

The background of the slide is a photograph of a fountain at night. The fountain is illuminated, with water spraying upwards and outwards in several jets. The water is captured in motion, creating a misty, shimmering effect. The fountain is set against a dark, textured stone wall. The overall scene is dramatic and visually appealing.

# Draft Taxi Statement of Licensing Policy Consultation

## Full results summary

Data, Intelligence & Insight Team – July 2021

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# Introduction and Methodology



- Southampton City Council undertook public consultation on a proposed Taxi Statement of Licensing Policy. In drafting the Statement of Taxi Licensing Policy, the current set of policies and conditions were reviewed to bring them into line with the Department for Transport guidance and to address matters raised through consultation with the taxi trades in Southampton. The questionnaire included asking for feedback on three key themes:
  - Disclosure and Barring Checks
  - Vehicle Signage
  - Taxi Cameras
- The consultation took place between **11 March 2021 – 5 July 2021**.
- The aim of this consultation was to:
  - Communicate clearly to residents and stakeholders the proposed Taxi Statement of Licensing Policy.
  - Ensure any resident, business or stakeholder who wished to comment on the proposals had the opportunity to do so, enabling them to raise any impacts the proposals may have.
  - Allow participants to propose alternative suggestions for consideration which they feel could achieve the objective in a different way.
- This report summarises the aims, principles, methodology and results of the public consultation. It provides a summary of the consultation responses both for the consideration of decision makers and any interested individuals and stakeholders.
- It is important to be mindful that a consultation is not a vote, it is an opportunity for stakeholders to express their views, concerns and alternatives to a proposal. This report outlines in detail the representations made during the consultation period so that decision makers can consider what has been said alongside other information.



Southampton City Council is committed to consultations of the highest standard, which are meaningful and comply with *The Gunning Principles (considered to be the legal standard for consultations)*:

1. Proposals are still at a formative stage (a final decision has not yet been made)
2. There is sufficient information put forward in the proposals to allow 'intelligent consideration'
3. There is adequate time for consideration and response
4. Conscientious consideration must be given to the consultation responses before a decision is made



New Conversations 2.0  
LGA guide to engagement



## Rules: The Gunning Principles

They were coined by Stephen Sedley QC in a court case in 1985 relating to a school closure consultation (R v London Borough of Brent ex parte Gunning). Prior to this, very little consideration had been given to the laws of consultation. Sedley defined that a consultation is only legitimate when these four principles are met:

- 1. proposals are still at a formative stage**  
A final decision has not yet been made, or predetermined, by the decision makers
- 2. there is sufficient information to give 'intelligent consideration'**  
The information provided must relate to the consultation and must be available, accessible, and easily interpretable for consultees to provide an informed response
- 3. there is adequate time for consideration and response**  
There must be sufficient opportunity for consultees to participate in the consultation. There is no set timeframe for consultation,<sup>1</sup> despite the widely accepted twelve-week consultation period, as the length of time given for consultee to respond can vary depending on the subject and extent of impact of the consultation
- 4. 'conscientious consideration' must be given to the consultation responses before a decision is made**  
Decision-makers should be able to provide evidence that they took consultation responses into account

These principles were reinforced in 2001 in the 'Coughlan Case (R v North and East Devon Health Authority ex parte Coughlan<sup>2</sup>)', which involved a health authority closure and confirmed that they applied to all consultations, and then in a Supreme Court case in 2014 (R ex parte Moseley v LB Haringey<sup>3</sup>), which endorsed the legal standing of the four principles. Since then, the Gunning Principles have formed a strong legal foundation from which the legitimacy of public consultations is assessed, and are frequently referred to as a legal basis for judicial review decisions.<sup>4</sup>

<sup>1</sup> In some local authorities, their local voluntary Compact agreement with the third sector may specify the length of time they are required to consult for. However, in many cases, the Compact is either inactive or has been cancelled so the consultation timeframe is open to debate

<sup>2</sup> BAILII, [England and Wales Court of Appeal \(Civil Decision\) Decisions](#), Accessed: 13 December 2016.

<sup>3</sup> BAILII, [United Kingdom Supreme Court](#), Accessed: 13 December 2016

<sup>4</sup> The information used to produce this document has been taken from the Law of Consultation training course provided by The Consultation Institute





- The agreed approach for this consultation was to use an online questionnaire as the main route for feedback. Questionnaires enable an appropriate amount of explanatory and supporting information to be included in a structured questionnaire, helping to ensure respondents are aware of the background and detail of the proposals.
- Respondents could also write letters or emails to provide feedback on the proposals. Emails or letters from stakeholders that contained consultation feedback were collated and analysed as a part of the overall consultation.
- The consultation was promoted in the following ways by sending emails or letters to:
  - All license holders in Southampton
  - ABP, Dept for Transport, Hampshire licensing teams, SCC Environmental Health and Trading standards, Go! Southampton, Guide Dogs, Hampshire police, Licensing link (city centre pub watch), Green City and infrastructure, Safe City Partnership, SCC School Transport, Social Services, Spectrum (Disability group), Synergy (Security company that provide taxi marshals on behalf of SCC).
- All questionnaire results have been analysed and presented in graphs within this report. Respondents were given opportunities throughout the questionnaire to provide written feedback on the proposals. In addition anyone could provide feedback in letters and emails. All written responses and questionnaire comments have been read and then assigned to categories based upon similar sentiment or theme. We have also endeavoured to outline all the unique points and suggestions gathered as a part of the consultation and so there are tables of quotes or summaries of these for each theme of comment.



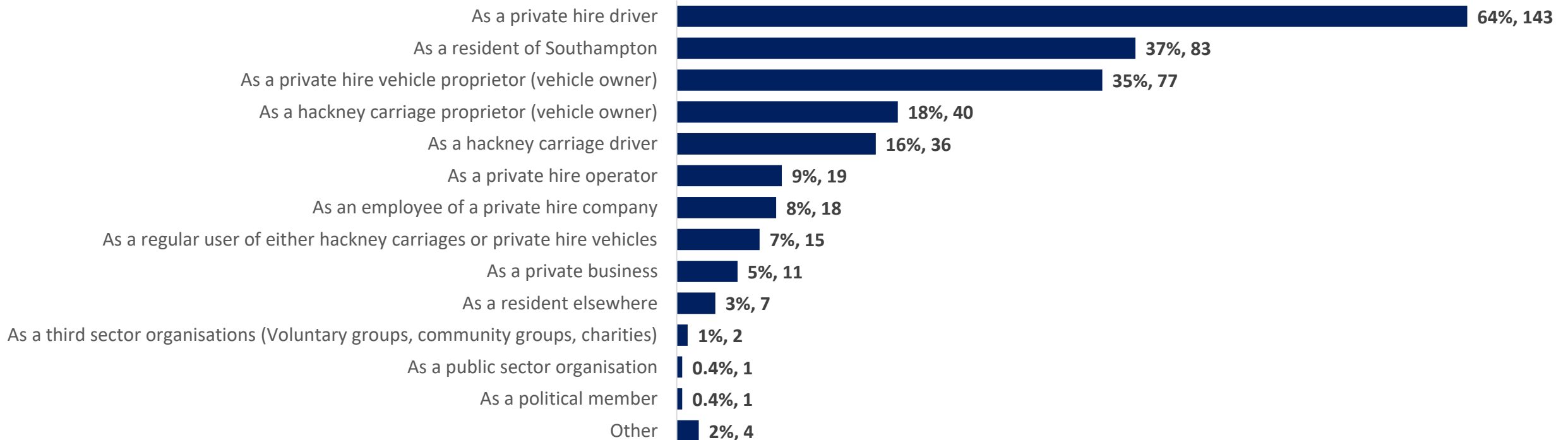


# Who are the respondents?

Overall, there were **323** separate written responses to the consultation. Responses came through the following routes:

	Total number of responses
Questionnaire	235
Emails / letters	88
<b>Total</b>	<b>323</b>

Respondents from the questionnaire were asked which of the following best described their interest in the consultation:







# Disclosure and Barring Checks



**The first theme covered within the questionnaire was Disclosure and Barring Checks. As part of this, respondents were asked to provide feedback on each of the points of focus below. The following slides in this section detail the feedback provided.**

*There are a few different types of DBS check. These are:*

- *A basic check, which shows unspent convictions and conditional cautions.*
- *A standard check, which shows any spent and unspent conviction, cautions, reprimands and final warnings.*
- *An enhanced check, which shows the same as a standard check plus any information held by local police that's considered relevant to the role*
- *An enhanced check with barred lists, which shows the same as an enhanced check plus whether you're on the list of people barred from doing the role.*

*We are proposing that drivers will be required to undertake an enhanced DBS check every 6 months instead of every 3 years currently. As part of this, we would recommend that drivers signed up the DBS update service. This subscription service allows applicants to keep their DBS certificates up to date rather than having to make applications more frequently.*

*Currently, vehicle proprietors are not required to produce a DBS check. It is recognised Taxis can be ideal vehicles to support criminal activity such as the movement of drugs. For this reason, the Department for Transport guidance now recommends licenced vehicle proprietors (vehicle owners) should also be required to produce a basic DBS check. As part of the draft Statement of Taxi Licensing policy, we are proposing this too.*

*Private hire operator staff have access to personal data of customers, including times and dates when premises may be unoccupied and other information that has the potential to be useful with criminal intent. To ensure public confidence remains with the taxi trades, we are proposing that private hire operators also provide basic DBS checks. We are also proposing that operators adopt a policy on their considerations when employing staff with convictions.*



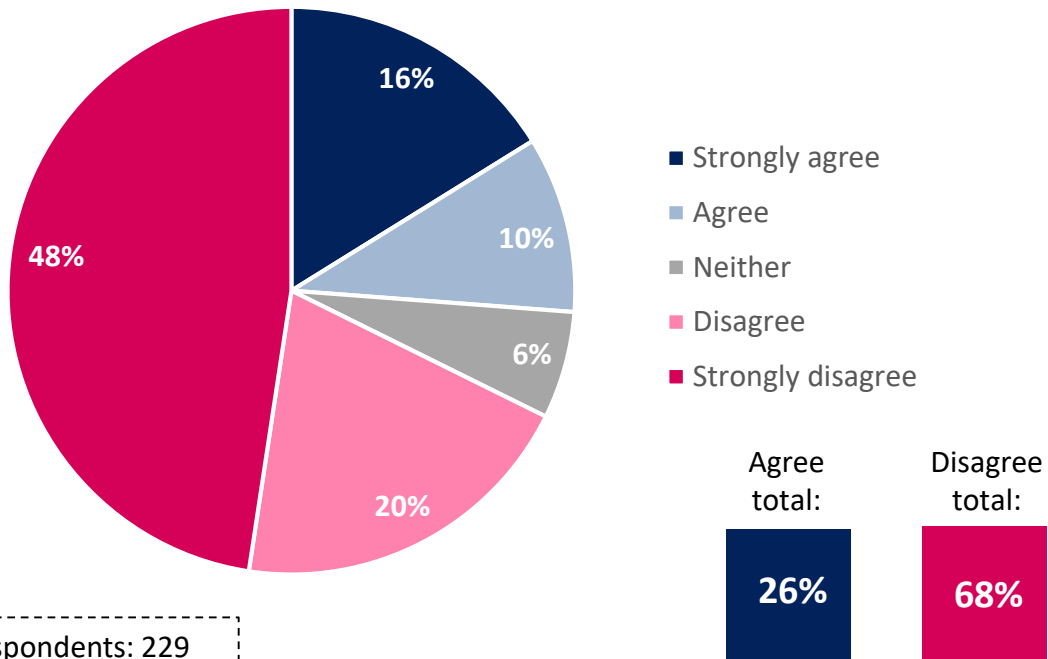
## Key findings:

- The majority (68%) disagreed that drivers should be required to undertake an enhanced DBS check every 6 months
- Respondents that disagreed to the highest extent were hackney carriage drivers and private hire vehicle proprietors (75%)

## The detail:

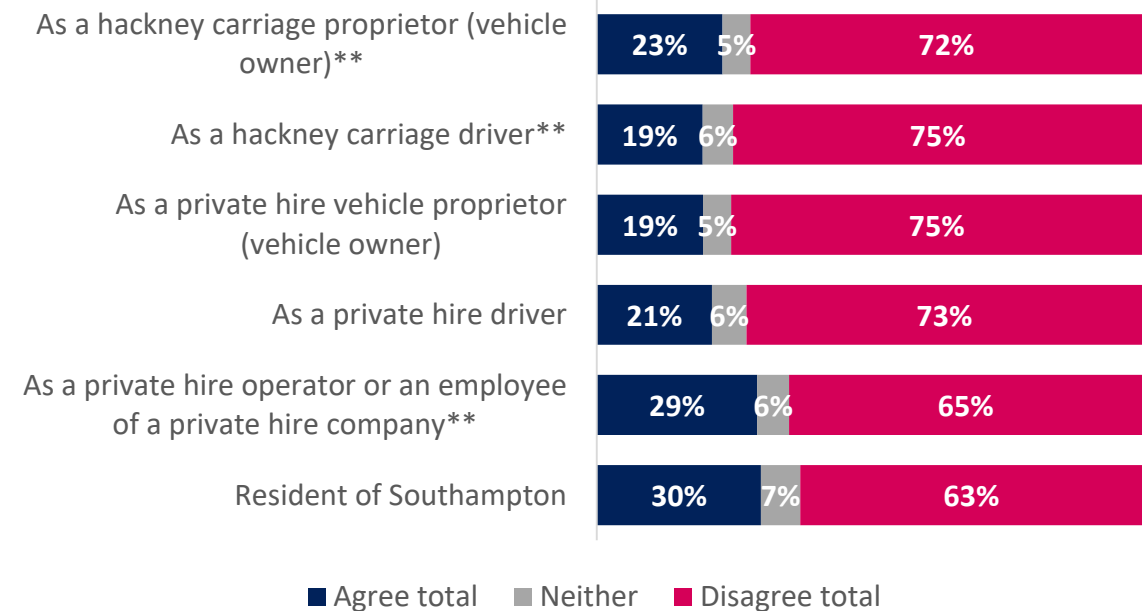
Question: To what extent do you agree or disagree that drivers would be required to undertake an enhanced DBS check every 6 months?

