

# Licensing Committee

Wednesday, 8th  
September, 2021  
at 10.00 am

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

This meeting is open to the public

## **Members**

Councillor G Galton (Chair)  
Councillor B Harris  
Councillor Laurent  
Councillor Leggett  
Councillor McEwing  
Councillor Noon  
Councillor J Payne  
Councillor Spicer  
Councillor Stead  
Councillor Streets

## **Contacts**

Senior Democratic Support Officer  
Judy Cordell  
Tel: 023 8083 2766  
Email: [judy.cordell@southampton.gov.uk](mailto:judy.cordell@southampton.gov.uk)

## **PUBLIC INFORMATION**

### **Role of this Committee**

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

### **Public Representations**

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

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

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

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

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

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

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

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

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

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

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

Meetings of the Committee are held as and when required.

## CONDUCT OF MEETING

### TERMS OF REFERENCE

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

### BUSINESS TO BE DISCUSSED

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

### Rules of Procedure

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

### Quorum

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

## DISCLOSURE OF INTERESTS

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

### DISCLOSABLE PECUNIARY INTERESTS

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

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

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

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

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

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

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

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

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

## **Other Interests**

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

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

Any public authority or body exercising functions of a public nature

Any body directed to charitable purposes

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

## **Principles of Decision Making**

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

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

In exercising discretion, the decision maker must:

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

## AGENDA

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

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

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

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

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

### **4 MINUTES OF THE PREVIOUS MEETING (INCLUDING MATTERS ARISING)** (Pages 1 - 2)

To approve and sign as a correct record the Minutes of the meeting held on 1 July 2021 and to deal with any matters arising.

### **5 TAXI LICENSING POLICY STATEMENT 2021** (Pages 3 - 166)

Report of Executive Director for Communities, Culture and Homes proposing a Taxi policy in accordance with the Department for Transport statutory guidance to be adopted by the Council.

Tuesday, 31 August 2021

Executive Director Communities, Culture & Homes

This page is intentionally left blank

---

SOUTHAMPTON CITY COUNCIL  
LICENSING COMMITTEE

MINUTES OF THE MEETING HELD ON 1 JULY 2021

---

Present: Councillors G Galton (Chair), Laurent, Leggett, McEwing, Noon, J Payne, Spicer and Streets

Apologies: Councillors B Harris and Stead

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

The apologies of Councillors B Harris and Stead were noted

2. **ELECTION OF VICE-CHAIR**

**RESOLVED** that Councillor Streets be elected as Vice-Chair for the Municipal Year 2021/22.

3. **MINUTES OF THE PREVIOUS MEETING (INCLUDING MATTERS ARISING)**

**RESOLVED** that the minutes of the meeting held on 11 February 2021 be approved and signed as a correct record.

4. **GAMBLING ACT 2005 STATEMENT OF LICENSING PRINCIPLES**

The Committee considered the report of the Executive Director for Communities, Culture and Homes which sought approval of documents to go out to consultation for the Council's Gambling Act 2005 Statement of Licensing Principles to be adopted in January 2022.

Southampton City Council Officer Phil Bates, Licensing Manager; was present and with the consent of the Chair addressed the meeting.

The Committee noted the following:

- There had been no significant policy or legislation changes since the last review,
- The gambling act defined both children aged 16 and under, and young people age 17 or 18, as Under 18,
- More information about the definition of the categories of gambling was published on the Gambling Commission website, details of which had been included in the report,
- Elected members, representatives of organisations and premises related to the gambling trade and members of the public could submit requests for changes to be made to the Gambling Act 2005 Statement of Licensing Principles through the proposed consultation process,
- The consultation documents would be available online via the Licensing pages of the Council website, with paper copies available on request.

**RESOLVED** that:

- (i) The revised Gambling Act Statement of Licensing Principles attached at Appendix 1 and the draft questionnaire at Appendix 2 were approved for consultation purposes;
- (ii) The recommendation for the consultation period to run from 5th July 2021 to 27th September 2021 was approved:
- (iii) That a further report would be brought before the Licensing Committee that summarised the consultation responses and any proposed amendments to the Statement of Licensing Principles for recommendation to full council in November 2021 to adopt the new Statement of Licensing Principles with effect from 31st January 2022.



# Agenda Item 5

<b>DECISION-MAKER:</b>	LICENSING COMMITTEE
<b>SUBJECT:</b>	TAXI LICENSING POLICY STATEMENT 2021
<b>DATE OF DECISION:</b>	8 SEPTEMBER 2021
<b>REPORT OF:</b>	<b>Executive Director Communities, Culture and Homes. Mary D’Arcy</b>

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

## **STATEMENT OF CONFIDENTIALITY**

N/A

## **BRIEF SUMMARY**

Southampton City Council’s policies and conditions for Hackney Carriages and Private Hire trades have been reviewed and updated to address additional areas in the Department for Transport Statutory Taxi and Private Hire Standards document and to address some areas of concern raised by the taxi trades in Southampton.

## **RECOMMENDATIONS:**

	(i)	To consider the contents of this report, appendices and any comments or representations made on the policy attached as appendix 1.
	(ii)	Defer the decision on the option of door signage for private hire vehicles whilst officers gather more information on the implications this is likely to have.
	(iii)	To adopt the remainder of the Statement of Taxi Licensing Policy and appendices, attached at Appendix 1
	(iv)	To delay the requirement for applicants for either hackney carriage driver or private hire driver licences to have passed an approved English and Maths test until an approved provider has been procured.
	(v)	To delegate to the licensing manager, in consultation with the chair of the licensing committee, the authority to approve the standard of the tests in recommendation (iv) and the date the policy will be applied.

