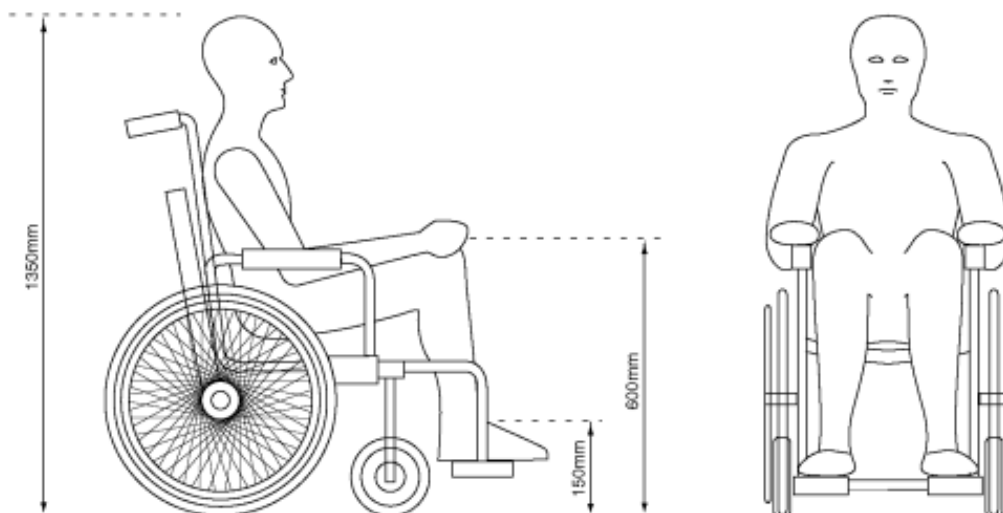
- a) pay attention to personal hygiene and dress so as to present a professional image to the public:
  - As a minimum clothing should be clean, smart casual in appearance with shoes.
  - Unacceptable clothing include jeans, singlets, sports shorts or bathing costumes, sandals or flip flops or open toed sandals
- b) be polite, helpful and fair to passengers;
- c) drive with due care and consideration for other road users and pedestrians and in particular shall not use a hand held mobile phone or device whilst driving;
- d) obey all Traffic Regulation Orders and directions at all time;
- e) not smoke in the vehicle, including e-cigarettes;
- f) not consume alcohol at least 8 hours before or at any time whilst driving or being in charge of a hackney carriage or private hire vehicle;
- g) not drive while having misused legal or illegal drugs and submit themselves for testing for illegal drugs at the request of Licensing Staff or a Police Officer.
- h) ensure appropriate breaks from work are taken and never drive when tired. It is recommended drivers should endeavour to have a minimum of 8 hours rest between finishing work after midnight and starting again in the day and not exceed 13 hours work in any one day.
- i) report to the council in writing within 24 hours or as soon as is practicable if you suffer any serious illness or injury such as heart attack, stroke, broken limbs, diabetes or sleep apnoea. This also applies to anything that may affect your driving, or that has to be reported to the DVLA because it would affect your licence. The council may ask you to have an additional medical examination or to produce written confirmation from your own GP or hospital consultant about your continued fitness to drive. The council may also seek an independent assessment of any such report or medical.

## MEDICAL EXEMPTION POLICY FOR HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS UNDER THE EQUALITY ACT 2010

The Equality Act 2010 requires employers and service providers to make ‘reasonable adjustments’ or changes to take account of the needs of disabled employees and customers.

Southampton City Council is committed to an accessible public transport system in which disabled people have the same opportunities to travel as other members of society. Hackney Carriages and Private Hire Vehicles are a vital link in the accessible transport chain and it is important that people who use wheelchairs or assistance dogs can have confidence that drivers will accept them and their wheelchair or assistance dog and carry them at no extra charge.

Section 167 of The Act permits the Licensing Authority to designate Hackney Carriages and Private Hire Vehicles as being wheelchair accessible. The Department for Transport’s Statutory Guidance on Access for wheelchair users recommends that vehicles should only be included in the list if it would be possible for the user of a “reference wheelchair” to enter, leave and travel in the passenger compartment in safety and reasonable comfort whilst seated in their wheelchair. A reference wheelchair is illustrated below:



Vehicles identified as such shall be included on a list of designated vehicles.