### Overall:



Base respondents: 229

### Broken down by demographics:



\*\* Small sample size – fewer than 50 respondents

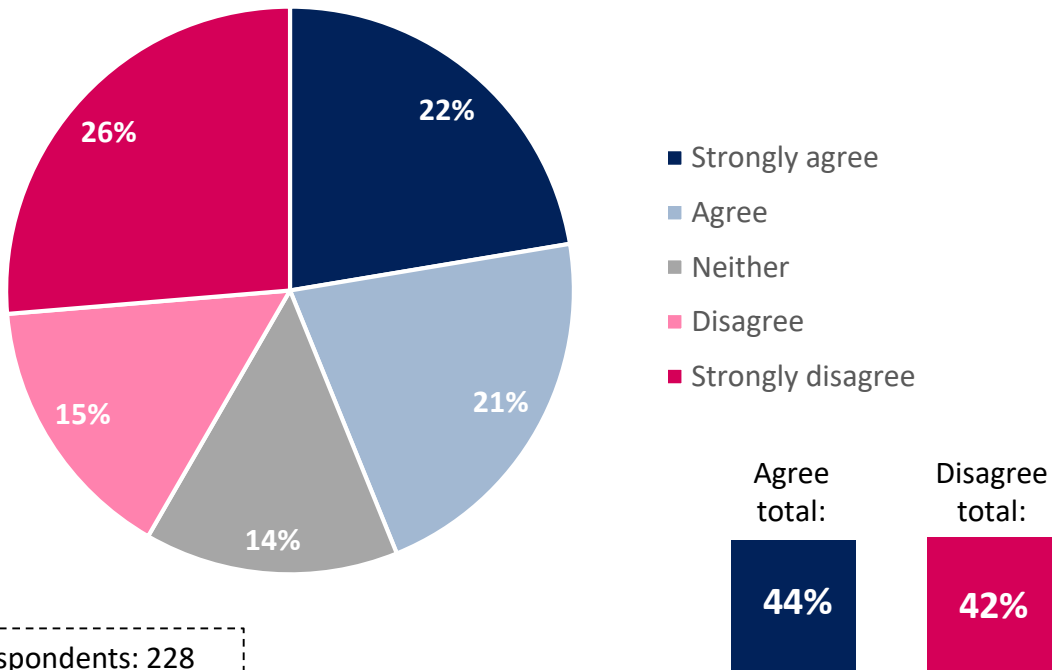


- Key findings:**
- The amount of respondents that agreed (44%) and disagreed (42%) were similar
  - Respondents that agreed to the highest extent were private hire operators or employees of a private hire company (55%)
  - Respondents that disagreed to the highest extent were hackney carriage proprietors (53%)

## The detail:

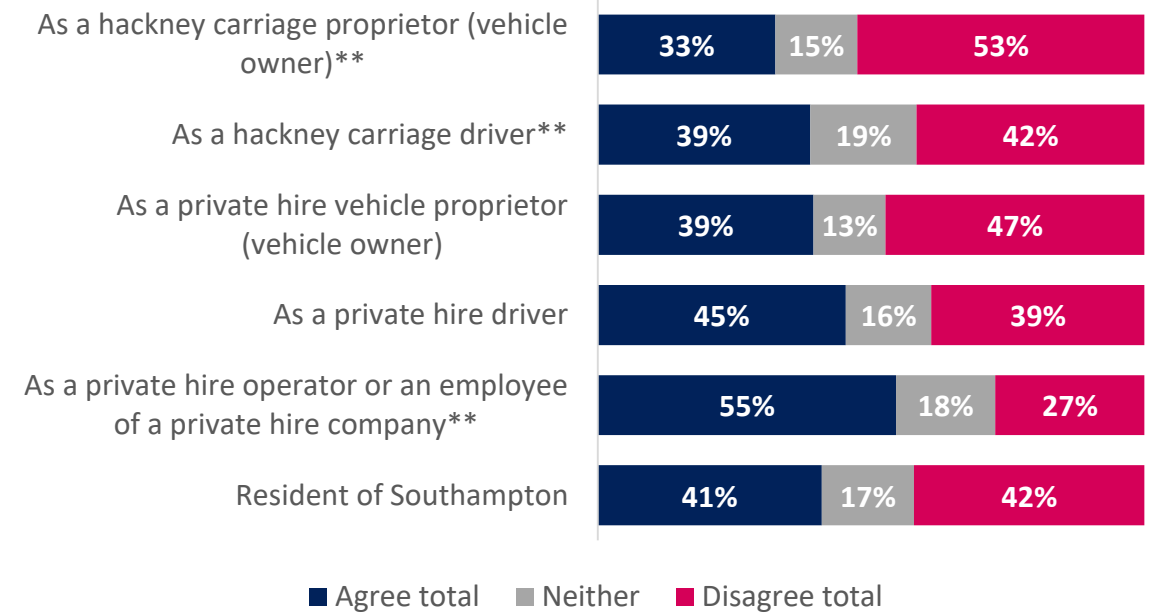
Question: To what extent do you agree or disagree that vehicle proprietors (vehicle owners) would be required to provide a basic DBS check?

### Overall:



Base respondents: 228

### Broken down by demographics:



\*\* Small sample size – fewer than 50 respondents



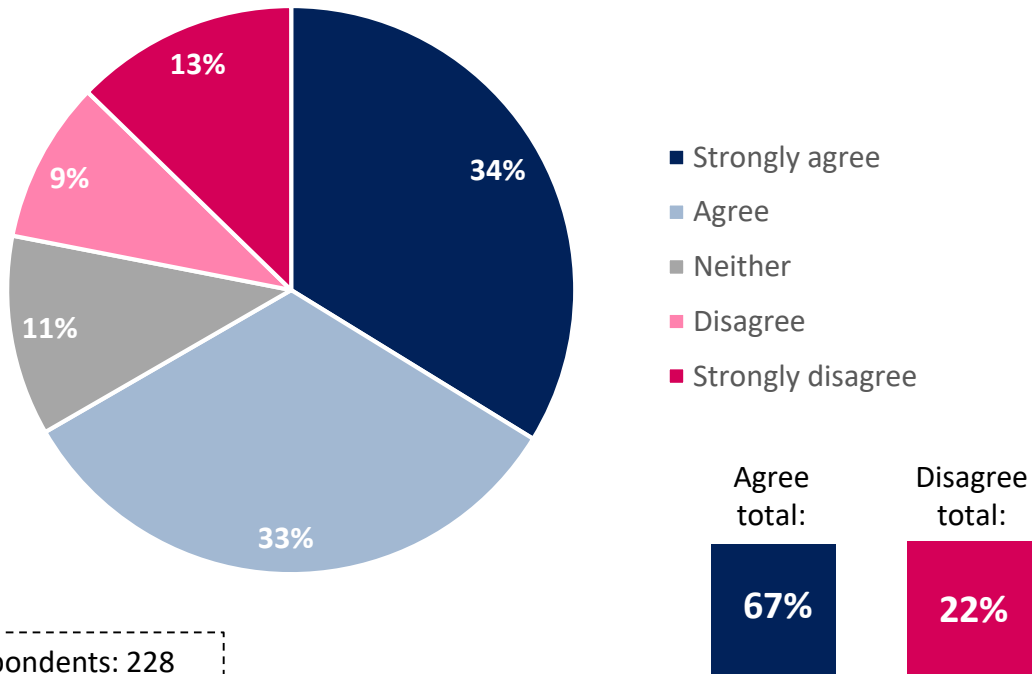
## Key findings:

- The majority of respondents (67%) agreed that private hire operators should be required to provide basic DBS checks
- Almost 1 in 4 (24%) private hire operators or employees of private hire companies disagreed with the statement

## The detail:

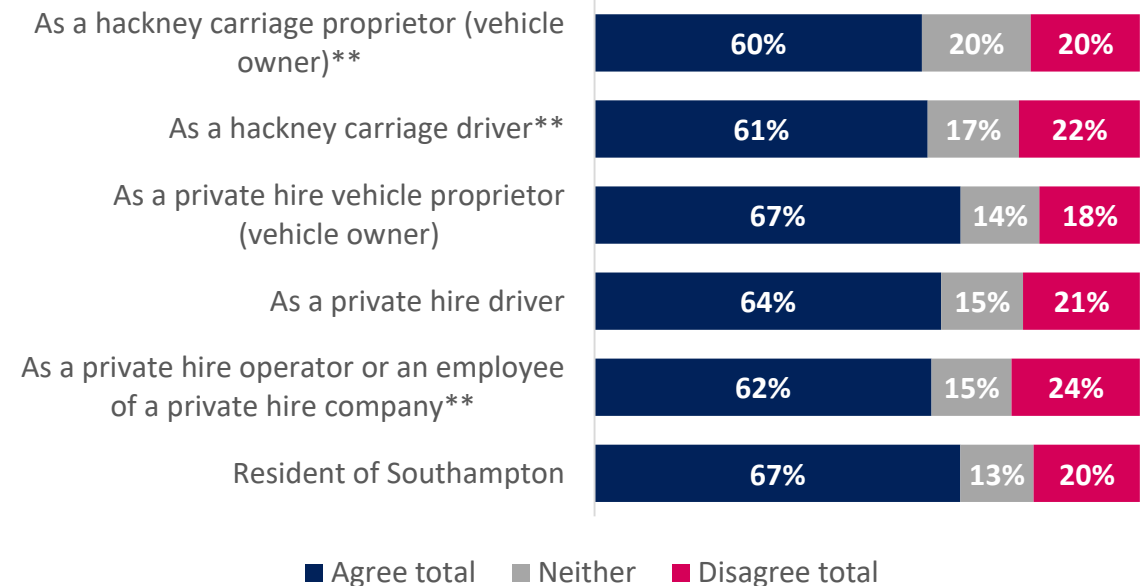
Question: To what extent do you agree or disagree that private hire operators are required to provide basic DBS checks?

### Overall:



Base respondents: 228

### Broken down by demographics:



\*\* Small sample size – fewer than 50 respondents





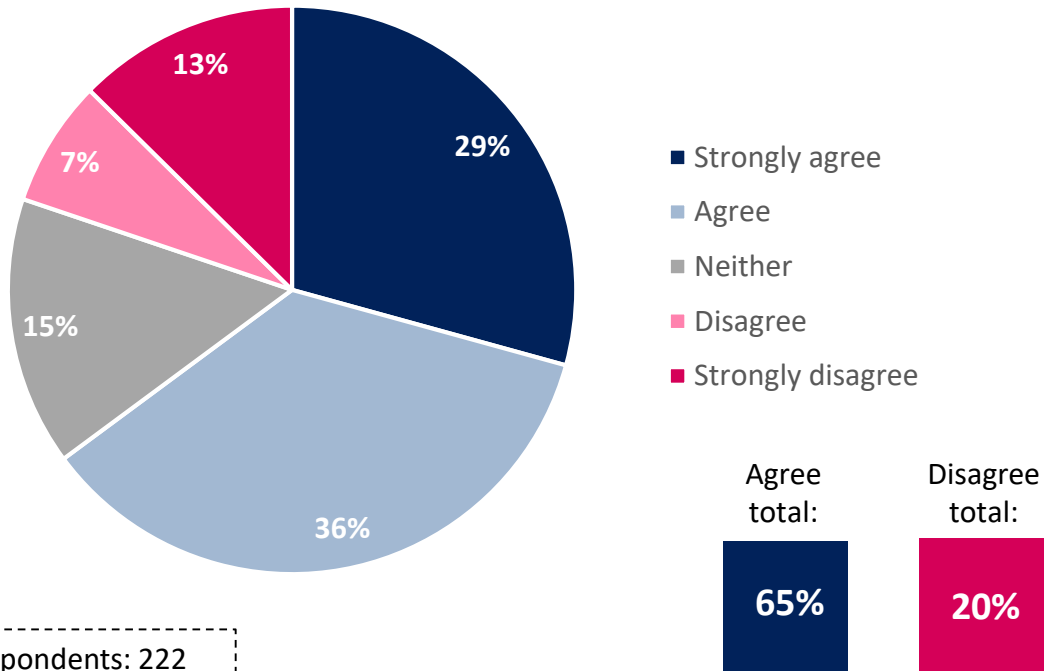
## Key findings:

- The majority of respondents (65%) agree that private hire operators should provide a policy on employing staff with convictions
- Respondents that agree to the highest extent are private hire vehicle proprietors (69%)

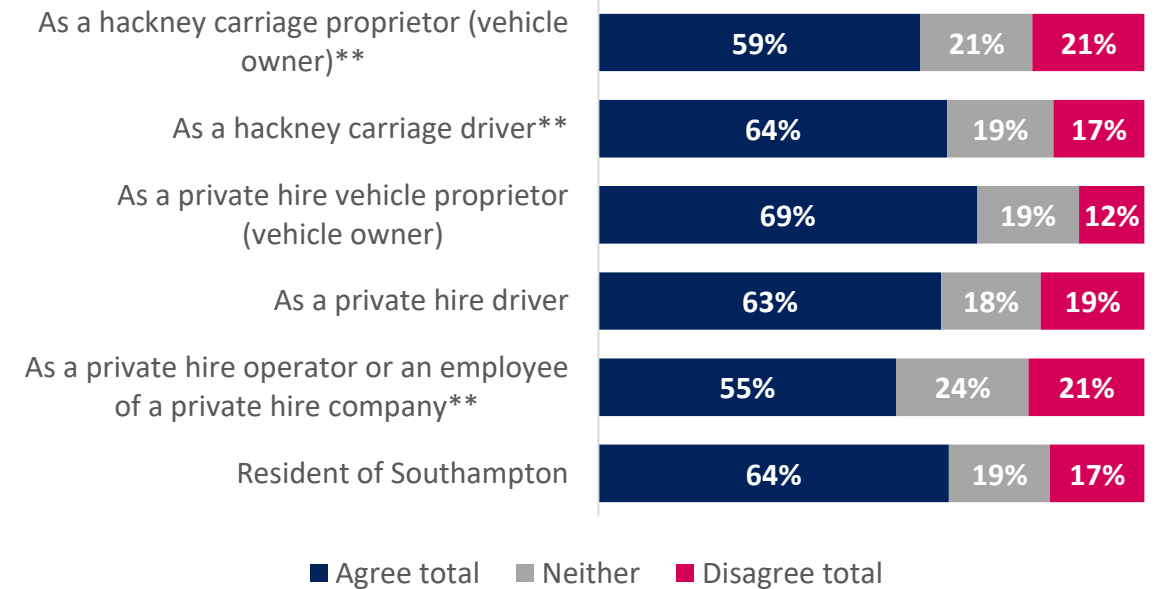
## The detail:

Question: To what extent do you agree or disagree that private hire operators provide a policy on employing staff with convictions?

### Overall:



### Broken down by demographics:



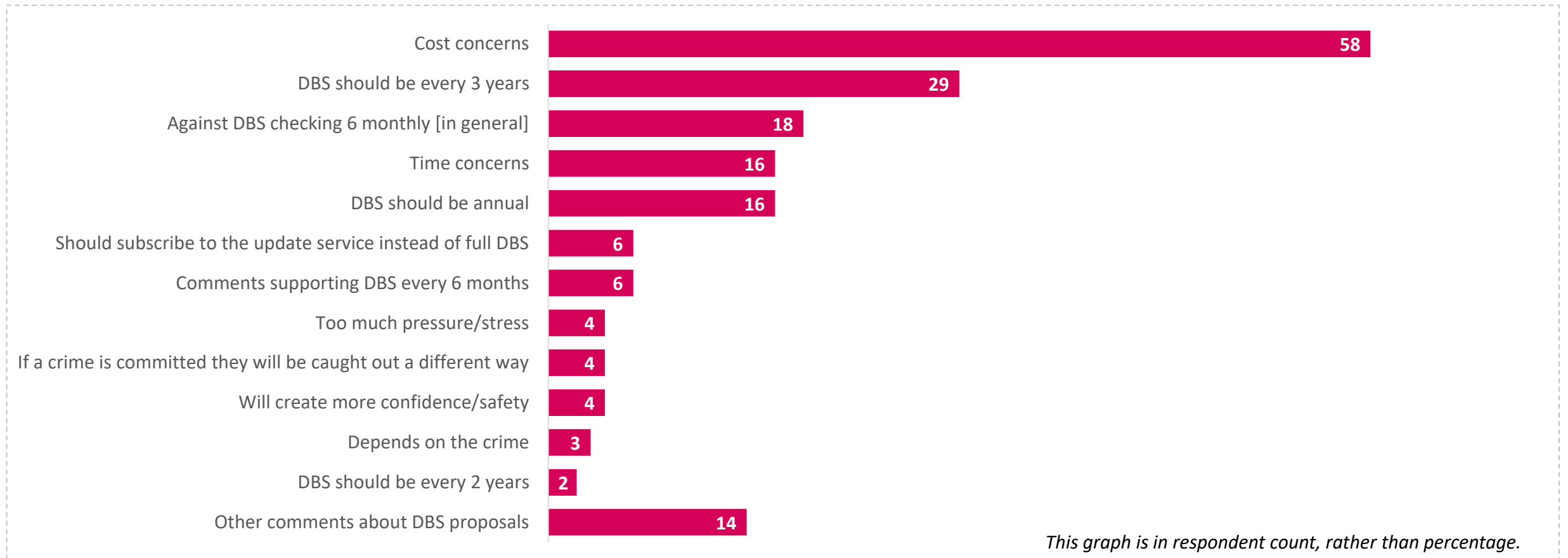
\*\* Small sample size – fewer than 50 respondents

Base respondents: 222



Throughout the questionnaire, respondents were given the opportunity to provide their own free text comments.