## **REASONS FOR REPORT RECOMMENDATIONS**

1.	In July 2020 the Department for Transport published their Statutory Taxi and Private Hire Standards document, attached as appendix 2, which requires the
----	--

	licensing authority to publish a cohesive policy document that brings together all their procedures on taxi and private hire vehicle licensing.
2.	This document sets recommendations to be implemented unless there is a compelling local reason not to. It should also be noted the primary purpose of a licensing regime is to protect the public.
3.	Southampton City Council currently has numerous documents covering the policy and conditions set for the taxi trades licensed by Southampton City Council. There is no overarching taxi policy document. The new policy provides an overarching policy with relevant appendices setting policy and conditions for the various strands of taxi licensing.
4.	The option to change the door sign requirements for private hire vehicles has the potential to have a profound effect on the taxi trades in the city and more time is required to gather information to assist members to reach a decision.
5.	Officers will need to procure a provider for English and Maths assessments so need to be flexible on the date of implementation. Officers will liaise with the taxi trades and agree with the chair the standards of these assessments.
<b>ALTERNATIVE OPTIONS CONSIDERED AND REJECTED</b>	
6.	Not considering changes or a review of current policy is contrary to the Department for Transport Statutory guidance and will leave the authority at risk of challenge and reputational damage.
<b>DETAIL (Including consultation carried out)</b>	
7.	The current policy of the council meets the Department for Transport statutory guidance in most areas but was lacking in some areas, most notably criminal records checks for vehicle proprietors and operators.
8.	The proposed policy reflects the standards in the Department for Transport statutory guidance. We also undertook a review of the current policy and conditions to include issues raised at taxi trade group meetings.
9.	<p>The proposed Hackney Carriage and Private Hire Policy Statement is an overarching policy statement with appendices detailing the policy and conditions for the five strands of taxi licensing</p> <ul style="list-style-type: none"> <li>• Hackney Carriages</li> <li>• Hackney Carriage Drivers</li> <li>• Private hire vehicles</li> <li>• Private hire drivers</li> <li>• Private hire operators.</li> </ul> <p>It should be noted it is not lawful to impose conditions on hackney carriage drivers. To address this imbalance the policy includes a driver code of conduct.</p> <p>There are other appendices covering: -</p> <ul style="list-style-type: none"> <li>• Taxi trade consultation group code of conduct</li> <li>• Suitability guidance for determining hackney carriage and private hire licences</li> <li>• Medical standards for drivers</li> <li>• Medical exemptions under the Equality Act 2010</li> </ul>

10.	A draft policy was presented to the licensing committee in February 2021 who approved it to go out to consultation. The consultation started on 10th March 2021 and was originally intended to be for a period of 12 weeks ending in early June. Due to unforeseen delays with posting out letters advising of the consultation the period of consultation was extended until 5th July 2021 to ensure everyone had ample time to respond.
11.	A total of 323 responses have been received throughout the consultation period. A summary of the responses is attached at appendix 3
12.	Officers responses to the consultation are detailed in appendix 4.
13.	A list of the proposed changes to the consulted upon draft policy and reasons are attached at appendix 5.
14.	The driver policy and conditions reflect changes to legislation, administration process changes and the new guidance. The most significant change to the current policy is a requirement to be subject to a 6 monthly enhanced DBS check, currently it is every three years. This change is in line with the recommendations in the Department for Transport document.
15.	In the consultation 68% disagreed with the DBS checks, a lot expressed concern at the cost and officer time taken completing the checks. By requiring applicants to use the update service and using an outside provider with an automated process the costs are kept to a minimum and officer time is saved. To maintain the service through the pandemic officers obtained the services of a private provider to process the DBS checks on line at a reduced rate of £49.60p. This was instead of council officers completing forms in the office. In the new policy once a certificate is obtained an applicant will go onto the update service which costs £13 a year and is charged to the applicant. As long as the applicant maintains this service there will be no need to obtain a new certificate, just continue to subscribe at £13 a year. To facilitate the checks the company will charge the authority £15 a year per applicant. This will be recovered through the fees and is best value as officers input is significantly reduced. Applicants will receive, ample timely reminders of the need to maintain the service and the checks are returned in short time so reduces the risk of applicants unable to work whilst awaiting the result of a check. The purpose of the check is to ensure public safety is maintained and that the applicants remain safe and suitable. We have examples of convictions occurring shortly after the grant of a licence only being disclosed at the renewal stage nearly three years later.
16.	<p>There are significant additions to the vehicle conditions.</p> <ul style="list-style-type: none"> <li>• A requirement for proprietors to undertake DBS checks</li> <li>• Demonstrate they are a safe and suitable person to hold such a licence</li> <li>• A requirement to produce documents when asked</li> <li>• Requirement to notify licensing authority of any conviction</li> <li>• No smoking in the vehicle.</li> </ul> <p>These bring the policy in line with the Department for Transport Standards.</p>
17.	The draft policy consulted upon included 2 options for private hire vehicle conditions relating to door signage. For a number of years it has been a condition for private hire vehicles licensed by Southampton City Council to display approved door stickers that included either the name of the proprietor or operator and either a phone number or domain name of the operator the

	vehicle is operated by. Drivers felt this restricted them to working for only one operator at a time and they wanted more freedom to work for more than one operator. Any change is likely to have a significant impact on how the taxi trades operate in the city and as such further research and work is required to allow for a fully informed decision to be made. The recommendation is therefore to maintain the status quo whilst this work is carried out.
18.	<p>There are additional conditions for the operator licences as well</p> <ul style="list-style-type: none"> <li>• Provide DBS certificate</li> <li>• Maintain a register of staff working with sensitive data</li> <li>• Provide a policy on dealing with ex-offenders</li> <li>• To require employees to undergo DBS checks</li> <li>• Detailed booking records</li> <li>• Restrictions on the use of PCVs</li> </ul> <p>These bring the policy in line with the Department for Transport Standards</p>
19.	The policy contains an amendment to Appendix 7 covering the suitability guidance. When drivers reach 9 penalty points on their DVLA licence they will be required to undertake a driver's awareness course and pass a driving assessment. This is current policy and keeps it in line with Eastleigh Borough Council.
20.	Medicals has been an area of difficulty which has been made worse by the pandemic. The requirement to use their own GP has proven to be too restrictive and has shown a large variation in fees charged. Allowing an approved provider to supply the medicals will allow officers to procure services from a small number of providers, making medicals easier and provide competitive pricing whilst maintaining standards.
21.	Some licence holders have expressed concern that in the consultation copy of the policy a condition on private hire vehicles requiring vehicles to be taken off of the road if it was not undertaking a hire was removed as they felt this weakened officers' powers in ensuring private hires were not illegally plying for hire. The condition was not enforceable or lawful as it denied the licence holder from freedom to use the vehicle lawfully when in private use. Private hire driver conditions have restrictions on plying for hire. This is a more appropriate method of ensuring compliance and has been in practice for the last ten years at least. The removal of this condition has not weakened officers ability to combat this type of behaviour.
22.	The Department for Transport recommends policies are reviewed every five years, but should also consider interim reviews should there be significant issues arising in their area, and their performance annually.
<b>RESOURCE IMPLICATIONS</b>	
<b><u>Capital/Revenue</u></b>	
23.	Hackney carriage and private hire licence fees are ringfenced to cover the costs of administering the service. The fees are reviewed regularly. The changes may impact on the number of licences granted and therefore the income to the licensing service. It will have no impact on the council's general fund.
<b><u>Property/Other</u></b>	

24.	The movement of completing DBS checks to a private provider will reduce the time officers spend processing an application, however this saving has been more than taken up by right to work checks and next year officers will be required to undertake HMRC checks as well.
-----	--

**LEGAL IMPLICATIONS**

**Statutory power to undertake proposals in the report:**

25.	Town Police Clauses Act 1847 Licensing of hackney carriages and hackney carriage drivers.
26.	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.
27.	Local Government Act 2000 – Functions and Responsibilities Regulations 2000 Provides the framework for the discharge of various functions of a local authority.

