

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

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

STATEMENT OF CONFIDENTIALITY

N/A

BRIEF SUMMARY

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

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

RECOMMENDATIONS:

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

REASONS FOR REPORT RECOMMENDATIONS

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

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

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

RESOURCE IMPLICATIONS

Capital/Revenue

17.	Administering the engagement/consultation process forms part of the administration of the licences involved and therefore it is appropriate and lawful for any associated costs to be borne by the relevant licensing budgets.
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Property/Other

LEGAL IMPLICATIONS

Statutory power to undertake proposals in the report:

18.	Section 111 Local Government Act 1972
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Other Legal Implications:

19.	Human Rights Act 1998
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	The Act requires UK legislation to be interpreted in a manner consistent with the European Convention on Human Rights. It is unlawful for the Council to act in a way that is incompatible (or fail to act in a way that is compatible) with the rights protected by the Act. Any action undertaken by the Council that could have an effect upon another person's Human Rights must be taken having regard to the principle of Proportionality – the need to balance the rights of the individual with the rights of the community as a whole. Any action taken by the Council which affect another's rights must be no more onerous than is necessary in a democratic society. The matter set out in this report must be considered in light of the above obligations
20.	<p>Equality Act 2010</p> <p>Section 149 of the Act states a public authority must, in the exercise of its functions, have due regard to the need to —</p> <p>a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;</p> <p>b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;</p> <p>c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.</p>
21.	<p>Legislative and Regulatory Reform Act 2006</p> <p>Section 22 of the Act requires regulators to have regard to the code in determining any general policy or principles by reference to which the person exercises the function.</p>
RISK MANAGEMENT IMPLICATIONS	
22.	Some elements of the trade that are not in full agreement with the new proposal. However, there has also been historic dissatisfaction with the former process. There is consequently some risk that not all elements of the trade will engage with this new process, but it is anticipated that those representing the trade, will wish to be part of any future engagement process and this is therefore deemed to be a low -risk decision
POLICY FRAMEWORK IMPLICATIONS	
23.	The proposed policy is not contrary to the Council's policy framework

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

Documents In Members' Rooms

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