A total of **105** respondents provided a comment in the survey, and **4** emails/letters came in on this topic: if respondents 'disagreed with anything, had any comments, impacts, suggestions or alternatives they felt we should consider regarding the DBS proposals'. The following graph shows the total number of respondents by each theme of comment. The subsequent slides summarise the unique points and suggestions that were made.



*This graph is in respondent count, rather than percentage.*



# DBS Proposals – unique points and suggestions

## Cost concerns

My main concern is cost to the operator/driver.

...DBS checks are 'Basic DBS £23.00 Standard check £23.00 and Enhanced £40. This would be doubled due to two DBS checks per year.

Could this charge be discounted

So there will be no extra charge to the driver?

A policy of requiring a subscription to The DBS Service was required when it was introduced. After many drivers subscribed the policy was dropped and licensing refused to use it. This cost drivers a lot of money unnecessarily. The council need to confirm this will not happen again.

the fee will be too much to pay every 6 month, unless they decrease the fee amount

the cost of payments from the taxi trade towards the council are too high as it is

this will result in more money for the council

some of this money should be refunded.

it's starting to get expensive it run a taxi we seem to be always dipping in our pockets every time some things change

cant see any benefit

If is funded by SCC

...going to increase that part of their expenses by 600% which I personally think is a bit much especially as it's going to take us years to get back on our feet following the effects of this pandemic.

The cost of DBS SHOULD BE INCLUDED ON THE OPERATORS not the DRIVERS if required every 6 months

Already paying too much money to the council

times are really hard and will be more difficult as we are in recession, its just a matter of time when we will feel the global recession

How much more money making sceams are going to be introduced in 2021 .

It's not reasonable to impose paying and applying for another DBS check when the update service provider exactly the same information, but quicker and economical for everyone.

You have stated that SCC are working on contracting this to a private provider and there will be a charge and we should see a drop in the administration, so costs will hopefully balance out. Can you explain how you expect to do this please? We are still concerned with the money that was accrued in the licensing fund and need to make sure that our money is used appropriately.

## Time concerns

Increased admin delays unable to work.

too short time frame as it takes 2-4weeks to get the DBS check

6 monthly checks is time consuming

the council should hire a DBS company to do the check for them as quickly as possible.

the update service provider exactly the same information, but quicker and economical for everyone.

the council should hire a DBS company to do the check for them as quickly as possible.

if a driver does not work for 6 weeks the council should pay for the driver .

why waste council staff time

## Comments supporting DBS every 6 months

DBS check of 6 month should be ok if driver can do online check

ALL DBS CHECKS SHOULD BE ENHANCED

six months is all ok

I would agree with all these but I would not agree that drivers pay dbs check every 6 months, the operators should pay for their Employer's DBS check.

18/62 people voted yes when asked 'Do you agree with the drivers undertaking a 6 monthly DBS Check?' in their own ran survey.

## Too much pressure / stress

put too much pressure on drivers who already struggle with everything in this job

too much paper work which all headache

DBS check of every 6 months causes stress

## Depends on the crime

No one with serious convictions should be able to work in a licensed environment

If it was shoplifting or similar soft crime it would be ok. If the convictions were for violence or drug dealing then they are not fit to be employed.

We would hope that offences can be committed unintentionally and a single occurrence of a minor traffic offence may not necessitate the revocation of a taxi or private hire vehicle drivers licence.



# DBS Proposals – unique points and suggestions

## Against DBS checking 6 monthly [in general]

DBS check every 6 month is a bit extreme

[Disagree with] the frequency of DBS checks.

I disagree with DBS check every 6 months, unless there is a break in service of more than three months.

The requirements are too many and becoming meaningless.

It makes no sense to have DBS check every 6 months.

every 6 months is an overhead.

As a person who has always been honest and trustworthy i object to being dbs checked at all.

There are good and bad apples in every cart , but majority are good law abiding citizen, so for that reason you can't punish all for a few

it is unfair to force people to carry out extra checks yearly.

We don't need it. The system has been working out for everyone so far.

43/62 people voted no when asked 'Do you agree with the drivers undertaking a 6 monthly DBS Check?' in their own ran survey

In the Statutory & Best Practice guide, this doesn't ask for 6 monthly

An enhanced DBS check every 6 months is too much, and will not make much of a difference anyway.

I believe everyone deserves a second chance to work specifically if a person has a criminal record .

## If a crime is committed they will be caught out a different way

If someone does anything wrong , he or she will be caught by the police and also all cars have got CCTV

Any changes to the drivers circumstances he or she should let the licensing know

if any driver commit any crime, it will be reported by their operator and police to the licensing office anyway, so I do not see the point

police will inform the concern licensing authority and authority should take action.

## DBS should be annual

DBS should be annual

all new drivers must have one so perhaps a yearly check would catch out the bad people.

6 monthly seems a little often perhaps yearly would be sufficient.

## DBS should be every 2 years

I want to increase it 2 years

I would recommend every 2 years

## DBS should be every 3 years

the current setup is perfectly fine and should be left as it is as its always worked in the past!

every 3 years are enough to check if some one convict any crime

Dbs should check every 3 years

The renewal of DBS every 3 years is more better and convenient. Please don't change policy.

3 years of DBS should be fine and not made difficult for drivers doing this all the time.

## Should subscribe to the update service instead of full DBS

if you subscribe to the update service, then can I assume that all you require would be just a ref?

I believe the system when DBS information is updated regularly to be implemented so all details are current.

If this is because you would rather everyone signed up to the DBS update service, then why not just make that a requirement.

Requiring 6 months check is meaningless and when there is update services, which allow the council to check and monitor regularly.

Mandating having update service and access for the council to check every 6 months, will be economical and environmentally correctness. The data you get electronically, is the same you get in paper copies, it is time for council to move away from documentary evidence to electronic ones. It's not reasonable to impose paying and applying for another DBS check... Council should review this requirements and it's main purpose. We're meant to be coming out of pandemic, impact on the Private hire is overwhelming.

## Will create more confidence / safety

I think these more frequent and additional checks will create greater confidence with the general public and businesses

As a resident and taxi user I want to be as certain as possible that I am safe and that the companies and drivers are not criminals nor enabling criminal activity.

Agree with that DBS should be check it's for safety



## Other comments about DBS proposals

*There is a blind spot, so to speak, regarding operator DBS checks for large, nationwide operators such as ourselves (Ola - not yet operating in Southampton). If a company has many licences (Ola currently has 80) and multiple directors then technically we are expected to provide a Basic DBS check for each director, for every licence, annually, as operators are not allowed to have Enhanced DBS checks / register to the update service. Ideally, we would like the DfT to provide a workaround or legislative tweak for operators in this position and would appreciate support from licensing authorities on the matter.*

*I would also like to know if the licensing officers have to take an enhanced DBS check? If they do, they should also have a six monthly check undertaken.*

*Should be policy for police to notify of convictions.*

*Why they should provide every six months, it doesn't make sense all crimes which is happen caused by taxi drivers,*

*I feel the DBS proposals would be good as long as the driver/renter of the vehicle isn't affected, unless the owner/proprietor has serious outstanding convictions. If they have spent convictions from a long time ago in they could have turned their lives in a better direction and can prove it on a case by case situation this should not affect whether they can own a licence*

*is it not time to make all driver Hackney and operate a one plate policy*

*I think the new proposals should apply to new licenses only*

*I agree with proprietors producing a DBS, as long as they haven't already done so as a "driver". I think it's fair to make sure that everyone in the trade is fit and proper.*

*How do you check persons who have no history to trace. These are the people who should not be granted licenses*

*DBS check for the drivers should be every time they renew there PHD licence. They should have Enhance DBS update on.*

*Also, i would suggestion to check the operators dbs because the drivers only pick up customers*

*Operators, Car Owners should also be having DBS checks carried out. Enhanced for operators as patrons could be waiting on premises.*

*Whenever possible, in line with the Armed Forces Covenant, all companies linked with SCC should be being encouraged to employ veterans. Since many of these will have Positive Vetting Status as well as enhanced DBS and so they may possibly be eligible for exemption from Regular DBS which could potentially be a saving.*

*We agree with DBS Checks for Private Hire Vehicle Operators. However there should be a DBS check on employment only and then in there terms of contract of employment to disclose any offences. Copies of DBS documents must not be kept at any time by operators.*





# Vehicle Signage



The second theme covered within the questionnaire was Vehicle Signage. As part of this, respondents were asked to provide feedback on each of the points of focus below. The following slides in this section detail the feedback provided.

*Vehicle livery is an important safety feature for licensed vehicles. It clearly identifies the vehicle as a licensed vehicle and provides confidence to the public it is properly licensed and has all the appropriate safeguards in place.*

*Currently private hire vehicles are required to display door stickers on both front doors of the vehicles. For public safety reasons the council will not allow magnetic signs. The signs are designed to specifications set by the council. The signs must indicate that the vehicle is licenced and include the name and telephone number of the operator.*

*This condition makes it difficult for a driver to work for more than one operator at a time and some drivers are asking for this condition to be amended to facilitate them working for more than one operator. Most drivers are currently self-employed and sign up to an operator rather than being employed by an operator.*

*The more control the operator has the easier it is to manage demand and drivers hours. This can restrict a drivers ability to increase their chances of securing a fare. Providing less control will not increase the overall volume of work for the trade but will make it more competitive amongst drivers.*

*The draft policy for private hire vehicles includes an option to have either a door sign with operator details or one without. The intention is to adopt one of these options.*

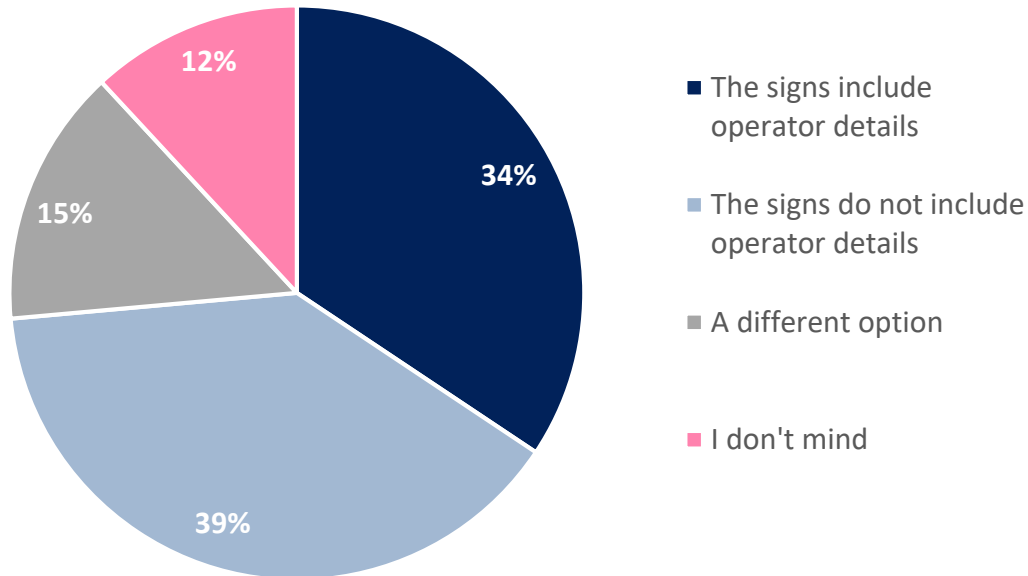


- Key findings:**
- The amount of respondents that would prefer signed to not include operator details (39%) was slightly higher than those who would prefer signs to include operator details (34%)
  - Respondents that would prefer the signs to include operator details to the highest extent was hackney carriage drivers (50%)
  - Respondents that would prefer the signs to not include operator details to the highest extent were private hire drivers (45%)

## The detail:

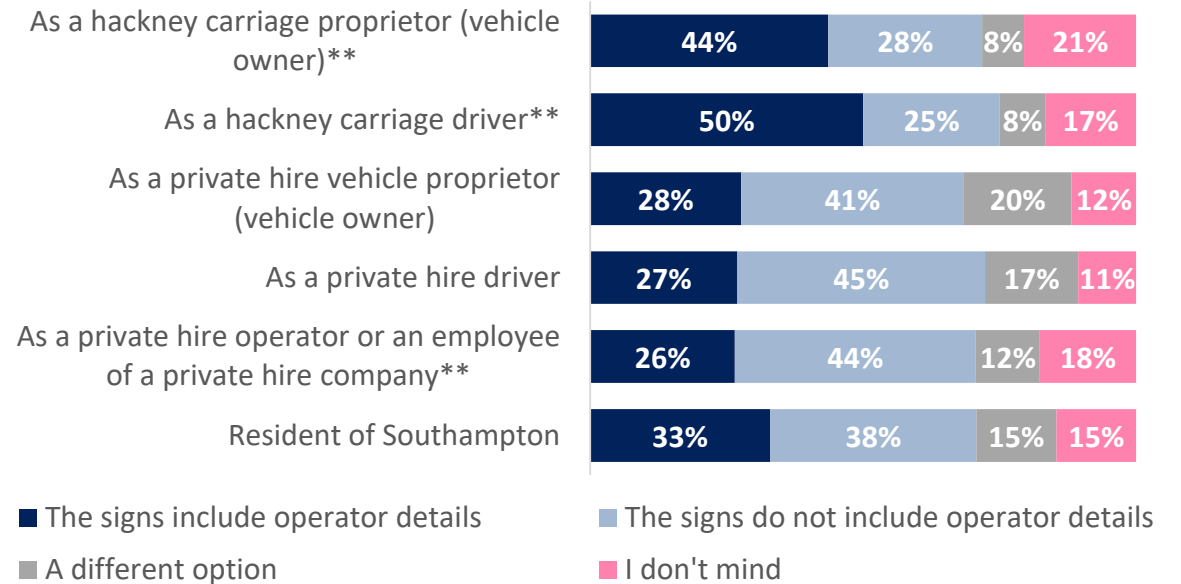
Question: To assist us with deciding which option to adopt within the taxi licensing policy, which option do you prefer?