**Other Legal Implications:**

28.	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.
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 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

**RISK MANAGEMENT IMPLICATIONS**

30.	There is no risk to service delivery or financial risk for the authority. As not all sectors of the taxi trades agree with each other whatever is decided has a risk of reputational damage for the authority but this is likely to be limited to within the taxi trade s and some of those closely associated with them.
-----	---

**POLICY FRAMEWORK IMPLICATIONS**

31.	The proposed policy is not contrary to the Council’s policy framework
-----	---

<b>KEY DECISION?</b>	<b>Yes</b>
<b>WARDS/COMMUNITIES AFFECTED:</b>	All
<b><u>SUPPORTING DOCUMENTATION</u></b>	

<b>Appendices</b>	
1.	Proposed Taxi policy
2.	Department for Transport Statutory Taxi and Private Hire Standards
3.	Summary of the consultation responses
4.	Officers responses to the consultation
5.	Table of changes to the draft policy and appendices.
6.	Equality and Safety Impact Assessment

**Documents In Members' Rooms**

1.	None
2.	

**Equality Impact Assessment**

<b>Do the implications/subject of the report require an Equality and Safety Impact Assessment (ESIA) to be carried out.</b>	<b>Yes</b>
---	------------

**Data Protection Impact Assessment**

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

**Other Background Documents**

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

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

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

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

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

#### **2. INTRODUCTION**

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

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

### **3. CONSULTATION**

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

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

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



## Plating Schedule

### Hackney Carriages

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

### Private Hire Vehicles

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

## 5. WHISTLEBLOWING

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

## 6. INFORMATION TO BE CONSIDERED FOR APPLICATIONS

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

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

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

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

Licensing Team,  
Civic Centre,  
Southampton.  
SO14 7LY

Verbal complaints will only be accepted in exceptional circumstances.

## **8. DECISION MAKING**

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

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

## **9. REGULATORY STRUCTURE**

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

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

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

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

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

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

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

## **12. DRIVER MEDICALS**

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

## **13. EQUALITY ACT 2010**

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

## APPENDIX LIST

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

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

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

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

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

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

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

[Appendix 8 Medical policy](#)

[Appendix 9 Drivers code of conduct](#)

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

## Appendix 1

# HACKNEY CARRIAGE LICENCE POLICY AND CONDITIONS From 2021

## 1. APPLICATIONS

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

## 2. GENERAL

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

## 2.4 Duration of Licence

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

## 3. TYPE OF VEHICLE

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

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

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

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

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

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

#### **6 ADVERTISEMENTS**

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



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

## **7. ADVERTISEMENT CONTENT**

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

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

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

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

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

## **9. IDENTIFICATION**

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

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

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

## **10. LICENCE PLATE**

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

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

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

## **12. TAXIMETERS**

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

## **13. INSPECTION OF VEHICLE**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## **21. TRANSFER OF LICENCE**

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

## **22 RECORDS OF BOOKINGS**

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

## **23. VEHICLE SPECIFICATION**

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

## **24. DIGITAL TAXI CAMERAS**

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

## **25. CONVICTIONS**

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

**26. SMOKING**

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

---

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



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

## ADDITIONAL INFORMATION

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

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

### Smoking

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



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

### Assistance Dogs

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

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

Operators must:

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

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

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



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

## Appendix 2

### HACKNEY CARRIAGE DRIVERS LICENCE POLICY

**From 2021**

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

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

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



## Appendix 3

# PRIVATE HIRE VEHICLE LICENCE POLICY AND CONDITIONS From 2021

### 1. APPLICATIONS

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

### 2. GENERAL

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

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

#### 2.3 Interpretation

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

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

### 3. TYPE OF VEHICLE

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

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

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

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

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

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

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

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

## **7. ADVERTISEMENT CONTENT**

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

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

## **8. IDENTIFICATION**

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

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

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

## **9. LICENCE PLATES**

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

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

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

## **11. INSPECTION OF VEHICLE**

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

## **12. DAMAGE TO VEHICLE**

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

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

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

### **13. INSURANCE**

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

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

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

### **15. SEATING CAPACITY**

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

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

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

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

### **17. TAXIMETER**

17.1 Should a taximeter be installed in a private hire vehicle, it must be electronically designed and of the type and model approved by the Council. It must be fitted in a position satisfactory to the Council.

17.2 No operator, proprietor or driver may tamper with the mechanism of the Taximeter or its seals provided that, should the meter become defective it may be replaced by a service meter.

17.3 Any tariff set in the meter must correspond to the tariff approved by the operator the vehicle is licensed with.

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

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

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

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

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

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

## 20. **WEDDINGS AND FUNERALS**

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

## 21. **SPECIALIST VEHICLES**

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

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

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

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

## 22. **ORIGINAL VEHICLE SPECIFICATION**

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

## 23. **DIGITAL TAXI CAMERAS**

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

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

## 24. **CONVICTIONS**


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

## 25. **SMOKING**

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

---

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

<p><b>LICENSED BY</b></p>  <p><b>SOUTHAMPTON CITY COUNCIL</b></p> <p><b>LICENSED PRIVATE HIRE VEHICLE NO:</b></p> <table border="1" data-bbox="272 465 555 555"> <tr> <td></td> <td></td> <td></td> <td></td> </tr> </table>					<p><b>PRE – BOOKED ONLY</b></p> <div data-bbox="703 353 1141 510" style="border: 1px solid gray; padding: 5px; background-color: #f0f0f0;"> <p>Name and telephone number or domain/email of the operator to appear here. See condition 8.7</p> </div>

Or the below dependant on which Section 8 applied above.

