

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

<u>CONTACT DETAILS</u>			
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STATEMENT OF CONFIDENTIALITY

N/A

BRIEF SUMMARY

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

RECOMMENDATIONS:

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

REASONS FOR REPORT RECOMMENDATIONS

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

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

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

RESOURCE IMPLICATIONS

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

KEY DECISION?	No
WARDS/COMMUNITIES AFFECTED:	All

SUPPORTING DOCUMENTATION

Appendices

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

Documents In Members' Rooms

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| 1. | |
| 2. | |

Equality Impact Assessment

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

Do the implications/subject of the report require a Data Protection Impact Assessment (DPIA) to be carried out.	Yes/No
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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.	