### Overall:



Base respondents: 227

### Broken down by demographics:

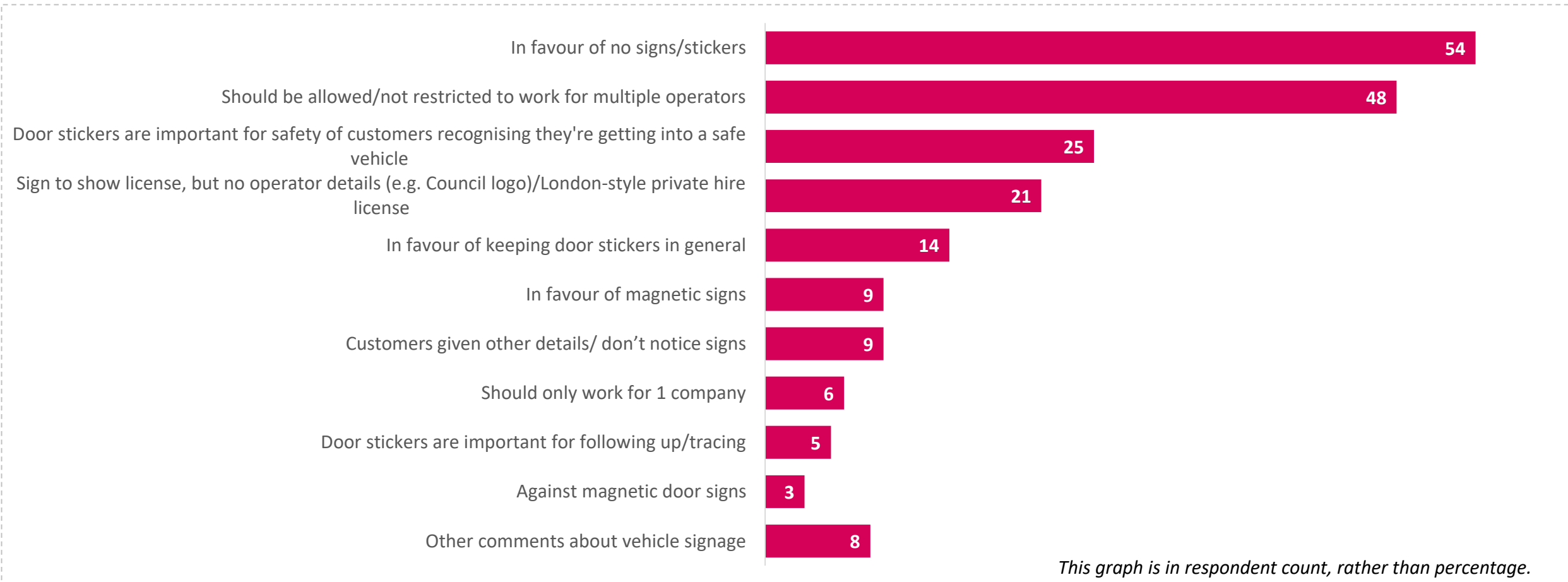


\*\* Small sample size – fewer than 50 respondents



Throughout the questionnaire, respondents were given the opportunity to provide their own free text comments.

A total of **77** respondents provided a comment in the survey and **42** emails/letters mentioned this topic, if respondents had ‘any other options, suggestions, comments or impacts they felt we should consider regarding the vehicle signage’. The following graph shows the total number of respondents by each theme of comment. The subsequent slides summarise the unique points and suggestions that were made.





# Vehicle signage – unique points and suggestions

## Door stickers are important for safety of customers recognising they're getting into a safe vehicle

*Keeping door stickers with operator details will ensure the safety of Passengers.*

*Southampton City Licensing and the trade has worked hard to ensure the safety of passengers. If it only includes the council logo, when a vehicle turns up at a hotel, or nightclub or hotel, the passenger will not know if it's there taxi or not. But without any name of the operator on the door sticker, the customer may get into the uber vehicle. This is a must have safety feature. It is a must have!*

*I want to know that a car is from the company I have booked with; otherwise all sorts of confusion could arise.*

*ALWAYS Livery must stay as it is and as a minimum to display company details as it clearly identifies the vehicle, provides confidence to the public and to show it is licenced and all the proper safeguards and procedures are in place.*

*ONE OF THE MAIN REASONS FOR ADDING OPERATER DETAILS TO PRIVATE HIGHER CARS WAS BECAUSE THE PUBLIC COULD NOT RECOGNIZE THE CAR FROM THE OPERATOR THEY BOOKED IT FROM .THIS RESULTED IN THE PUBLIC FIGHTING OVER CARS ARRIVING AT CLUB VENUES TO PICK UP WHEN CLOSING IN THE EARLY HOURS .WHICH CAUSED PROBLEMS FOR THE LOCAL POLICE . ALTHOUGH NOW THE CUSTOMERS RECIEVE A TEXT WITH THE CARS MAKE AND REG.*

*It's diluting the regulations slowly but surely*

*I think we should keep taxi signs as the general public can differentiate between a car and a taxi. However signs all over the car like radio taxi and west quay cars shouldnt be allowed*

*It is important for Home to school transport that the vehicles have the name of the operator on the sign*

*I believe the plying for hire and incidents would dramatically rise and drivers would get away with it.*

*Without a company logo or number, I feel it will give unscrupulous Southampton and out of town private hire drivers the opportunity to pick up without being pre-booked but more worrying the possible danger to the public.*

*I will feel much safer in Southampton vehicle with new signs(without the name of company) then outside vehicles without any signs.*

*allows the customer to identify the car arriving for you is the right one, making it safe for female customers late at night*

*If all drivers had the Council Logo only on the vehicle, more and more complaints would go to Southampton City Licensing team as the public would assume they were the operator.*

*Touting could increase by a licensed private hire driver accepting passengers without the fare being booked through their office. This could also invalidate their insurance. This could have a serious damaging effect on the safety of the night time economy.*

*I was recently advised that Southampton has a good track record in safety and believe this would have a downward slop.*

*\*Anonymised\* cars have many corporate customers who look for our logo on the doors with CCTV before we can gain entry to secure areas. We have many foreign passengers who don't speak English but will recognise our logo as it is sent in advance.*

## Door stickers are important for following up/tracing

*I want to know who I can contact if there is a problem - the operator details on the doors are clear and easy to see.*

*The licensing department will also have great difficulty in tracing a driver if they received a serious complaint or safeguarding issue that needed immediate action. This will be very time consuming for licensing as pubs, clubs, restaurants, hotels etc use multiple companies and without livery, where would they start the investigating. Plying for hire would increase and would be difficult for licensing to investigate, unless the person making the complaint had the licence number or vehicle registration but the general public look for the companies livery and no other details.*

*It protects companies as should there be a problem with a car or driver the correct company is identifiable*





# Vehicle signage – unique points and suggestions

## In favour of keeping door stickers in general

Private Hire drivers will start to steal passengers from other drivers. Currently it is very clear if you book a West Quay car and a Uber car turns up You wouldn't get in the car. However if the door sticker policy changes and removes the operator name and number this would have a very negative impact on our business and community. We would be unable to manage passengers journeys and drivers working hours correctly.

All seems perfectly addiquit as it stands

the stickers must be kept as they are at a minimum and has totally against any alterations. Customers feedback is overwhelmingly against the proposed change, especially in the elderly community as they look for the logo on the signage and not anything else.

Definitely have stickers with operators name and make the pre-book element of the wording more prevalent and bigger on private hire vehicles to make the public more aware they have to book

I agree with operator door signs, but not oporatures adverts all over peoples cars .

The company name, telephone number and operator including email address if necessary...It was made quite clear by the Licencing Manager last year why these signs were so important to keep, why they had to be templated i.e. each car saying the same thing, to protect the patrons of Southampton. I am at a loss as to why licences have since been issued to a company without a telephone number on, also without an operator on, and there were also talks as to whether these door signs were necessary at all

I find it quite astounding and a huge step backward if the current door stickers are changed. I can not understand why this issue was even brought to the table and entertained by licensing or taken so far to a consultation.

46/61 people voted 'With Operator Details' when asked 'Which door sticker would you like SCC to enforce?' in their own ran survey.

In busy areas such as stations, nightclubs, ferry terminals, it would make finding the vehicle more difficult and increase plying for hire and drivers stealing work from other drivers.

Portsmouth City Council made changes to their policy and now the largest private hire company in Portsmouth are plating vehicles up in Wolverhampton. I am afraid that making changes that affect operators will make them look for alternative options. Southampton Trade is the best, lets keep it that way!

When a private hire operator renews their annual vehicle licence, that is when the operator should appeal to the Magistrates Court, the subject of door signs.

## Should only work for 1 company

It is quite simple, SCC licensing do not seem to have a high regard for the triple lock system which is law? If you are a private hire driver who maybe is also an owner, a high proportion of them accept the availability of using a companies own operators licence that they work for. That situation is fine but they should only work for that company. I would be very suspicious of a private hire vehicle working for different companies, can the company lose customers through drivers knowing of other jobs that other companies do, etc, etc?

if drivers want to work for other companies let them purchase their own operators licence and have their own name on the actual door signage. I should not imagine a company like Door2Door or Radio Taxis would allow drivers to work for them and or other companies.

Drivers working for multiple companies will make it impossible for an operator to regulate its work and bookings will not be fulfilled. customers will miss important hospital appointments

If other drivers are able to work for more than operator I would lose work. Would be constant fighting

I don't think drivers should work for more than one operator as it brings a conflict of interests

Due to most operators working with self employed drivers, operators are unable to stop them or make them exclusive to their business. Allowing the change of door stickers would also make the code of conduct impossible to manage. This means drivers would be required to submit tenders themselves making it more difficult to manage.

Drivers working for multiple operators will slowly destroy Southampton's trade. The overall number of jobs wouldn't increase by allowing drivers to work for multiple operators the number available will be the same.

Drivers will also have multiple systems in their vehicle to accept jobs from, increasing the use of their Mobile Phone while driving.

Service would be dramatically affected as operators wouldn't know which drivers are working for who at what time. Drivers would accept multiple jobs at one making passengers wait. Southampton City and Hampshire School runs would be affected. Radio Taxis wouldn't be able to support Southampton City Council with school runs due not knowing availability.



# Vehicle signage – unique points and suggestions

## Should be allowed / not restricted to work for multiple operators

*With an increasing number of drivers waiting times between jobs also increase so a driver having a second string to their bow would be most useful.*

*These signs with operator details are enslaving the drivers to an one operator and limiting our chances of being self employed and freelance*

*We only wish that more licensing authorities / regions would align with you on this, as other regions such as Greater Manchester are proposing to go in the complete opposite direction and enforce strict operator livery, thus forcing drivers to stick with one operator and suffer the negative consequences of this.*

*Private Hire drivers in Southampton should be able to drive a taxi for more than one operator*

*Look at fareham , Winchester council license holders they work in southampton they have three operator at the same time. winchester hackney drivers have option of working with 3 operator at the same time.*

*This option give more opportunity for driver to work enough hours to cover the cost of what need. currently most of the driver couldn't cover their costs they claim benefit if we have option to work enough we wouldn't claim benefits.*

*The public always think a driver is a worker for that individual company, the public do not realise the driver is self-employed*

*A door sticker could be created with multiple company names, and the driver can say which companies he/she works with or have door stickers on the front doors with one companies name, and on the back door have door stickers with the other companies name.*

*IF ,I were to change my sticker for every company I work for, totally impractical and I believe a deliberate attempt by this council to further undermine the PHV trade in Southampton.*

*As more and more national operators have been granted licences in Southampton, having the option to work for multiple operators easily would allow Southampton Licenced drivers to cover the work. In the event that the operators are unable to get work covered by a local driver they would be forced to bring in drivers from neighbouring cities under the cross border act. These vehicle may have no door stickers at all and no cameras. Southampton licencing would have no legal right to stop these vehicles to do checks on them.*

*We should have the right to work for multi operators without having to put their signs on and making our cars a target for vandalism.*

## Sign to show license, but no operator details (e.g. Council logo) / London-style private hire license

*Why not remove this sign from doors and not produce like london badge on both the front and rear wind screens?*

*There are lots of councils in Hampshire like Winchester and Eastleigh and new forest that do not require door sighs.*

*It should be sticker on the front and rear windows instead of plates and door signs like London cars, it save money for Licensing*

*The sign is one that shows the public that it is a licensed car, licensed by Soton City Council. Operators should never have been on the 'council door sign' in the first place. some companies favor certain drivers with work, usually their directors.*

*I totally disagree with operator details on the back of my car.(think you work for council and your boss number is on your car door) .sign should not include operator details . sign should be council logo or symbol of city . sign should not include advert of the operator which is used for privet car of a driver.*

*In London and other lots of cities all private hire cars do not have any stickers on the doors or a small council plats just on the front screen they have a small stickers . The door stickers are free but for the council plat we have to pay. If Southampton city council do that to make money, no problem I pay for it If in London can without stickers and council plates, why we can not do it in Southampton?*

*To be honest if it had a simple sign for all cars the when you get in the car the driver always checks your name and where you are going. Simple is always best.*

## Against magnetic door signs

*Magnetic door signage is not an option for a private hire vehicle as an unscrupulous driver with an unlicensed vehicle can swap, change or alter them. They can easily be stolen off a licensed vehicles and used by an unlicensed driver.*

*The other thing about the signage, it could not be metallic, it had to be permanent, so it could not be changed.*

*We would definitely not agree to magnetic door signs.*



# Vehicle signage – unique points and suggestions

## In favour of no signs/stickers

*This would be a fantastic initiative and provide great benefit to both drivers and the general public/consumers. It is also backed strongly by the CMA - [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/624539/taxi\\_phv\\_la\\_guidance.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/624539/taxi_phv_la_guidance.pdf). DfT guidance / standards, which I assume would side with the CMA, would be welcome here.*

*No signs*

*No stickers*

*No signs or sticker should be in a vehicle it target is thieves to smash the vehicle*

*LICENSED PRIVATE HIRE CARS SIGNAGE, I E LIMOUSINES ARE AT PRESENT EXEMPT FROM ANY SIGNAGE PROVIDING ALL RELEVANT DOCUMENTS ARE CARRIED WITHIN THE LIMOUSINES. ALL MY PASSENGERS ARE COMPANY EXECUTIVES AND REQUIRE TO BE CARRIED WITH SOME PRIVACY. OIL COMPANIES ASK FOR UNMARKED LIMOUSINES FOR THEIR STAFF. THIS IS FOR SAFETY REASONS. IE OIL COMPANIES AND TERRORISTS DON,T MIX. MOST OIL EXECUTIVES REQUIRE TO BE TRANSPORTED ANONYMOUSLY. NO CASH IS INVOLVED WITH THESE JOURNEYS ALL ACCOUNT WORK*

*We don't need signs on the doors, as it makes the car ugly and discriminatory, not uniformity. We carry ids with all infos. It is like we are carrying double unnecessary information because the Council wants it not because it beneficial to anyone.*

*They serve little purpose than advertising for the council/agents and unfairly duplicating info we carry about.*

*I think the licence plate is more than enough.*

*This not safe for driver details stick on to door ,*

*I do not see a point in having the stickers on the door as this does not stop anyone from impersonating a taxi.*

*customers want to know what type of car they are driving in and can have a better experience knowing this if less stickers on vehicle.*

*The sign has failed, because it serves as ads at present and nothing more...Just make our privately owned car make it looks like the operator owned property.*

*sometimes people get mistreated by operators and instead people break taxi vehicles working for that company to express their anger*

*I think vehicle signs are a waste of time and money .*

*It has come to my attention that the major Operators in Southampton are in favour of door stickers on the grounds of safety ! I sincerely hope the council are not seriously considering this argument ,as it is laughable. These operators are currently using drivers from other districts, namely Eastleigh and the New Forest.*

*In my opinion it is purely an attempt to restrict the SAFE working practice of multiple platforms ,working practices that, in my opinion are more stringent than their own.*

*15/61 people voted 'Without Operator Details' when asked 'Which door sticker would you like SCC to enforce?' in their own ran survey*

## In favour of magnetic signs

*Allow drivers to have magnetic stickers therefore allowing them a private life outside work*

*i strongly believe the door signs should become magnetic for the safety of the drivers as in on there days off they can feel safe as no one will target their vehicles as in some cases people think money has been left in there over night etc.*

*the option to have a magnetic sticker with a.n.other operator details on to be placed over the adhesive sticker when (and only when) a job is carried out for that a.n.other operator.*

*I think magnetic signs are the way forward it gives us the option to work for 2/3 different operators instead of just one if we have an operators license we are free to do as what we want...give use the opportunity to make more money instead of struggling with one company*

## Customers given other details/ don't notice signs

*Customer varify us by our id and reg, not sign on the door. For a fact, most don't see the signs first but the REG and interested in ID driver badge rather than signs on the door.*

*All passengers have a Taxi app which provides them the details of driver name car colour registration number and a ring back facility. Also location of car.*

