

DECISION-MAKER:	LICENSING COMMITTEE
SUBJECT:	TAXI POLICY
DATE OF DECISION:	26 th June 2024
REPORT OF:	CABINET MEMBER FOR RESIDENT SERVICES

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

N/A

BRIEF SUMMARY

This report brings together four changes to the current taxi policy and conditions. Two of which are new; a requirement to have a working card machine in hackney carriages and the implementation of a drug testing policy. The third item is to bring the taxi camera policy into the main taxi policy. The fourth is an addition at 8.7 of the private hire conditions to update the door sticker style.

RECOMMENDATIONS:

	(i)	To consider the contents of this report, appendices and any comments made.
	(ii)	To adopt the new policy as detailed in the report at Appendix 1.

REASONS FOR REPORT RECOMMENDATIONS

1.	Until now there has been a separate taxi camera specification and a download policy. It was highlighted by the Information Commissioners Office (ICO) that it would be better to have a single taxi camera policy document and the Department for Transport (DfT) recommend we have a single taxi policy. This proposal combines the download policy with the specification and compliments the taxi policy conditions. The taxi camera policy will be an appendix to the main taxi policy.
2.	There have been times when officers have found grounds to suspect some licence holders to be using drugs resulting in testing being undertaken without any policy to guide them. Officers also wish to undertake occasional spot checks in a bid to improve public confidence in the taxi trades.
3.	Some of the hackney carriage driver trade representatives have asked for a condition requiring a working card machine in all hackney carriages. This is to prevent a minority from using the lack of a card machine to take short trips. It is also a public expectation to make payment using debit and credit cards.

4.	The door stickers were amended in 2023, this proposal is to improve the appearance of the stickers by adding a border and rounded corners.
ALTERNATIVE OPTIONS CONSIDERED AND REJECTED	
5.	Bringing the taxi camera policy into the main policy document complies with both the ICO and DfT guidance.
6.	To not have a drug testing policy leaves officers without clear guidance on when and how to proceed in this area.
7.	Failure to require a working card machine provides an easy route for drivers to refuse short fares and encourages them to seek longer fares, especially in the docks. As replacement machines are easy to acquire it was felt necessary to require a working machine, otherwise drivers still have the opportunity to say their machine is not working.
8.	Leaving the stickers as they are misses an opportunity to improve the appearance of licensed vehicles.
DETAIL (Including consultation carried out)	
9.	<p>Authorisation was given to consult upon the proposals outlined above. This ran from 8th December 2023 until 22nd February 2024 and received 87 responses. In summary there was general agreement with the proposed changes.</p> <ul style="list-style-type: none"> • Taxi camera policy 67% • Drug Testing 64% • Card Machine 63% <p>The Data, Intelligence & Insight Team prepared a report summarising the responses and this is attached as Appendix 2</p>
10.	Officers have reviewed the comments and have provided responses to the comments in the document attached as Appendix 3
	Taxi camera policy
11.	The taxi camera policy has evolved since its introduction in 2009. Southampton City Council remains one of a small number of authorities to mandate cameras, however we continue to be presented with examples of incidents where taxi cameras are the only corroborating evidence in serious crimes. The policy and associated DPIA is reviewed every three months to ensure it remains current and relevant. The latest DPIA is attached as Appendix 4
12.	From the points raised in the consultation officers see no requirement to make amendments to the taxi policy element. Their reasons are set out in the responses to consultation document at Appendix 3.
13.	The taxi camera policy has been a separate document since 2009. It makes sense and complies with DfT and ICO guidance to bring it into the main taxi policy.
	Drug Testing Policy
14.	There have been a number of instances where it has been suspected a licensed driver has been involved with drugs, usually by the smell emanating from the vehicle or individual. The Taxi policy requires applicants and licence