**PRE – BOOKED ONLY**

<b>LICENSED BY</b>	<b>LICENSED PRIVATE HIRE VEHICLE NO:</b>				
 <p><b>SOUTHAMPTON CITY COUNCIL</b></p>	<table border="1" style="width: 100%;"> <tr> <td></td> <td></td> <td></td> <td></td> </tr> </table>				

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



## Appendix 4

# PRIVATE HIRE VEHICLE DRIVERS LICENCE POLICY AND CONDITIONS From 2021

### PRIVATE HIRE VEHICLE DRIVER POLICY

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

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

### **General**

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

### **Interpretation**

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

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

"the Council" means the Southampton City Council;

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

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

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

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

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

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

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

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

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

5. **DRIVER'S BADGE**

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

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

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

7. **CHANGE OF ADDRESS**

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

8. **ADHERENCE TO BOOKING**

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

9. **DRIVER'S OBLIGATIONS**

9.1 The driver shall, when requested by the hirer:

9.1.1 convey a reasonable quantity of luggage,

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

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

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

9.2.2 any petroleum spirit or explosive or dangerous substance.

9.2.3 any noxious, odorous, foul or offensive substance.

9.2.4 any person in a state of intoxication.

10. **LOST PROPERTY**

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

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

11. **DISABLED PERSONS**

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

12. **ADVERTISEMENTS**

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

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

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

14. **CONVICTIONS ETC.**

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

15. **SMOKING**

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

16. **HEALTH**

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

## Appendix 5

# PRIVATE HIRE VEHICLE OPERATOR LICENCE POLICY AND CONDITIONS From 2021



### PRIVATE HIRE OPERATOR LICENCE POLICY

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

# PRIVATE HIRE OPERATOR LICENCE CONDITIONS

## General

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

## Interpretation

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

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

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

### 2. TRANSFER OF LICENCE

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

### 3. STAFF WITH ACCESS TO CUSTOMER DATA

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

### 4. NUMBER OF PASSENGERS

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

## 5. RECORDS OF BOOKINGS

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

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

(ii) the name of the passenger;

(iii) the time and date of the request;

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

(v) the pick-up point;

(vi) the destination;

(vii) the name of the driver;

(viii) the driver's licence number;

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

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

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

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

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

## 6. CONTRACTS

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

## 7. VEHICLES OPERATED BY THE LICENCE HOLDER

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

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

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

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

## 9. DISABLED PERSONS

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

10. **USE OF PREMISES**

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

11. **CHANGE OF ADDRESS**

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

12. **CONVICTIONS**

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



# Taxi Trade Representatives Code of Conduct

## Introduction

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

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

The purpose of consultation is defined as:

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

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

## 1. Common Principles

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

## 2. Officer code

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

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

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

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

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

### **4. All Participants**

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

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

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

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

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

## **7. Political affiliation**

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

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

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

## **9. Appeals process**

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

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

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

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

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

##### Vehicles:

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

##### Drivers:

- Enhanced DBS checks with update service;

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

Operators:

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

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

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

## **Drivers**

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

## **Crimes resulting in death**

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

## **Exploitation**

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

## **Offences involving violence**

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

## **Possession of a weapon**

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

## **Sex and indecency offences**

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

## **Dishonesty**

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

## **Drugs**

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

## **Discrimination**

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

## **Motoring convictions**

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

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

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

## **Other motoring offences**

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



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

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

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

#### **Vehicle use offences**

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

#### **Private Hire Operators**

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

#### **Vehicle proprietors**

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

## Appendix 8

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

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

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

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

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

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

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

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

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

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

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

#### 2. **Diabetes**

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

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

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

### 3. Eyesight

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

#### (i) Visual Acuity

Applicants must have: -

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

Please contact the licensing team if you require further information.

#### (ii) Visual field

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

#### (iii) Monocular vision

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

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

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

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

#### 4. Other Medical Conditions

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

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

#### 5. Tiredness: Sleep Disorders

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

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

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

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

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

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

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

## Appendix 9

# HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS CODE OF CONDUCT

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

### Responsibility of the Trade

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

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

### Responsibility to Customers

Licence holders shall:

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

### Responsibility to Local Residents and other Road users

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

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

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

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

## General Information

Drivers shall:

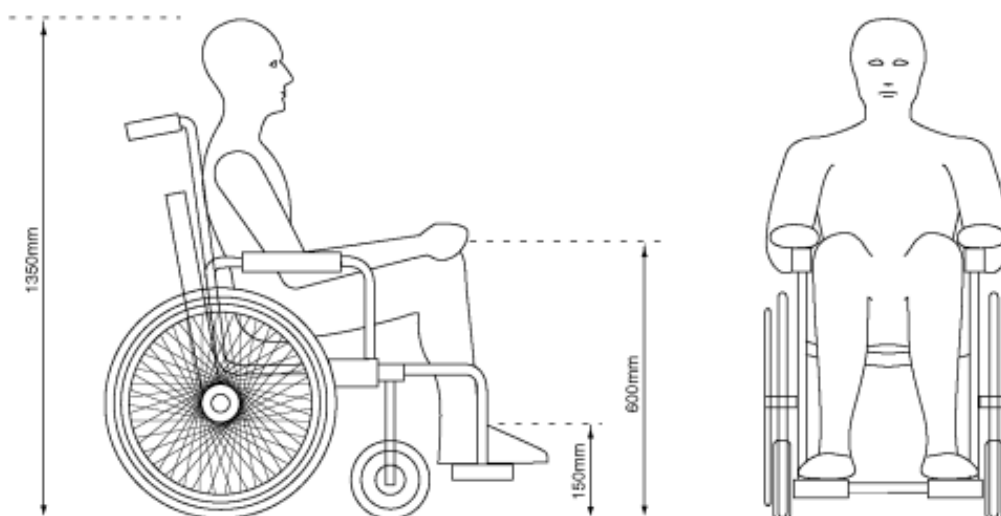
- a) pay attention to personal hygiene and dress so as to present a professional image to the public:
  - As a minimum clothing should be clean, smart casual in appearance with shoes.
  - Unacceptable clothing include jeans, singlets, sports shorts or bathing costumes, sandals or flip flops or open toed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

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

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

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

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



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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