*Even with signs the customer still asks are you a taxi are you this company etc*



## Other comments about vehicle signage

*I have a Restricted license so I am not affected by this issue.*

*I have received feedback from drivers that the proposed alterations of livery comes from one driver with his own personal agenda with a small following in the same company with a worker statues*

*My opinion is that if you book a taxi with a specific operator, then that is what you should get.*

*as an addition the drivers could be asked to have the license sticker or logo of the operators they are working with on the inside of tge wind screen. this practise is being used in other cobtries in the world and proved successfull.*

*I have used them over the last 5 or so years and the driver knowledge is non-existent and you have to direct your taxi driver to your own home, or they are not able to communicate with you and can only take a post code to put in the sat nav and point at the money machine to tell you how much your journey was. We should want better for our citizens.*

*Appendix 3 8.7 states a operator should display telephone number and companies name, as above. Uber was allowed to have a operators licence without displaying a telephone number, how was this allowed? I think there should be a investigation regarding this matter as all legislation was not enforced when granting uber a operators licence. Uber was granted a operators licence without displaying a Telephone number, so the big companies always are able to get around regulations, where individuals always have to abide by regulations.*

*You are licensing taxi drivers to be professionals driver and treating a job as a career, when in fact it could be argued the taxi industry is part of a restrictive gig economy.*

*The clear support for Uber from most authorities which includes SCC will result in an increase in drivers obtaining their licence in soft licensing areas to work many miles away from local enforcement. This year alone we have had a Uber driver and vehicle licensed in Southampton but living and working in Reading who was caught by Reading enforcement officers illegally touting for work. An operator can of course, when annually renewing their private hire vehicle licence, have the ability to complain against the condition and take the council to court. The Reading case in our eyes gives our City a bad name, but it proves that when proper enforcement is applied, it correctly works.*



# Taxi Cameras





**The third theme covered within the questionnaire was Taxi Cameras. As part of this, respondents were asked to provide feedback on each of the points of focus below. The following slides in this section detail the feedback provided.**

*For the purpose of protecting both the public and drivers, Southampton City Council currently requires licenced vehicles to be fitted with an approved taxi camera. Southampton City Council believes it was the first council to do this. This policy has assisted in protecting both the travelling public and drivers and has also assisted in several major criminal investigations and convictions.*

*The taxi camera is activated from the moment the vehicle ignition is switched on and remains on for 20 minutes after the ignition is switched off. The driver cannot switch the taxi camera on or off themselves.*

*Licensed vehicles remain licensed vehicles all the time regardless of whether being used for work or personal use. They are clearly identified as licensed vehicles because of the required signage and plates. Therefore, the requirement is for the taxi camera to be on all the time when the vehicle is in use.*

*We do not use the term CCTV as the systems used are not monitored as a normal CCTV system is. The footage from Taxi cameras is downloaded to a secure hard drive that has a high level of encryption and is secured in the vehicle. Only the council has access to the footage and the software required to download it, and only a limited number of employees at the council are authorised to do so. There is a download policy detailing the circumstances a download may be performed, which can be found here:*

*<http://www.southampton.gov.uk/business-licensing/licensing/taxis-private-hire/taxi-cameras.aspx> .*

*We are not proposing any changes to the requirement for taxi cameras to be fitted within licenced vehicles or the requirement that the taxi camera must be on all the time when the vehicle is in use.*



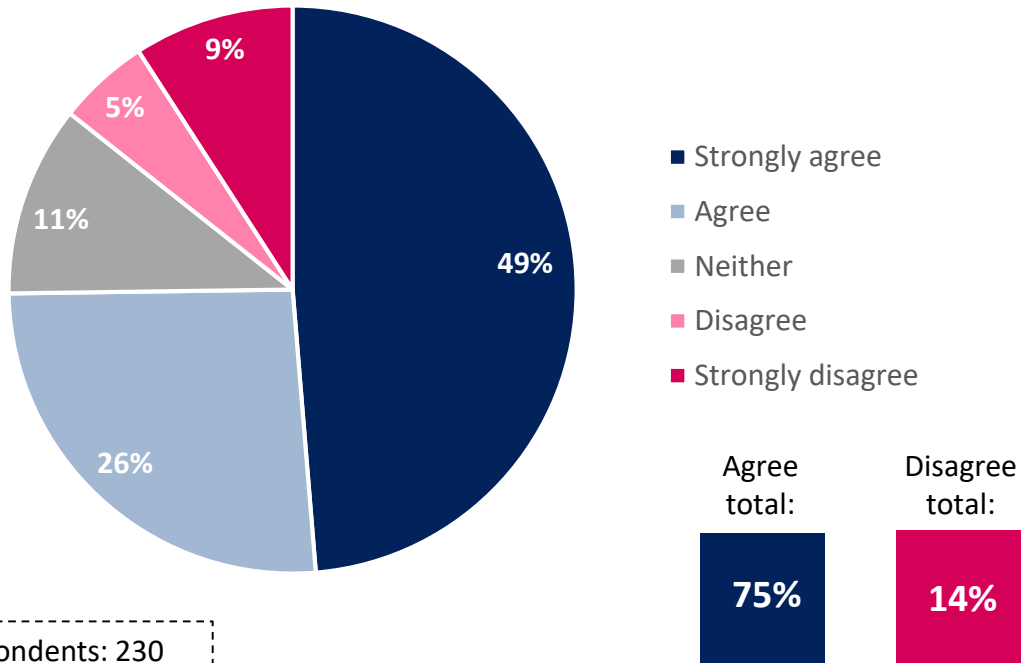
## Key findings:

- 3 in 4 respondents agreed with the Council's policy to require licensed vehicles to be fitted with an approved taxi camera, and that the camera must be on when the vehicle is in use.
- Respondents the disagreed to the highest extent hackney carriage proprietors (25%)

## The detail:

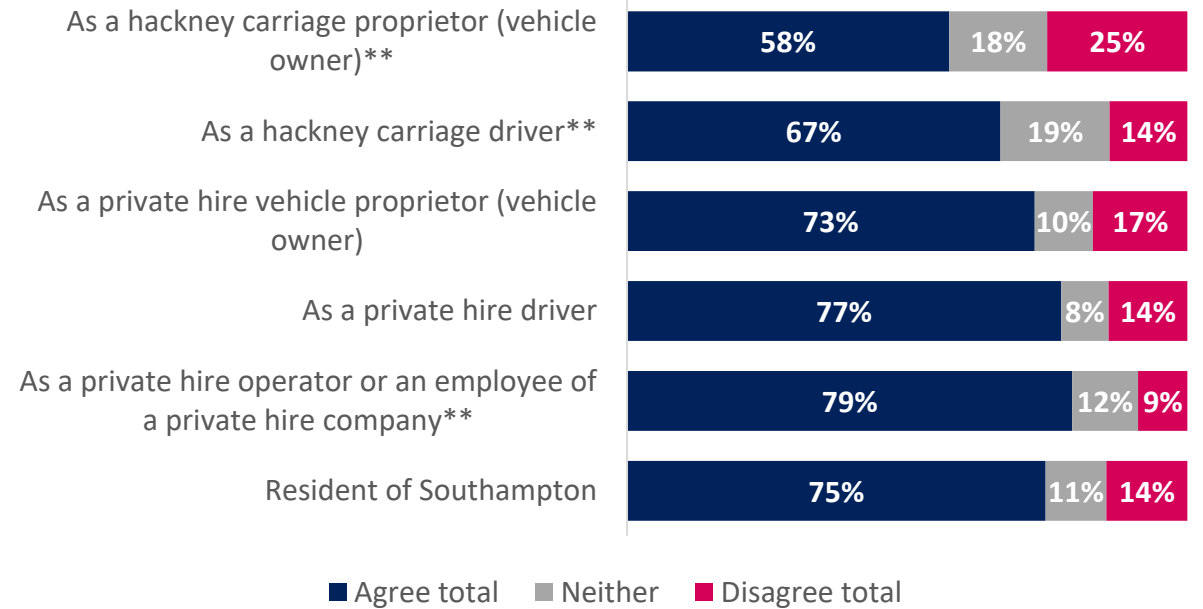
Question: To what extent do you agree with the council's policy to require licensed vehicles to be fitted with an approved taxi camera and that the camera must be on when the vehicle is in use?

### Overall:



Base respondents: 230

### Broken down by demographics:



\*\* Small sample size – fewer than 50 respondents

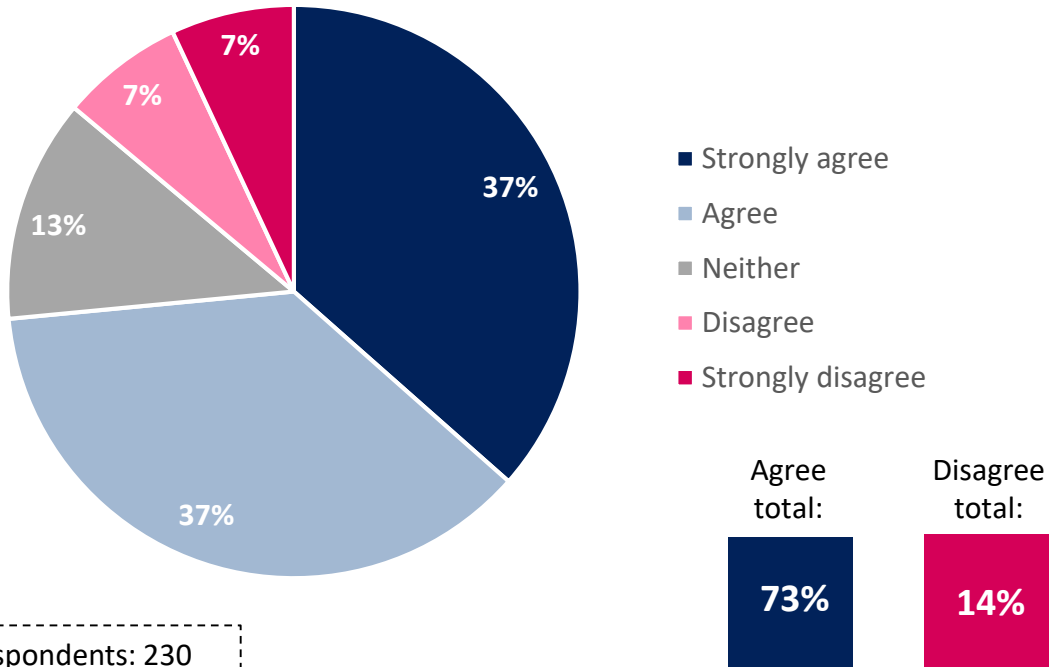


- Key findings:**
- The majority of respondents (73%) agreed that the safeguards put in place are sufficient to protect both drivers and passengers right to privacy
  - Respondents that agree to the highest extent were private hire operators or employees of a private hire company (88%)

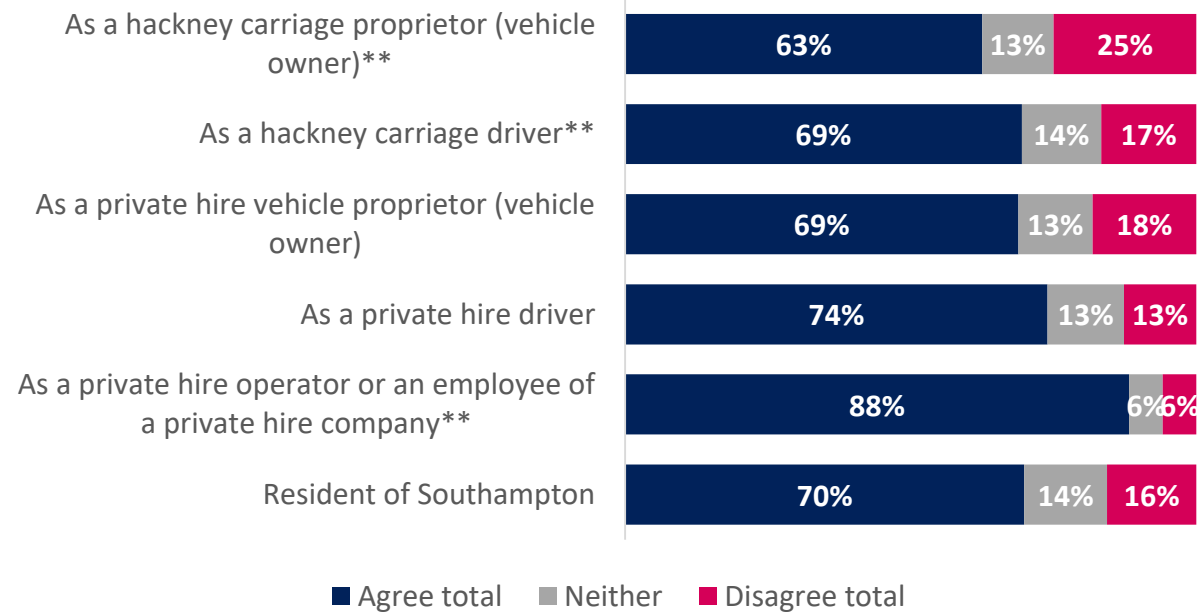
## The detail:

Question: To what extent do you agree with the safeguards put in place are sufficient to protect both drivers and passengers right to privacy?

### Overall:



### Broken down by demographics:



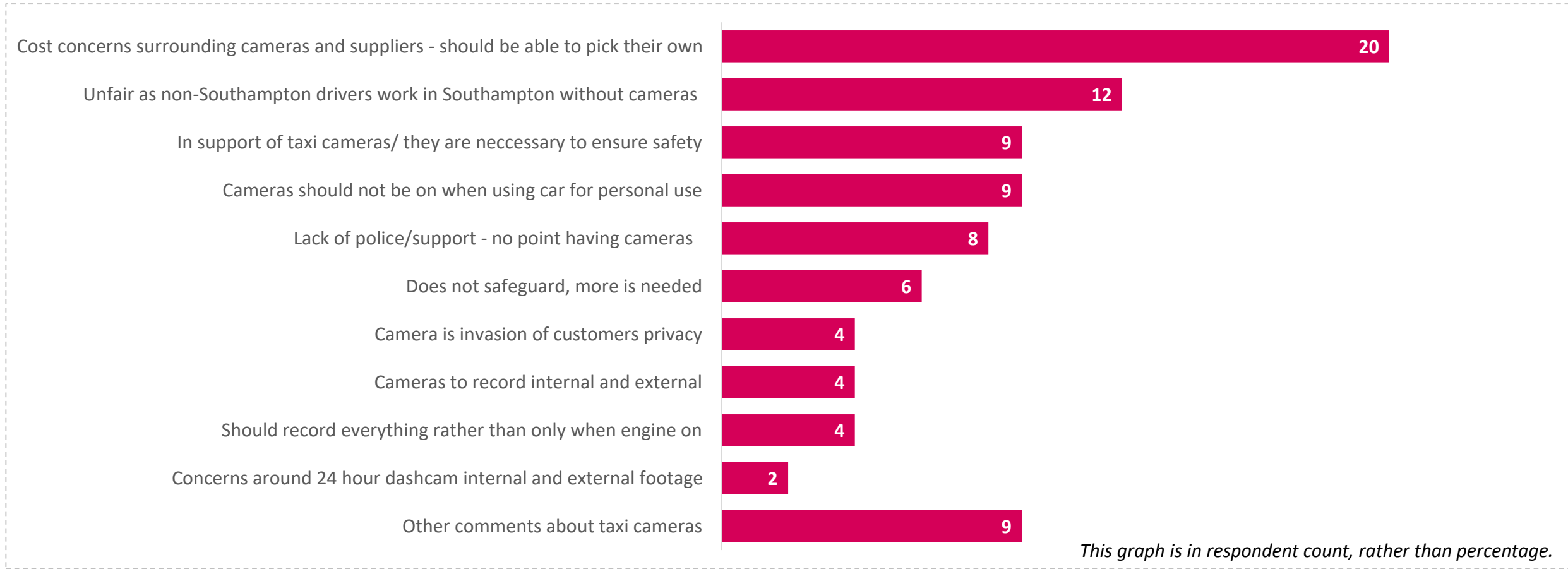
\*\* Small sample size – fewer than 50 respondents

Base respondents: 230



Throughout the questionnaire, respondents were given the opportunity to provide their own free text comments.