Inclusion of a vehicle on the designated list may be appealed under Section 172 to the Magistrates’ Court within 28 days of the vehicles in question being published on the Licensing Authority’s list. Proprietors of all vehicles included on the list will receive a letter detailing the new provisions of the Act and their right of appeal.



The Equality Act 2010 (Section 165) places the following duties on drivers of designated wheelchair accessible Hackney Carriages and Private Hire Vehicles;

- i. To carry the passenger while in the wheelchair;
- ii. Not to make any additional charge for doing so;
- iii. If the passenger chooses to sit in a passenger seat, to carry their wheelchair;
- iv. To take such steps as are necessary to ensure that the passenger is carried in safety and reasonable comfort;
- v. To give the passenger such mobility assistance as is reasonably required

In addition, Sections 168 and 170 places the following duty on drivers of Hackney Carriages and Private Hire vehicles;

- i. To carry the passenger's dog, allowing it to remain with the passenger and not make any additional charge for doing so.

A driver who fails to comply with any of the above is guilty of an offence and may receive a fine if convicted.

In some circumstances a driver of a designated Hackney Carriage or Private Hire vehicle may be unable to fulfil the requirements of the Equality Act 2010 for medical reasons, either short or longer term.

Section 166 of the Act allows licensing authorities to exempt drivers from the duties to assist passengers in wheelchairs if they are satisfied that it is appropriate to do so on medical grounds or because the driver's physical condition makes it impossible or unreasonably difficult for them to comply with the duties.

Sections 169 and 171 of the Act allow licensing authorities to exempt drivers from the duties to transport assistance dogs if they are satisfied that it is appropriate to do so on medical grounds.

To apply for a Medical Exemption Certificate a driver must submit to the Licensing Team an application form along with a medical report from their GP, dated no more than 28 days prior to submission of the application, detailing exactly what duties cannot be undertaken, why they cannot be undertaken and for how long they cannot be undertaken. This assessment will be at the applicant's expense as part of the application process.

Upon receipt the Licensing Manager will consider the evidence and may request further independent medical assessment to decide if the driver is:

- (i) Fit for work
- (ii) Temporarily unfit to carry passengers in wheelchairs and/ or assistance dogs
- (iii) Permanently unfit to carry passengers in wheelchairs and/ or assistance dogs

If the driver is declared fit for work no exemption certificate will be issued and a letter explaining the decision will be given to the driver. If the driver does not agree with the decision to refuse the application for a medical exemption, Section 172 of the Act gives the driver a right to appeal the decision to the Magistrates Court. The driver has 28 days from the date of refusal to appeal.

If the driver is declared temporarily unfit, a temporary exemption certificate of up to three months may be issued. Prior to the expiry of the temporary exemption certificate the driver will contact the Licensing Team to either;

- (i) declare themselves fit, return to normal duties and return the temporary exemption certificate; or
- (ii) arrange a further medical assessment to be submitted for the Licensing Manager to consider extending the exemption certificate.

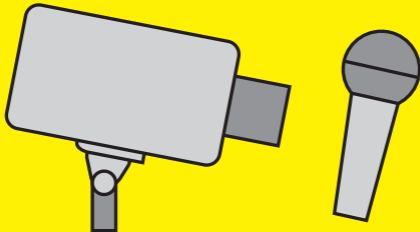
If the driver is declared permanently unfit to carry passengers in wheelchairs and/ or assistance dogs an Exemption Certificate will be issued. The certificate will include a photograph of the driver who has been granted exemption and must be displayed prominently in the vehicle for public viewing.

The exemption may be reviewed at any time with reference to expert medical evidence, and each case will be reviewed on its own merits. This may result in a further referral to independent medical assessors to determine if the driver remains medically unfit to carry passengers in wheelchairs and/or assistance dogs.

# Agenda Item 6

# **WARNING**

Appendix 2



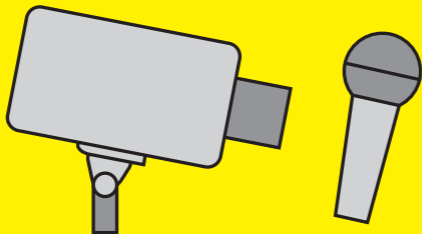
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