Department  
for Transport

## **Statutory Taxi & Private Hire Vehicle Standards**

## Contents

	Page
1. Introduction.....	4
2. Consideration of the Statutory Taxi and Private Hire Vehicle Standards.....	6
3. Administering the Licensing Regime.....	8
Licensing polices .....	8
Duration of licences .....	9
Whistleblowing.....	9
Consultation at the local level .....	10
Changing licensing policy and requirements .....	10
4. Gathering and Sharing Information.....	12
The Disclosure and Barring Service .....	12
The Disclosure and Barring Service Update Service .....	13
Common Law Police Disclosure .....	13
Licensee self-reporting .....	13
Referrals to the Disclosure and Barring Service and the Police .....	14
Working with the Police .....	15
Sharing licensing information with other licensing authorities.....	15
Multi-agency Safeguarding Hub (MASH).....	16
Complaints against licensees .....	17
Overseas convictions .....	17
5. Decision Making .....	19
Administration of the licensing framework .....	19
Training decision makers.....	19
The regulatory structure .....	20
Fit and proper test .....	21
Criminal convictions and rehabilitation .....	21
6. Driver Licensing.....	23
Criminality checks for drivers.....	23
Safeguarding awareness.....	23
‘County lines’ exploitation .....	24
Language proficiency .....	25

7. Vehicle Licensing.....	26
Criminality checks for vehicle proprietors .....	26
In-vehicle visual and audio recording – CCTV.....	27
Stretched Limousines .....	28
8. Private Hire Vehicle Operator Licensing .....	29
Criminality checks for private hire vehicle operators.....	29
Booking and dispatch staff.....	30
Record keeping .....	31
Use of passenger carrying vehicles (PCV) licensed drivers .....	31
9. Enforcing the Licensing Regime .....	33
Joint authorisation of enforcement officers .....	33
Setting expectations and monitoring.....	33
Suspension and revocation of driver licences.....	33
Annex – Assessment of Previous Convictions .....	35
Annex – Disclosure and Barring Service information .....	37
Annex – CCTV Guidance .....	38
Annex - Staying Safe: Guidance for Passengers .....	40

# 1. Introduction

- 1.1 There is evidence to support the view that taxis and private hire vehicles are a high-risk environment. In terms of risks to passengers, this can be seen in abuse and exploitation of children and vulnerable adults facilitated and in some cases perpetrated by the trade and the number of sexual crimes reported which involve taxi and private hire vehicle drivers. Links between the trade and child sexual abuse and exploitation have been established in many areas and other investigations continue. Data on reported sexual assaults by taxi and private hire vehicle drivers evidence the risk to passengers; data from [Greater Manchester](#) and [Merseyside](#) suggest that, if similar offence patterns are applied across England, 623 sexual assaults per year are reported. These figures do not however account for the under reporting of crime which is estimated to be as high as 83 percent in the [Crime Survey for England and Wales](#).
- 1.2 The Policing and Crime Act 2017 enables the Secretary of State for Transport to issue statutory guidance on exercising taxi and private hire vehicle licensing functions to protect children and vulnerable individuals who are over 18 from harm when using these services. For the purposes of this document, a child is defined as anyone who has not yet reached their 18th birthday; and the term “vulnerable individual” has the same meaning as the definition of a ‘vulnerable adult’ for the purpose of section 42 of the [Care Act 2014](#), which applies where a local authority has reasonable cause to suspect that an adult in its area (whether or not ordinarily resident there):
- (a) has needs for care and support (whether or not the authority is meeting any of those needs),
  - (b) is experiencing, or is at risk of, abuse or neglect, and
  - (c) as a result of those needs is unable to protect himself or herself against the abuse or neglect or the risk of it.
- 1.3 Whilst the focus of the Statutory Taxi and Private Hire Vehicle Standards is on protecting children and vulnerable adults, all passengers will benefit from the recommendations contained in it. There is consensus that common core minimum standards are required to regulate better the taxi and private hire vehicle sector, and the recommendations in this document are the result of detailed discussion with the trade, regulators and safety campaign groups. **The Department therefore expects these recommendations to be implemented unless there is a compelling local reason not to.**
- 1.4 It should be noted that as policing and criminal justice is not a devolved matter, the Statutory Taxi and Private Hire Vehicle Standards issued under the Policing and Crime Act 2017 will continue to have effect in Wales although responsibility for taxi and private hire vehicle policy was devolved to the Welsh Assembly in April 2018. Should the Welsh Government introduce legislation to regulate on these issues, the standards in this document would, cease to apply.

- 1.5 All local authorities and district councils that provide children's and other types of services, including licensing authorities, have a statutory duty to make arrangements to ensure that their functions and any services that they contract out to others are discharged having regard to the need to safeguard and promote the welfare of children. This means that licensing authorities should have in place arrangements that reflect the importance of safeguarding and promoting the welfare of children. This includes clear whistleblowing procedures, safe recruitment practices and clear policies for dealing with allegations against people who work with children, as set out in the [Working Together to Safeguard Children](#) statutory guidance.
- 1.6 The Statutory Taxi and Private Hire Vehicle Standards reflect the significant changes in the industry and lessons learned from experiences in local areas since the 2010 version of the Department's Best Practice Guidance. This includes extensive advice on checking the suitability of individuals and operators to be licensed; safeguarding children and vulnerable adults; the Immigration Act 2016 and Common Law Police Disclosure (which replaced the Notifiable Occupations Scheme).
- 1.7 The standards in this document replace relevant sections of the Best Practice Guidance issued by the Department in 2010, where there is a conflict between the Statutory Taxi and Private Hire Vehicle Standards and the Best Practice Guidance the Department issue on taxi and private hire vehicle licensing, the standards in this document take precedence.

## Terminology

Taxis are referred to in legislation, regulation and common language as 'hackney carriages', 'black cabs' and 'cabs'. The term '**taxi**' is used throughout this document and refers to all such vehicles. Taxis can be hired immediately by hailing on the street or at a rank.

Private hire vehicles include a range of vehicles including minicabs, executive cars, chauffeur services, limousines and some school and day centre transport services. All private hire vehicle journeys must be pre-booked via a licensed private hire vehicle operator and are subject to a 'triple licensing lock' i.e. the operator fulfilling the booking must use vehicles and drivers licensed by the same authority as that which granted its licence. The term 'private hire vehicle' is used throughout this document to refer to all such vehicles.