A total of **55** respondents provided a comment in the survey and **8** emails/letters mentioned this topic, if respondents 'disagreed with anything, had any comments, impacts, suggestions or alternatives they felt we should consider regarding taxi cameras.' The following graph shows the total number of respondents by each theme of comment. The subsequent slides summarise the unique points and suggestions that were made.



*This graph is in respondent count, rather than percentage.*



# Taxi cameras – unique points and suggestions

## Concerns around 24 hour dashcam internal and external footage

What I am strongly against which nobody from licensing seems bothered, is the individuals who have dash cams that photograph interior images and record audio 24 hours a day. That is against ICO rules.

The continuous recording of peoples' conversations 24 hours a day including when the vehicle is out of use, clearly goes too far and is disproportionate...A dash-cam is subject to the General Data Protection Regulation (GDPR) that came into force in May 2018. We believe SCC should make sure that an SCC licensed driver who has a dash cam, certainly when it records internal photographs and voice recording (24 hours) should be made aware that personal data must be used in compliance with the regulations. It seems contradictory that our digital taxi cameras can only record voice for 5 minutes but licensing permits dash-cams to record voice for 24 hours. If we have to comply with the ICO on one hand then surely we need to comply with the ICO on audible dash-cams?

## Cameras to record internal and external

Any dash cam which cover both side should be acceptable to the council camera should have outside view install aswell not only will the be beneficial for the council also for drivers to. Eg insurance purposes

some criminal damaged exterior of my car while camera was on but it was not helpful ,council should change this type of cameras.my car was damaged from outside . internal camera is not for safety ,i think its only for the reason to find a way to revoked driver licence. we need something for safety . internal and external of the car. if driver is killed with a face masked knife then you cannot see its face.

## Lack of police / support - not much point having cameras

The police never want to help us when we are involved in incidents where CCTV could help. They have even told me once that being attacked by passengers goes with the job. Customers can use their phones to film us if they want to.

if your attacked or customers refusing to pay police do not want to become involved council say not there problem

the council always takes the passengers side regardless of the situation and even if camera footage is provided. this is useless for such companys as uber as they dont care or even ask for camera footage even if you tell them you have footage.

Not much protection for drivers is been done lately as when you report a runner to the police not much has been done by police ,so waste off time to have cameras and you spend so much time to give an evidence and at the end police authority close your case. For my point of wiew police don't deal with this .

As a driver some one who is trouble makers don't care about Comera because end of the day they are not prosecuted fairly

the police is not giving a damn about issues and incidents apart from very serious ones.

## Does not safeguard, more is needed

The camera is not really safeguarding anyone, it just useful to capture real-time what happened. Taxi drivers are subject to abuse, physically and verbally or psychologically, the camera serves as no safeguard to this or stop it. Safeguarding comes from experience, updated training and deescalating skills. Don't get me wrong, it serves some form of deterrent but nothing more.

The coucil should do more to put the dirvers safety first - It should make it compulsory for all taxi to have clear safe screens fitted and no passenger sitting in the front with the driver

## Camera is invasion of customers privacy

LIMOUSINES PASSENGERS REQUIRE PRIVACY NO CAMERAS SHOULD BE FITTED

From my experience people believes there privacy is not protected when they realise there is a camera in the vehicle and some people are not comfortable with it.

I see the camera has invasive and big brother watching

I do not agree that Taxi's or Private Hire can install dashcam's in cars that they can download the footage of. These cameras record voices all the time and the driver can hold onto personal information that they should not be privy to.

## In support of taxi cameras/ they are necessary to ensure safety

We were the first council in this country to have encrypted cameras as part of our licence conditions. I was one of the first drivers/owner under the SCC Scheme together with Hampshire Constabulary to take up the offer in having a camera fitted... So all in all I am content it works for the benefit of driver and customer.

yes public safety and for the divers safety

If its easy for police to see the records i am agree is stoping criminal



# Taxi cameras – unique points and suggestions

## Unfair as non-Southampton drivers work in Southampton without cameras

An increasing number of non Southampton licensed vehicles are working exclusively in Southampton without cameras and to my knowledge without incident. Forcing one group of drivers to commit to the extra expense of cameras is unfair.

you either have to make every body comply or no body

any SCC school transport tenders should only be issued to vehicles with the required camera system in place. Too many operators are side stepping the rules by licensing in other boroughs.

In the event that the operators are unable to get work covered by a local driver they would be forced to bring in drivers from neighbouring cities under the cross border act. These vehicle may have no door stickers at all and no cameras

## Should record everything rather than only when engine on

When sat at the front of a taxi queue and static, sometimes the camera being on when public approach taxis would benefit. The general public can be abusive as well as taxi drivers refusing fares for invalid reasons. Issues can occur at the point of contact rather than after the ignition is turned on.

I think the voice element should be activated whenever the system operates.

an assault may happen after the 20 minutes and there will be no footage. It is not 100% that a assault will happen within the first 20 minutes.

## Cost concerns surrounding cameras and suppliers - should be able to pick their own

the additional cost of cameras put Southampton drivers at a disadvantage

Wider choice of cameras, the installers have a monopoly and are overcharging us.

Camera waste of money

u just accept two places they make just money every year we hve to chang Liz fitted camera that cost us 120 pounds

The Council should not be setting prices for camera or determine it's use. That should be by private body and based on competition.

Driver should have there own cameras which is much cheaper.

There was no enough guarantee time which reflects the cost of the camera( expensive). One couldnot opt for extended guarantee as you did not have any say of the purchase.

The taxi cameras should be paid for by the city council or police as its more of an asset to them.

The Taxi camera are not reliable poor quality and are just a money maker for the camera agents

these cameras are quiet old and most of them are more that ten years old...and now a days they do not change the camera head as they used to, and they replace the whole camera and charge drivers £575

## Cameras should not be on when using car for personal use

Do not agree to cameras being on when using car for private use

I am against downloading the footages as it is breaches the privacy regulations. Some people use their car as a taxi and personal use.

When the car is being used for personal use, the driver should have the ability to switch it off

When the driver/owner was using the vehicle for social and pleasure, the audio could not be switched off. The Information Commissioner's Office (ICO) in July 2012 ordered SCC to stop the mandatory recordings.

## Other comments about taxi cameras

As restricted my vehicle is exempt from taxi cameras. I would ask that this policy remains unchanged.

The cameras should be encouraged, but not compulsory

. Also the taxi drivers/oporators should be given acess to camara too.

Does Southampton city council have a moral compass at all? As you issued an operators licence to a company who generally consider themselves to be above the law and whose initial response to a fatal accident involving their self driving car division was to carry on regardless I would say not.

Need to lock data with two codes with driver and council.

Either the licensing needs to be uniform or SCC needs to ensure that those that choose to continue with SCC are given privileges like the bus lane use

If a driver has a personal conversation, that footage or voice recording should not be seen or listened to by licensing department. only the time of any incident.

As ever security needs to be seen as well as working so signs indicating that CCTV is present should be clearly displayed in all vehicles

We ended up with a button fitted to record conversations for 5 minutes if we felt the need to. I am under the impression that this was to do with Article 8 of the European Convention of Human Rights?



## Overall policy





# Overall Draft Policy

Have you read the proposed draft policy?

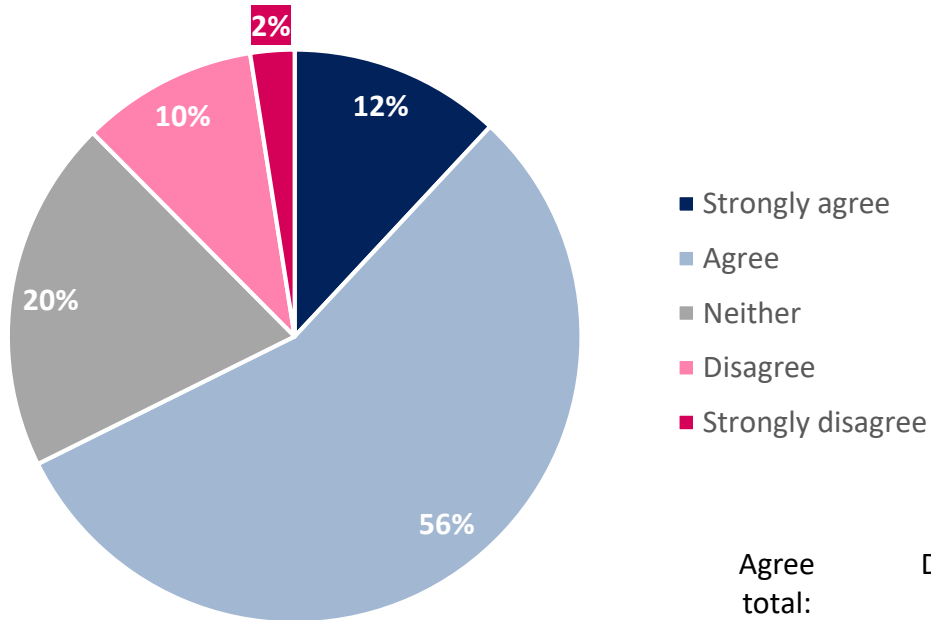
**54%** Yes, all of it

**36%** Yes, some of it

**10%** No

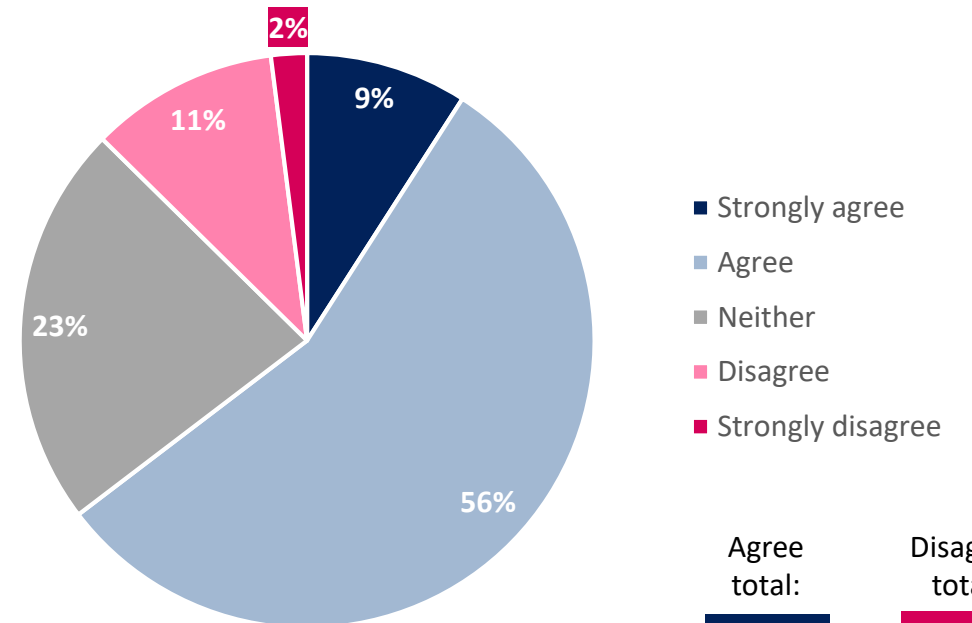
If you have read the proposed policy, to what extent do you agree or disagree with the following statements?

**The draft policy is easy to understand.**



Base respondents: 201

**The draft policy provides sufficient information.**



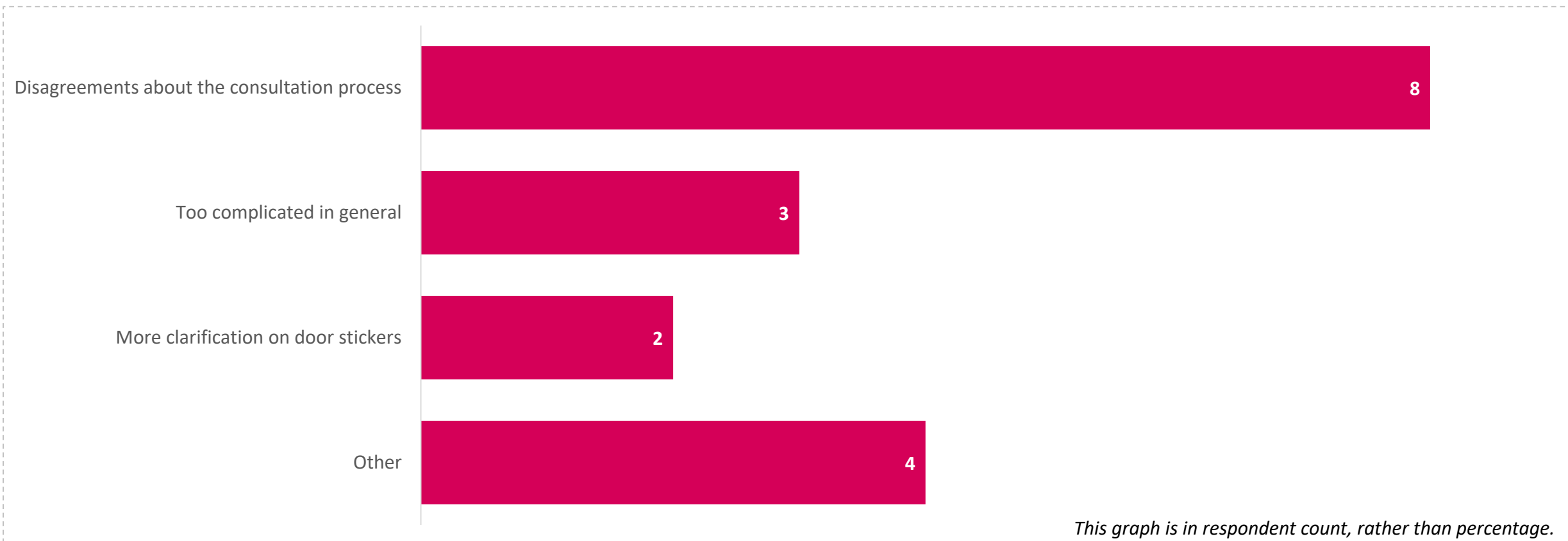
Base respondents: 198



# Parts of the draft policy that need more information

Throughout the questionnaire, respondents were given the opportunity to provide their own free text comments.

A total of **15** respondents provided a comment in the survey and **5** emails/letters mentioned this topic, if there were 'parts of the draft policy respondents did not understand or felt needed more information.' The following graph shows the total number of respondents by each theme of comment. The subsequent slides summarise the unique points and suggestions that were made.