	holders to be drug conviction free for a period of 5 years. It also supports treating non conviction evidence of such an offence as if it were a conviction.
15.	That is where policy stops. There is no guidance to assist an investigating officer to establish if the licence holder has been in possession of illicit drugs. To date we have had the assistance of our colleagues in Portsmouth City Council who had the equipment and training to be able to offer drug testing. Some licence holders expressed concern there was no policy in place for this when we carried out some voluntary random drug testing in 2019.
16.	A draft policy document was drawn up and passed to taxi trade reps. That draft policy was based on the system used by Portsmouth City Council. Prior to being consulted upon it was amended to read officers will ask for a sample to be tested with a screening kit. Failure to consent to providing a sample for screening will result in the licence holder being required to provide a sample at an approved laboratory at their own expense. Anyone providing a positive screening sample will be required to do the same, but the cost will be recovered from the relevant taxi account. This was then used for the public consultation. The result of the laboratory test will form part of a report considering the suitability of the licence holder or applicant.
17.	The drugs policy within the taxi policy attached to this report has been drawn up to protect both the investigating officer and the licence holders.
18.	Again the consultation responses have not given officers cause to amend the consulted upon version of the proposal.
	Card Machine condition for hackney carriages
19.	Through the taxi forum meetings Hackney Carriage trade reps had asked officers to consider a condition for hackney carriages to have a working card machine to combat instances of a minority of drivers using the lack of a card machine to refuse to undertake short or unfavourable journeys.
20.	This abuse of refusing trips is most prominent in the docks. In 2023 to combat it ABP made it a requirement for all hackney carriages operating in the docks to have a working card machine. To date there have been no issues with this requirement and no complaints of drivers refusing trips on the basis of no card machine.
21.	Appendix 3 outlines officers' responses to the consultation comments.
	Amended door sticker
22.	The proposed door sticker remains the same except it now has a slim black border and the corners are rounded. As the amendment is of a very minor nature the only consultation was with the trade reps who agreed the new stickers improved the appearance.
23.	Those vehicles with the borderless sticker can continue to use them until they replace them naturally or until the trade reps approach officers and advise of a time when they are happy for a terminal date for their use is set.
24.	An image of the new door sticker is set out on page 26 of the taxi policy (Appendix 1)
RESOURCE IMPLICATIONS	
<u>Capital/Revenue</u>	

25.	This will have no impact on council revenue.
<u>Property/Other</u>	
26.	No impact
LEGAL IMPLICATIONS	
<u>Statutory power to undertake proposals in the report:</u>	
27.	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.
28.	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>	
29.	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.
30.	Crime and Disorder Act 1998 Section 17 of the Crime and Disorder Act 1998 places the Council under a duty to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area.
31.	Equality Act 2010 Section 149 of the Act states a public authority must, in the exercise of its functions, have due regard to the need to — a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act; b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
RISK MANAGEMENT IMPLICATIONS	
32.	<ul style="list-style-type: none"> • Financial risk is low – no cost implications to proposal • Service delivery low – vast majority of licence holders adhere to policy and conditions, potential reduction in investigations into breach of livery conditions but potential increase in cancelled jobs investigations.

	<ul style="list-style-type: none"> • Reputation low – although this is innovative work by officers, untested anywhere else to our knowledge, it is considered by many to be an improvement.
POLICY FRAMEWORK IMPLICATIONS	
33.	The changes proposed are in line with the policy framework of the council.

KEY DECISION?	No
WARDS/COMMUNITIES AFFECTED:	All
<u>SUPPORTING DOCUMENTATION</u>	
Appendices	
1.	Proposed Taxi policy
2.	Summary of consultation responses
3.	Officer comments on consultation responses
4.	Taxi camera DPIA

Documents In Members' Rooms

1.	Statutory taxi and private hire vehicle standards - GOV.UK (www.gov.uk)
2.	Taxi and private hire vehicle licensing best practice guidance for licensing authorities in England - GOV.UK (www.gov.uk)

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.	Yes

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.	