## 2. Consideration of the Statutory Taxi and Private Hire Vehicle Standards

- 2.1 The past failings of licensing regimes must never be repeated. The Department has carefully considered the measures contained in the Statutory Taxi and Private Hire Vehicle Standards and recommend that these should be put in to practice and administered appropriately to mitigate the risk posed to the public. The purpose of setting standards is to protect children and vulnerable adults, and by extension the wider public, when using taxis and private hire vehicles.
- 2.2 The Government set out in the [Modern Crime Prevention Strategy](#) the evidence that where Government, law enforcement, businesses and the public work together on prevention, this can deliver significant and sustained cuts in certain crimes. That is good news for victims and communities and it makes clear economic sense too. Educating the public on the risks of using unlicensed drivers and vehicles, how to identify the licensed trade and appropriate measure to take when using these services will protect help all passengers, more information is annexed to this document (Annex - Staying safe: guidance for passengers).
- 2.3 The Strategy committed to protect children and young people from the risk of child sexual abuse and exploitation (CSAE), by working with local authorities to introduce rigorous taxi and private hire vehicle licensing regimes. Both the [Jay](#) and [Casey](#) reports on CSAE highlighted examples of taxi/private hire vehicle drivers being directly linked to children that were abused, including instances when children were picked up from schools, children's homes or from family homes and abused, or sexually exploited.
- 2.4 The Casey Report made clear that weak and ineffective arrangements for taxi and private hire vehicle licensing had left the children and public at risk. The Department for Transport has worked with the Home Office, Local Government Association (LGA), personal safety charities, trade unions and trade bodies,



holding workshops, forums, and sharing evidence and good practice with local authorities to assist in the setting of the standards.

- 2.5 This document is published by the Secretary of State for Transport under section 177(1) of the Policing and Crime Act 2017 following consultation in accordance with section 177(5).
- 2.6 The document sets out a framework of policies that, under section 177(4), licensing authorities “**must have regard**” to when exercising their functions. These functions include developing, implementing and reviewing their taxi and private hire vehicle licensing regimes. “Having regard” is more than having a cursory glance at a document before arriving at a preconceived conclusion.
- 2.7 “Having regard” to these standards requires public authorities, in formulating a policy, to give considerations the weight which is proportionate in the circumstances. **Given that the standards have been set directly to address the safeguarding of the public and the potential impact of failings in this area, the importance of thoroughly considering these standards cannot be overstated.** It is not a question of box ticking; the standards must be considered rigorously and with an open mind.
- 2.8 Although it remains the case that licensing authorities must reach their own decisions, both on overall policies and on individual licensing matters in light of the relevant law, it may be that the Statutory Taxi and Private Hire Vehicle Standards might be drawn upon in any legal challenge to an authority’s practice, and that any failure to adhere to the standards without sufficient justification could be detrimental to the authority’s defence. **In the interest of transparency, all licensing authorities should publish their consideration of the measures contained in Statutory Taxi and Private Hire Vehicle Standards, and the policies and delivery plans that stem from these.** The Department has undertaken to monitor the effectiveness of the standards in achieving the protection of children and vulnerable adults (and by extension all passengers).
- 2.9 The Statutory Taxi and Private Hire Vehicle Standards does not purport to give a definitive statement of the law and any decisions made by a licensing authority remain a matter for that authority.

### 3. Administering the Licensing Regime

#### Licensing policies

- 3.1 The Department recommends all licensing authorities make publicly available a cohesive policy document that brings together all their procedures on taxi and private hire vehicle licensing. This should include but not be limited to policies on convictions, a 'fit and proper' person test, licence conditions and vehicle standards.
- 3.2 When formulating a taxi and private hire vehicle policy, the primary and overriding objective must be to protect the public. The importance of ensuring that the licensing regime protects the vulnerable cannot be overestimated. This was highlighted in the [report by Dame Louise Casey CB](#) of February 2015 on safeguarding failings.

*“It will be evident from this report that in many cases the activities of perpetrators take place in spheres which are regulated by the Council – taxis have been the focus of particular concern. Persistent and rigorous enforcement of the regulatory functions available to the council, including the placing of conditions on private hire taxi operator licences where appropriate, would send a strong signal that the trade is being monitored and would curtail the activities of opportunistic perpetrators whereby taxi drivers have solicited children to provide sex in return for cigarettes, alcohol or a fare free ride.”*

- 3.3 The long-term devastation caused by CSAE was summarised in the same report:

*“Victims suffer from suicidal feelings and often self-harm. Many become pregnant. Some have to manage the emotional consequences of miscarriages and abortions while others have children that they are unable to parent appropriately. The abuse and violence continues to affect victims into adulthood. Many enter violent and abusive relationships. Many suffer poor mental health and addiction.”*

- 3.4 Rotherham Metropolitan Borough Council ('Rotherham Council') provides an example of how the systematic review of policies and procedures and the implementation of a plan to drive improvements in practice can result in a well-functioning taxi and private hire vehicle sector that is rebuilding local confidence in the industry. The history of past failings here and elsewhere is well known, but it is the transparency and resolution that Rotherham Council has demonstrated and the high standards they now require that are rebuilding public confidence.
- 3.5 One of the key lessons learned is that it is vital to review policies and reflect changes in the industry both locally and nationally. **Licensing authorities should review their licensing policies every five years, but should also consider interim reviews should there be significant issues arising in their area, and their performance annually.**

## Duration of licences

- 3.6 A previous argument against issuing licences for more than a year was that a criminal offence might be committed, and not notified, during this period; this can of course also be the case during the duration of a shorter licence. This risk can be mitigated for drivers by authorities to undertaking regular interim checks. To help authorities monitor licensees' suitability, licensing authorities should engage with their police force to ensure that when the police believe a licensee presents a risk to the travelling public they use their Common Law Police Disclosure powers (see paragraphs 4.9 - 4.11) to advise them.
- 3.7 The Local Government (Miscellaneous Provisions) Act 1976 (as amended) sets a standard length at three years for taxi and private hire vehicle drivers and five years for private hire vehicle operators. Any shorter duration licence should only be issued when the licensing authority thinks it is appropriate in the specific circumstances of the case, if a licensee has requested one or where required (e.g. when the licence holder's leave to remain in the UK is time-limited) or when the licence is only required to meet a short-term demand; they should not be issued on a 'probationary' basis.

## Whistleblowing

- 3.8 It is in the application of licensing authority's policies (and the training and raising of awareness among those applying them) that protection will be provided. Where there are concerns that policies are not being applied correctly, it is vital that these can be raised, investigated and remedial action taken if required. **Licensing authorities should have effective internal procedures in place for staff to raise concerns and for any concerns to be dealt with openly and fairly.**

A report into the licensing of drivers by South Ribble Borough Council highlights the implications of not applying the agreed policies. In early August 2015, concerns were raised regarding decisions to renew the licences of drivers where there were potential incidents of child sexual exploitation. An internal review concluded that there had been failings in local investigatory procedures which might have affected the ability of the General Licensing Committee to make proper decisions, and information sharing with the police and data recording was not satisfactory.