## Too complicated in general

*you need a law degree to completely understand it.*

*It's complicated I think it's better to make it simple and clear.*

*I understood the policy, however, I feel the policy has been made overcomplicated in some areas, not thought about in other areas, and lack of information in others.*

## More clarification on door stickers

*I want to know what the actual law is on door stickers including the name of the operator.*

*The questionnaire on carrying door signs is not so clear about the options. The options seems different from the proposal. Large door signs just shows in my opinion PH are free Taxi advertisers for the Council and Agents they work for. Normal private cars are used to commit crimes too, so PH use for crime is no doubt at lower rate compared to general population, but that depends on the driver if he/she is criminal intent or a convict or not. The cost of PH is so high, the council need to weigh it's demands reasonably against drivers work. It a lovely relaxing occupation without too much demands and costs attached from the Council.*

## Other comments

*Driver hours in Code of Conduct. Is this guidance or a requirement? If it is a requirement who monitors it? If hours are breached what is the penalty?*

*I need to re-read the policy to try to understand it's full significance*

*Never has there been any great notification to the public what the difference is between a Hackney carriage and a private hire, as time has gone by that has become a bigger problem, any adult between the ages of 18-30 do not know the difference.*

*Also under the policy changes, the word Parking appears and it states removal of this section. Under the 2019 Private Hire Vehicle Licence Policy and Condition, paragraph 19.1 states, the licence holder shall not permit the vehicles to be stationed on the highway unless they are at the moment actually in use for the purpose of carrying passengers for which a 'hire' has been agreed. So in other words, you will allow under your new conditions a private hire vehicle to unofficially rank up anywhere they wish, allowing companies like Uber to prosper. Was this all explained to licensing councillors at the 11th February 2021 meeting?*

*Item 9, hackney carriages and private hire drivers code of conduct, it says hackney carriage drivers cannot have conditions applied to their licences? Can you explain please?*



## Disagreements about the consultation process

*The DfT policy - I am very, very, very, concerned that on page 36 under Motoring Convictions, the word 'multiple' is written and I am under the impression that SCC are going to lower the points from 9 to 6. This word 'multiple' has not been mentioned in the questionnaire, it has been left out on purpose. I am under the impression that a challenge in court could be made on this? I have a large investment as a sole trader licensed by SCC and I am not content with how the DfT document tends to vilify the trade, certainly this word, 'multiple', which could effect not only the driver but his family as well.*

*If we are talking about the whole draft document which includes SCC's policies as well, there are changes that the licensing department has put in which are different than previous conditions. The question relating to drivers hours is ridiculous. I find some of the parts of SCC's policy verging on not being natural justice, very similar to the 2016 Fit an Proper Policy Condition. Too many associations, IOL, LGA, NALEO, etc contribute advice to the DfT, most of which is from individuals who have never ever driven a taxi or private hire vehicle. I would like to see how they would react when then they have drunks in their vehicle at night, would they quote advice and comments thinking that their customers would back down and agree to pay their fare?*

*I would like to say that this questionnaire is far too short and I shall be submitting further comments to the licensing department.*

*feedback should define your policies and make life easier for drivers*

*From my experience licensing will do what they want to do, this is only a mandatory procedure.*

*With reference to the document titled, Taxi Licensing Policy/Policy Changes that was attached to the letter dated 9th April 2021, there are some areas within the policy changes that we cannot wait until July 2021 to discuss because they are important to understand, that is what the word 'consultation' means.*

*Under the title, Change of Address, it states paragraph 19.1, the licensee shall notify the council in writing re-change of address. If you go to appendix 3, private hire vehicle licence policy and conditions from 2021, paragraph 19.1 reads, the licensee shall notify the council in writing within 7 days of change of 'his' address (surely the word 'his' should be replaced with the word 'their')*

*None of these questions and others have been explained to our associations' committee by your delegated representatives, this was a stipulation that you introduced. I am greatly concerned that the licensing department will surreptitiously bring forward new conditions that we know nothing about that could affect our trade dramatically, certainly at the present moment? I believe two of the delegated reps work for Uber?*

*It is also confusing that we seem to have in the 2021 Policy and Conditions, two paragraphs that are numbered 19.1? Under item 3, 4 and 5 of the policy changes for private hires, why is the date 1st January 2021 whereas item 1 and 2 to do with hackney carriages states January 31st 2021?*

*You still have not answered my questions on different dates, or hackney carriage driver conditions cannot be applied to their licence. To understand these items, we need to know the answers, before we can consult.*

*How is the consultation supposed to be carried out? Are we going to be given the opportunity to attend a meeting before conditions are approved or is everything done behind a closed door?*

*Following on from your email dated 14th April 2021 asking me to keep you informed on the questions our association would like answers, regarding the Department for Transport (DfT) and Southampton City Council (SCC) 2021 Licensing Policy documents, it now appears from correspondence received from licensing on the 13th May 2021 that three drop-in sessions will be available online. According to the email licensing have been answering a lot of questions on this consultation process, regarding the two documents mentioned above. This proves from the outset that it is not clear to all licensees what this is about?*

*There should have been a more detailed consultation process from the very beginning, when questions could have been asked. We cannot keep making excuses because of Covid.*

*We will not be taking part in any of the planned zoom sessions and I quote from licensing's email, "the sessions will not be a place to make a representation, or voice, a particular opinion, but we will be able to direct participants to the best way in which they can make their views known as well as answering questions on the content of the consultation". There are compelling reasons why neither the DfT or the SCC licensing policies should be accepted until questions are answered. The difficulties that confront us seem insuperable.*

*We would trust that when SCC implement the DfT document, they observe the following principles :-*

- The rules of natural justice should be observed.*
- Decisions must be reasonable and proportionate.*
- Where a hearing is required it should be fairly conducted and allow for appropriate consideration of all relevant facts.*
- Decision makers must avoid bias (or even the appearance of bias) and predetermination. SCC Consultation will include not only the taxi and private hire vehicle trades but also groups likely to be the trades customers. This is an important subject. Licensing officers and licensing councillors should listen to views from a wide range of individuals.*

*If licensing wants to consult with us, it becomes apparent that they are able to pick and choose what they want applied, and what duties they must comply with. This is not the way to treat licensees.*

*Page 18 Consultation at Local Level On the subject of consultation with varied groups of persons, you have answered Yes. Can you describe how you are specifically going to put this in place please? The present consultation system excludes so many licensees and taxi companies. In fact, I will quote a sentence from the June 2021 Issue of the National Private Hire Taxi Association magazine. "When local authorities review their licensing policies, they are required to consult with the trade and all other interested parties. This is also mentioned in The Regulators Code." It further goes on to say, "...by requiring local authorities to consult with their neighbours in case proposed policy changes are likely to have a wider impact outside of the licensing area."*

*We really need to stress that this government Regulators Code needs to be adhered to, it is vitally important to hear the views of stakeholders. As you well know this was mentioned in the DfT document.*

*From our associations' perspective, this is extremely important because it could damage our council if this subject of consultation is not handled correctly by omitting relevant people, who not only invest in our trade but continue as drivers and operators. So we believe more clarification needs to be discussed, it is not to be ignored.*



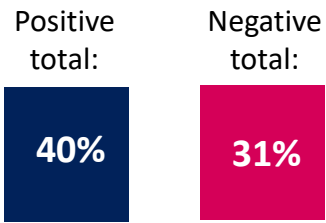
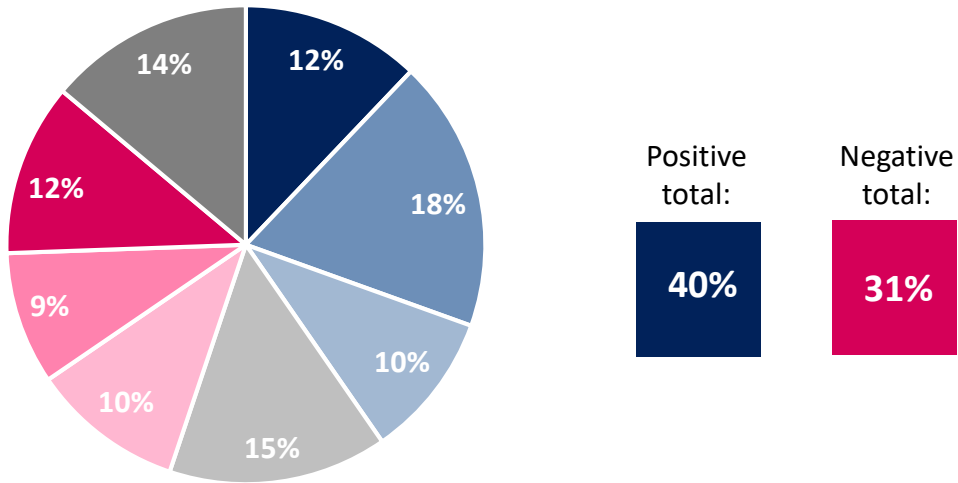
## Key findings:

- The majority of respondents (40%) selected that if the draft policy was to be implemented, there would be a positive impact on them, their business or the wider community.
- Almost half (47%) of private hire operators or employees of private hire companies selected that there would be a negative impact on them, their business or the wider community

## The detail:

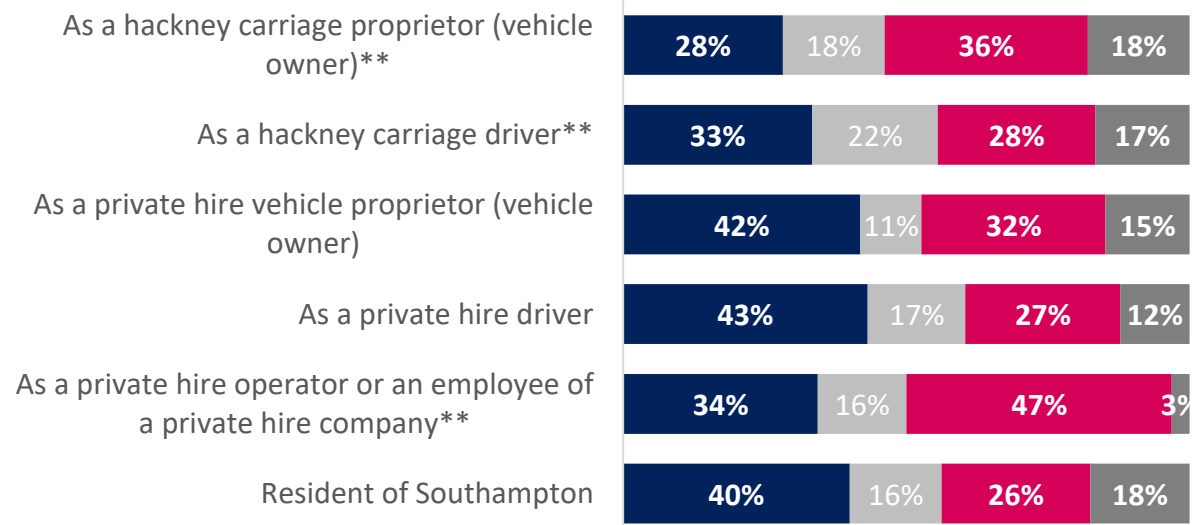
Question: If the draft policy was to be implemented, what impact do you feel this may have on you, your business or the wider community?

### Overall:



Base respondents: 223

### Broken down by demographics:



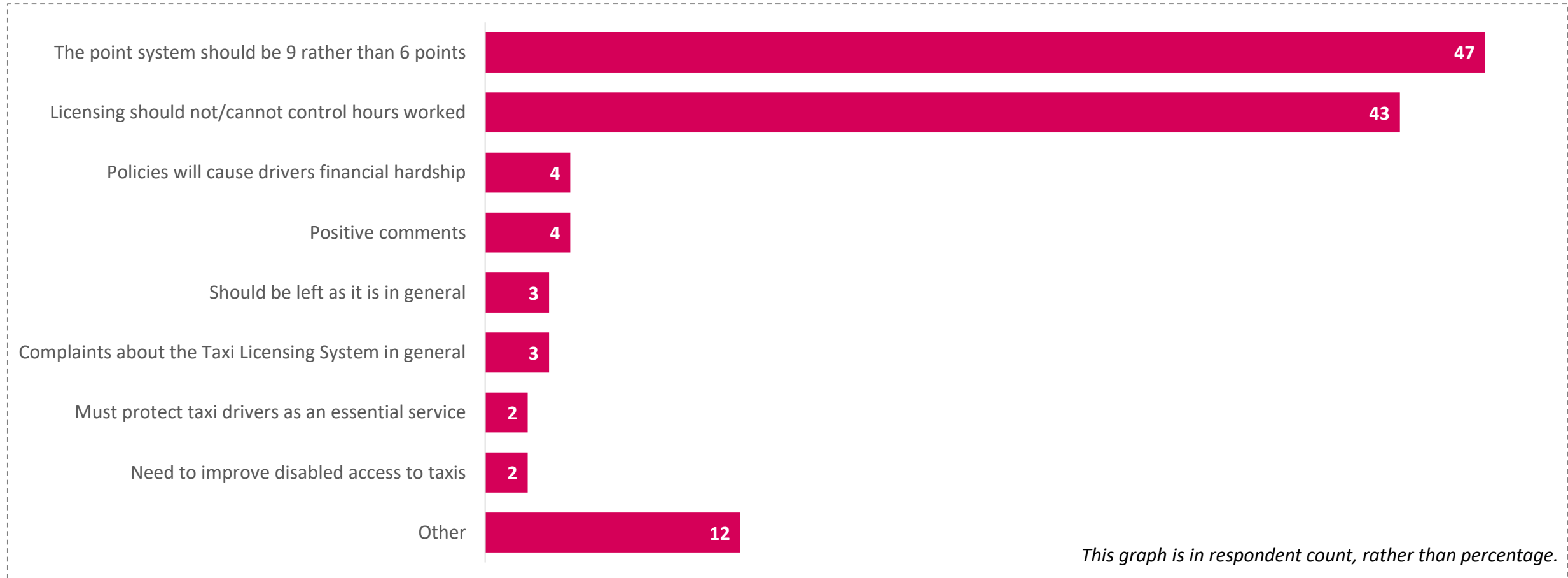
■ Positive impact ■ No impact ■ Negative impact ■ Don't know

\*\* Small sample size – fewer than 50 respondents



Throughout the questionnaire, respondents were given the opportunity to provide their own free text comments.

A total of **28** respondents provided a comment in the survey and **52** emails/letters came in on this topic, if respondents 'disagreed with anything about the draft policy or had any comments, impacts, suggestions or alternatives they felt we should consider.' The following graph shows the total number of respondents by each theme of comment. The subsequent slides summarise the unique points and suggestions that were made.





# Draft policy– unique points and suggestions

## Should be left as it is in general

*everything has worked up until now so why not leave it as it is rather than make peoples lives harder, we ve all suffered as it is due to covid, this could result in people losing their jobs*

*when something is working fine do not attempt to fiddle with it as it results catastrophichness and will be impacted backwards on you so i strongly urge to leave everything as it is*

## Policies will cause drivers financial hardship

*The policy seems to be more towards grabbing money from drivers. Expensive in both cost & time*

*Council should also consider the hardship these policies cause to the drivers/ owners*

*Majority of the private hire trade including myself are of the opinion it is the council who are causing our incomes to be effected alongside with the pandemic.*

## Positive comments

*Much safer, visible environment. Prevention of crime.*

*Thanks for the consultation and listening to our feedbacks before making your decisions. It a step in the right direction*

*If the liver will be removed the impact would have a very positive impact*

## Must protect taxi drivers as an essential service

*I think the council needs to think of saving time for council staff and maybe spend some money fixing the roads rather than killing the drivers. I am a care worker and am grateful for these drivers that got me to work and back. The council needs to protect drivers as without them how will people like me get to work and back home safely.*

*Without the drivers how will people get home. No one is in in for the sake of it, we want to earn a living and be safe and we all do the best we can to keep our customers safe*

## The point system should be 9 rather than 6 points

*The signs are just making it more difficult for drivers.*

*Also I think 6 points and licence lost is very extreme maybe a suspension is better and more reasonable.*

*I object to the following motoring convictions*

*My feedback on this - current blue lamp 9pts course should remain and drivers lose badge on 12pts which is in line with DVLA, I reject to any potential of drivers losing their Hackney or PH licence on 6pts (2 convictions/multiple). Policy 41 and 42 covers more serious offence by drivers for example drink driving/driving under the influence of drugs/ using a hand-held telephone or hand-held device whilst driving. I strongly believe blue lamp 9pts policy and policy 41 & 42 protects the public.*

*51/62 people voted that they disagreed with the statement 'New applicants with more than 6 points on their licence will be refused. Any holders of a current driver's licence 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.'*

*The Law is already in place to deal with motoring convictions. This is more red tape that's not needed. This thought process is made by committees who are out of touch with the trade and society generally.*

*The Safeguarding course wasted Two hours of my Life and is a classic example of Left Wing policy that is out dated*

*I think this could be a court case to the council at a later date.*





# Draft policy– unique points and suggestions

## Licensing should not/cannot control hours worked

My recommendation is keep "ensure appropriate breaks from work are taken and never drive when tired." and remove rest, this line alone covers the whole core message you are trying to send and also under this line you have the tool if need be, to tackle drivers who is driving tired.