- 3.9 The external investigation in South Ribble concluded “that there had been a lack of awareness and priority given to safeguarding and the safety of taxi [and private hire vehicle] passengers in the manner in which licensing issues were addressed”. We are pleased to note that the [report](#) concludes, “The Council have been active at every stage in responding to issues and concerns identified. It has taken steps to address operational issues in the licensing function and has engaged fully with other agencies in so doing. In the light of the above, it is not necessary to make any further recommendations.”
- 3.10 It is hoped that all licensing authorities will have learnt from these mistakes but to prevent a repeat, **local authorities should ensure they have an effective ‘whistleblowing’ policy and that all staff are aware of it.** If a worker is aware of, and has access to, effective internal procedures for raising concerns then ‘whistleblowing’ is unlikely to be needed.
- 3.11 The Public Interest Disclosure Act 1998 (PIDA), commonly referred to as whistleblowing legislation, provides protection for those that have a reasonable belief of serious wrongdoing, including failure to comply with professional standards, council policies or codes of practice/conduct. The PIDA is part of employment law. In the normal course of events, if a worker reveals information that his employer does not want revealed it may be a disciplinary offence. If someone leaked their employer’s confidential information to the press, they might expect to be dismissed for that. The PIDA enables workers who ‘blow the whistle’ about wrongdoing to complain to an employment tribunal if they are dismissed or suffer any other form of detriment for doing so. It is a qualified protection and certain conditions would have to be met for the worker to be protected. More information is available online for [employees](#) and [employers](#).

### Consultation at the local level

- 3.12 Licensing authorities should consult on proposed changes in licensing rules that may have significant impacts on passengers and/or the trade. Such consultation should include not only the taxi and private hire vehicle trades but also groups likely to be the trades’ customers. Examples are groups representing disabled people, Chambers of Commerce, organisations with a wider transport interest (e.g. the Campaign for Better Transport and other transport providers), women’s groups, local traders, and the local multi-agency safeguarding arrangements. It may also be helpful to consult with night-time economy groups (such as Pubwatch) if the trade is an important element of dispersal from the local night-time economy’s activities.
- 3.13 Any decision taken to alter the licensing regime is likely to have an impact on the operation of the taxi and private hire vehicle sector in neighbouring areas; and **licensing authorities should engage with these areas to identify any concerns and issues that might arise from a proposed change.** Many areas convene regional officer consultation groups or, more formally, councillor liaison meetings; this should be adopted by all authorities.

### Changing licensing policy and requirements

- 3.14 **Any changes in licensing requirements should be followed by a review of the licences already issued.** If the need to change licensing requirements has been identified, this same need is applicable to those already in possession of a licence. That is not however to suggest that licences should be automatically revoked overnight, for example if a vehicle specification is changed it is proportionate to allow those that would not meet the criteria to have the opportunity to adapt or change their vehicle. The same pragmatic approach should be taken to driver licence changes - if requirements are changed to include a training course or qualification, a reasonable time should be allowed for this to be undertaken or gained. The implementation schedule of any changes that affect current licence holders must be transparent and communicated promptly and clearly.
- 3.15 Where a more subjective change has been introduced, for example an amended policy on previous convictions, a licensing authority must consider each case on its own merits. Where there are exceptional, clear and compelling reasons to deviate from a policy, licensing authorities should consider doing so. Licensing authorities should record the reasons for any deviation from the policies in place.

## 4. Gathering and Sharing Information

- 4.1 Licensing authorities must consider as full a range of information available to them when making a decision whether to grant a licence and to meet their ongoing obligation to ensure a licensee remains suitable to hold a licence.

### The Disclosure and Barring Service

- 4.2 The Disclosure and Barring Service (DBS) provides access to criminal record information through its disclosure service for England and Wales. The DBS also maintains the lists of individuals barred from working in regulated activity with children or adults. The DBS makes independent barring decisions about people who have harmed, or where they are considered to pose a risk of harm to a child or vulnerable person within the workplace. The DBS enables organisations in the public, private and voluntary sectors to make safer employment decisions by identifying candidates who may be unsuitable for certain work, especially that which involves vulnerable groups including children.
- 4.3 Enhanced certificates with a check of the barred lists include details of spent and unspent convictions recorded on the Police National Computer (PNC), any additional information which a chief officer of police believes to be relevant and ought to be disclosed, as well as indicating whether the individual is barred from working in regulated activity with children or adults. Spent convictions and cautions are disclosed on standard and enhanced certificates according to rules set out in legislation. Convictions which resulted in a custodial sentence, and convictions or cautions for a specified serious offence such as those involving child sexual abuse will always be disclosed on a standard or enhanced certificate. Full details of the disclosure rules, and those offences which will always be disclosed, are available from the [DBS](#). As well as convictions and cautions, an enhanced certificate may include additional information which a chief police officer reasonably believes is relevant and ought to be disclosed. Chief police officers must have regard to the [statutory guidance](#) issued by the Home Office when considering disclosure. A summary of the information provided at each level of DBS checks is annexed to this document (Annex – Disclosure and Barring Service information).
- 4.4 It should be noted that licensing authorities must not circumvent the DBS process and seek to obtain details of previous criminal convictions and other information that may not otherwise be disclosed on a DBS certificate. Whilst data protection legislation (not just the Data Protection Act 2018 or General Data Protection Regulation (GDPR)) gives individuals (or data subjects) a 'right of access' to the personal data that an organisation holds about them, it is a criminal offence to require an individual to exercise their subject access rights so as to gain information about any convictions and cautions. This could potentially lead to the authority receiving information to which it is not entitled. The appropriate way of accessing an individual's criminal records is through an enhanced DBS and barred lists check.

## The Disclosure and Barring Service Update Service

- 4.5 Subscription to the DBS Update Service allows those with standard and enhanced certificates to keep these up to date online and, with the individual's consent, allows nominees to check the status of a certificate online at any time. Subscription to the service removes the need for new certificates to be requested, reduces the administrative burden and mitigates potential delays in relicensing.
- 4.6 The DBS will search regularly to see if any relevant new information has been received since the certificate was issued. The frequency varies depending on the type of information; for criminal conviction and barring information, the DBS will search for updates on a weekly basis. For non-conviction information, the DBS will search for updates every nine months.
- 4.7 Licensing authorities are able to request large numbers of status checks on a daily basis. The DBS has developed a Multiple Status Check Facility (MSCF) that can be accessed via a web service. The MSCF enables organisations to make an almost unlimited number of Status Checks simultaneously. Further information on the MSCF is available from the [DBS](#).
- 4.8 Should the MSCF advise that new information is available the DBS certificate should no longer be relied upon and a new DBS certificate requested.