Controlling driver's hours must be fair and consistent at all times regardless if they are Hackney or PH. How will that be managed.

Some people use their car for personal reasons, how will that be managed.

Some do school runs, will hours between school runs count as working.

Tired - every drivers different, some drivers get tired from working 5hrs and some get tired from 8hrs...everyone is different.

We are self-employed, it seems Licensing wants to cherry pick. If licensing wish to control and get involved in SOME drivers working condition but not the rest is not acceptable.

Licensing should also pay driver's full employment rights including minimum hourly rate, sick and holiday pay, pension

If these two policies are not removed from draft and amended, we will have no choice but to protest against licensing department on these issues and take the department to court on employment rights. We have seen from recent court case, how drivers won the employment rights against uber. We will take licensing to court on this through GMB union.

22/62 people voted no when asked 'Do you agree that drivers should have a 8 hour continuous break in a 24 hour period and not exceed 13 hours of work in any 24 hour period?' in their own ran survey

## Need to improve disabled access to taxis

There is nothing in the Policy about widening accessibility of all cabs to Disabled People - Currently we do npt receive the same convience or availability as non-disabled people take for granted. All cabs should be accessible to all people. Full Stop.

their are zero recommendations to improve the provision of accessible taxis in Southampton. \*Anonymised\* on behalf of all Disabled People in Southampton are disappointed that a further opportunity has been missed by Southampton City Council to strengthen the number of accessible taxis available in Southampton Currently it remains the case that Disabled People are unable to expect to use a taxi spontaneously, as the majority of taxis remain inaccessible. Disabled People instead have only the option of attempting to pre-book taxi's or take an unequal lottery that one may be available when needed (I know from personal experience, this is very rare indeed!)  
\*Anonymised\* will continue to push that accessible taxis are a standard requirement for all renewals of license, so that Disabled People are able to enjoy the availability that everyone else takes for granted

## Disagreements with the Taxi Licensing System in general

Dame Louise Casey has written extensively on CSE and the dreadful Rotherham case. Licensing officers in Rotherham where as much to blame as were the police and the leader of the council in allowing CSE to continue for a considerable length of time. The DfT document is all about raising standards of licensed drivers. There is no mention in the document, how do drivers complain about licensing officers, it is all very one sided. If you put a complaint in, it is brushed under the carpet. SCC licensing have in the past which is all to do with DBS proposals, allowed too many drivers from foreign countries to become licensed in Southampton. You notice this in the lack of speaking English properly. My final comment is the standard of licensing officers in the UK is pretty shambolic, which saddens me because SCC licensing will do exactly as they want to do anyway.

stop demanding more and more because you have the power or authority to.

It would also appear that we have a licensing department who spends a considerable amount of time in producing licensing documents. For example, we had the 2016 Fit and Proper document, the 2019 one which approved the Institute of Licensing Guidance document amongst other subjects, and now the 2021 Policy document. I doubt if other licensing authorities have the impetus to produce so much documentation? As an association with the present economic climate we cannot understand why DfT and SCC are even bringing these documents to the table, surely 2022 would have been more appropriate? We are also of the opinion that financial irregularities that have occurred under this present licensing department should be rectified certainly when licensees' monies are concerned? We believe that radical changes should be made to the financial administration of this department to enable an overview and scrutiny panel to look into how licensees' monies are kept in order.  
There are far too many dummy offices operating with a token computer connected to the internet with no staff in the office. Poor choices have been made by respective authorities on this contentious subject.  
As you will see from the attached, we are looking for a written concise reply and we trust and expect at the very least we will be accorded respect.



# Draft policy– unique points and suggestions

## Other comments

*Public awareness of the difference between hackney carriage and private hire needs to be advertised properly (maybe posters explaining the difference in the hackney carriage shelters and in local newspapers etc) this will help stop the confusion that has existed for many years in the trade and public's eyes*

*My main concern at the moment is the increasing amount of out of city cars operating within Southampton i.e UBER*

*These policies will have absolutely no impact on the public as they probably won't know or care about them,*

*I'm a taxi driver not a policeman my job is to take people from A to B in a safe environment, and not be judgmental,*

*Whose interest is served and purposes are too broad. Private hire means private and policy proposing adding to burden as a driver, I feel personally.*

*Trade Reps should only be drivers not Operators, Camera installers, money machine installers or car owners. It should be completely impartial from SCC - Has Eastleigh gone over to this way now? If not why has SCC got to stay this way and for the drivers to pay for it, especially when others as mentioned above have been elected?*

*I don't think you have addressed some of the main issues that should be looked at.*

*The level of spoken and written English, SCC should get the drivers to complete some kind of test the same as they do for their driving.*

*One thing I would like to explore here is whether there is any mileage in attempting to obtain intelligence from cab drivers through CPI. Is this possible? I believe they are a rich source of information that has previously been untapped. Can we use this opportunity to consider the art of the possible?*

*38/62 people voted yes when asked 'Do you agree that drivers should have a 8 hour continuous break in a 24 hour period and not exceed 13 hours of work in any 24 hour period?'*

*Do you agree with the standard of clothing for both Private Hire drivers and Hackney Drivers? YES 51 NO 10 in their own ran survey.*

*10/62 people agreed with the statement 'New applicants with more than 6 points on their licence will be refused. Any holders of a current driver's licence 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.'*

*Agree with all the Code of Conduct for both Private Hire and Hackney.*

*We do not agree that taxis and private hire vehicles are a high risk environment. We also do not agree with the words abuse or exploitation should be used as widely as it is against taxis. Alexis Jay's report to Rotherham council in 2014 referenced sexual exploitation. Young people were let down by the council and other agencies who should have been there to protect them. Senior council staff conveyed that sexual exploitation and the ethnicity of perpetrators should be played down. Had the police and the council treated the problem with seriousness, children could have been better protected. Louise Casey's report on Rotherham Metropolitan Borough Council found the council in denial. [...] let us not keep putting blame on our industry [...]*

*Page 50, paragraph 3.3 Officers, members of the licensing committee and representatives agreed by the council will meet quarterly to discuss matters relevant to the trade. Question : We do not agree that the council should say who can be a representative or who cannot? A representative is chosen by an association or a group/company. It should not be the council's decision who speaks and who does not. We are supportive of the Regulatory Reform Act.*

*Page 76, paragraph 3.1 - 3.14 Licensing are proposing to remove the parking condition of the private hire vehicle drivers licence conditions. Touting for work already takes place but if private hire drivers know that the parking condition is relaxed, more illegal pick up will occur. From Button on Taxis Licensing Law and Practice Fourth Edition A private hire vehicle differs from a hackney carriage in a number of fundamental ways - 1. The vehicle itself cannot resemble a hackney carriage. This is to enable it to be readily identified by the public as a private hire vehicle. 2. A private hire vehicle cannot ply for hire (that is, cruise the streets on the district until hailed by a prospective passenger) 3. A private hire vehicle cannot stand for hire (that is, use a hackney carriage stand or park and undertake an immediate hiring with a passenger unless a booking has been made via a private hire operator) 4. A private hire vehicle must be driven by a person who holds a private hire drivers licence issued by the same local authority who licence the vehicle (that is, where the triple lock applies which has already been mentioned in our response to the DfT document) From the Taxi Licensing Policy - Policy changes that were included in the letter dated 9th April 2021 SCC under the heading of Parking wants section 19.1 removed. 19.1 reads, the licence holder shall not permit the vehicles to be stationed on the highway unless they are at the moment actually in use for the purpose of carrying passengers for which a "hire" has been agreed. We would agree entirely with the above words and request that private hire vehicles go back to base when a job is finished. Or either undertake a new hire, or park out of the way of public view. Example, the lay-by outside the Sea City Museum is always full of private hire vehicles parked waiting for a job, in full view of the public. (They have formed a rank) There should be a sign erected by this lay by saying 'Private Hire Vehicles Should Not Park Here'.*

*As an association we do not want Condition 19.1 removed. The condition reads, the licence holder shall not permit the vehicles (private hire vehicles) to be stationed on the highway unless they are at the moment actually in use for the purpose of carrying passengers for which "a hire" has been agreed. Let us explore Condition 19.1 - In the year 2000 Southampton City Council Licensing Department worked tirelessly with the then trade groups formulating a transport policy. This policy allowed us to use all taxi and bus lanes including taxi shelters, certain size taxi roof boxes and a few other points of interest. The trade associations then agreed to the councils' decision of having a corporate colour of white for our hackney carriages, this was to enable customers to identify us (safety reasons) and we were supposed to deliver presentations at Southampton schools, although that particular idea never materialised. Unfortunately [...] we now have white coloured cars from other licensing areas working in Southampton, a number of these white private hire cars have the Uber sign displayed on their doors. You quoted [...] James Buttons Book on Licensing, page 296, "The mere parking of the PHV does not constitute an offence, it depends on the driver's intentions. The old condition does impede on an individuals' right to freedom so it is not enforceable." Quoted from the same book, page 608, 'A private hire vehicle differs from a hackney carriage in a number of fundamental ways, apart from it not looking like a hackney carriage, it cannot ply for hire, for example cruising the streets of a district until hailed by a prospective passenger.' More importantly Mr Buttons states "a private hire vehicle cannot stand for hire (that is use a hackney carriage stand or park and undertake an immediate hiring with a passenger unless a booking has been made with a private hire operator)" [...] there seems to be two different definitions in his book of a private hire vehicle and considering Southampton licensing department are members of the IOL, your department will approve what Mr Buttons says? The simplest definition of a private hire vehicle is this. Any private hire vehicle singularly or with others which gives the appearance that it is available for immediate hiring, may commit an offence. In our opinion, no more than 2 vehicles may congregate in any one location, giving the appearance that they are a rank and may be plying for hire, except at the office location of the operator for whom they work.*



# Draft policy– unique points and suggestions

## Other comments

*Do not agree that jeans or shorts are unacceptable to hackney carriage drivers. Hackney carriage drivers cannot have conditions applied to their licences, as was the case of Wathan v Neath and Port Talbot County Borough Council. Neath and Port Talbot CBC lost their case in the high court when they tried to put a condition against a hackney carriage drivers' licence. There is nothing in the current Southampton byelaws about hackney carriage drivers not having to wear jeans or shorts.*

*Representative's Contact with the Media Page 85, Paragraph 6.1 - 6.4 Representative's contact with the media should be removed completely. It is draconian. Political Affiliation Page 85, paragraph 7.1 - 8.2 This entire section needs removing. It is a matter for the trade bodies themselves to decide about a representative code of conduct or political affiliation, it has nothing to do with the council. If an elected chair or representative is voted out of their position by the relative body, be it their union or trade association, then they no longer represent the trade to their council and need to be replaced with immediate effect with a newly appointed representative as elected by the association they represent. This is not a matter for the council to decide or have any involvement in at all, since none of those bodies such as the unions or local groups are control bodies of the council. Politeness and courtesy should be observed by everyone present. It is worth noting that should the trade take action and replace the representative and the council refuse to engage with the newly appointed spokesperson, then the council would be in direct breach of section 2.1 of the Regulators Code.*

*Appendix 7 The Guidance on Determining the Suitability on applicants in the Hackney Carriage and Private Hire Trades Page 90, Motoring Convictions, paragraph 39 disagree with the word multiple in this paragraph. To sum up this section on motoring offences, Eastleigh Borough Council (EBC) trade representatives (which SCC hold consultation talks with because they are subcontracted by EBC to undertake day to day licensing issues) have had the word multiple postponed until further notice. Our association would like the same offered to us.*

*Southampton City Council's Licensing Policy 2021 Page 50 Paragraph 3.3 Trade Representatives Your answer to this question on representatives agreed by the council, you have answered this as a statement not a question. So taking into consideration the points of transparency and openness, honesty and integrity mentioned in SCC's Officers Code of Conduct, you are incorrect and should observe the Regulators Code. It should not be up to the council to choose trade representatives, they should be appointed by their trade groups.*

*Page 52 Paragraph 6.8 Our association's question on keeping separate records of all complaints, both current and expired. Does this not affect the individual GDPR? You answered, this is relevant information in determining fit and proper. It is GDPR compliant. An individual with a number of complaints will indicate something will need to change. We would ask the licensing department to consider that complaints need to have an expiry time limit on the basis that if for example a complaint/enquiry is over three years old, then such a matter should be considered as spent and no longer relevant. This is on the basis that a court of law would more than likely consider this to be a reasonable practice rather than what could be considered as the authority acting in a draconian way and against natural human justice. We are not talking of a sexual misdemeanour, we would understand the council's concern on this matter.*

*The DfT document Page 14 Terminology - you have replied , Yes and Yes to the triple lock government requirement. We would like to believe that SCC and more importantly the licensing councillors are aware of what triple lock licensing is? Although we are prepared to partially agree to your answer, we would like more enforcement undertaken on this subject.*

*Convictions and cautions are mentioned in Buttons Fourth Edition and also in the 2020 Department for Transport document. You have not mentioned in questions regarding GDPR that you would first of all inform the licensee before information is given to other departments. We believe licensing is overstepping the mark. Page 52 Paragraph 7.3 Enforcing the Licensing Regime Why will verbal complaints be accepted in exceptional circumstances? What kind of complaints are you referring to? You answered, to be inclusive it is important we are prepared, when appropriate to accept verbal complaints. This could be on any matter. There are a number of incidents where the police are the regulating body. We would like to make a relevant point. Surely a complaint must be put in writing, and the licensee has the ability to answer the complaint. We are concerned that a black mark will be put against the licensee's record without correctly hearing two sides of the story? If it is a complaint on the highway, this should be made to the police, not licensing. Page 61 Paragraph 20.1 Lost Property You answered Hampshire police should accept lost property from hackney carriages, however, private hires should hand it into the operator.*

*See email below from yourself :-*

*Hi,*

*Found property.*

*Hampshire police are following national guidelines on how they deal with found property. This has resulted in some confusing messages. Here is my attempt to clarify the matter for you.*

*Anyone finding property should take reasonable steps to try and identify the loser and arrange the return of the property.*

*If this fails then private hire drivers should hand the property to the operator who should make a record of it and retain it for a period of time in case the loser makes contact to claim it back.*

*For hackney drivers the next step depends on the property and at this point I refer you to the Hampshire police web site on lost property <<https://www.hampshire.police.uk/ro/report/lp/lost-or-found-property/>>. This site will tell you what property Hampshire police will take, namely hazardous items such as guns, chemicals etc., on step 3 select "in a public place" it then gives advice on what to do with differing types of property, such as a driving licence it suggests you post it to the DVLA.*

*If the police cannot/will not accept it then the property should be kept for a period of time to allow any loser the opportunity to claim it back. I also recommend a record is kept of found property, how long it was kept, who claimed it or how it was disposed of.*

*The only guidance I have found on line suggests property should be kept for a period of 28 days. If you are concerned then I recommend you seek your own legal advice on this matter.*

*I hope this assists.*