### Common Law Police Disclosure

- 4.9 The DBS is not the only source of information that should be considered as part of a fit and proper assessment for the licensing of taxi and private hire vehicle drivers. Common Law Police Disclosure ensures that where there is a public protection risk, the police will pass information to the employer or regulatory body to allow them to act swiftly to mitigate any danger.
- 4.10 Common Law Police Disclosure replaced the Notifiable Occupations Scheme (NOS) in March 2015 and focuses on providing timely and relevant information which might indicate a public protection risk. Information is passed on at arrest or charge, rather than on conviction which may be some time after, allowing any measures to mitigate risk to be put in place immediately.
- 4.11 This procedure provides robust safeguarding arrangements while ensuring only relevant information is passed on to employers or regulatory bodies. **Licensing authorities should maintain close links with the police to ensure effective and efficient information sharing procedures and protocols are in place and are being used.**

### Licensee self-reporting

- 4.12 Licence holders should be required to notify the issuing authority within 48 hours of an arrest and release, charge or conviction of any sexual offence, any offence involving dishonesty or violence and any motoring offence. An arrest for any of the offences within this scope should result in a review by the issuing authority as to whether the licence holder is fit to continue to do so. This must not

however be seen as a direction that a licence should be withdrawn; it is for the licensing authority to consider what, if any, action in terms of the licence should be taken based on the balance of probabilities. Should an authority place an obligation on licensees to notify under these circumstances, authorities should also ensure appropriate procedures are in place to enable them to act in a suitable timeframe if and when needed.

- 4.13 Importantly, a failure by a licence holder to disclose an arrest that the issuing authority is subsequently advised of might be seen as behaviour that questions honesty and therefore the suitability of the licence holder regardless of the outcome of the initial allegation.

### Referrals to the Disclosure and Barring Service and the Police

- 4.14 In some circumstances it may be appropriate under the Safeguarding Vulnerable Groups Act 2006 for licensing authorities to make referrals to the DBS. **A decision to refuse or revoke a licence as the individual is thought to present a risk of harm to a child or vulnerable adult, should be referred to the DBS.** The power for the licensing authority to make a referral in this context arises from the undertaking of a safeguarding role. Further guidance has been provided by the [DBS](#).

- 4.15 The Department recommends that licensing authorities should make a referral to the DBS when it is thought that:

- an individual has harmed or poses a risk of harm to a child or vulnerable adult;
- an individual has satisfied the '[harm test](#)'; or
- received a caution or conviction for a relevant offence and;
- the person they are referring is, has or might in future be working in regulated activity;

if the above conditions are satisfied, the DBS may consider it appropriate for the person to be added to a barred list.

- 4.16 These referrals may result in the person being added to a barred list and enable other licensing authorities to consider this should further applications to other authorities be made. Further information on referrals to DBS is [available](#).



## Working with the Police

- 4.17 The police are an invaluable source of intelligence when assessing whether a licensing applicant is a 'fit and proper' person. It is vital that licensing authorities have a partnership with the police service to ensure that appropriate information is shared as quickly as possible. As part of building an effective working relationship between the licensing authority and the police, **action taken by the licensing authority as a result of information received should be fed-back to the police.** Increasing the awareness among police forces of the value licensing authorities place on the information received, particularly on non-conviction intelligence, will assist furthering these relationships and reinforce the benefits of greater sharing of information.
- 4.18 This relationship can be mutually beneficial, assisting the police to prevent crime. The police can gain valuable intelligence from drivers and operators, for example, the identification of establishments that are selling alcohol to minors or drunks, or the frequent transportation of substance abusers to premises.
- 4.19 To aid further the quality of the information available to all parties that have a safeguarding duty, a revocation or refusal on public safety grounds should also be advised to the police.

## Sharing licensing information with other licensing authorities

- 4.20 As has been stated elsewhere in this document, obtaining the fullest information minimises the doubt as to whether an applicant or licensee is 'fit and proper'. An obvious source of relevant information is any previous licensing history. **Applicants and licensees should be required to disclose if they hold or have previously held a licence with another authority. An applicant should also be required to disclose if they have had an application for a licence refused, or a licence revoked or suspended by any other licensing authority.** Licensing authorities should explicitly advise on their application forms that making a false statement or omitting to provide the information requested may be a criminal offence.
- 4.21 The LGA's Councillors' [Handbook on taxi and private hire vehicle licensing](#) advises that those responsible for licensing should "*communicate regularly with licensing committees and officers in neighbouring councils to ensure critical information is shared and that there is a consistency and robustness in decision-making. By working together, local government can make sure that this vital service is safe, respected, and delivering for local communities.*". While this approach may aid consistency and robustness in decision-making within regions, it has obvious inherent limitations as it is unlikely such protocols could be established between all licensing authorities. The LGA commissioned the National Anti-Fraud Network to develop a national register of taxi and private hire vehicle driver licence refusals and revocations (the register is known as 'NR3'). **Tools such as NR3 should be used by licensing authorities to share information on a more consistent basis to mitigate the risk of non-disclosure of relevant information by applicants.**

- 4.22 For these processes to be beneficial, all licensing authorities must keep a complete and accurate record as to the reasons for refusal, suspension or revocation of a licence in order that this might be shared if requested and appropriate to do so.
- 4.23 Data protection legislation provides exemption from the rights of data subjects for the processing of personal data in connection with regulatory activities. This includes taxi and private hire vehicle licensing. The exemption applies only to information processed for the core regulatory activities of appropriate organisations; it may not be used in a blanket manner. The exemption applies only to the extent that the application of the rights of data subjects to the information in question would be likely to prejudice the proper discharge of the regulatory functions. The Information Commissioner's Office has published [guidance](#) to assist organisations to fully understand their obligations and suggest good practice.
- 4.24 If notification under paragraph 4.20 or 4.21 of a refused or revoked licence is disclosed, the relevant licensing authority should be contacted to establish when the licence was refused, suspended or revoked and the reasons why. In those circumstances, the relevant licensing authority must consider whether it should disclose any information in relation to the previous decision, consistent with its obligations under data protection legislation. If information is disclosed, it can then be taken into account in determining the applicant's fitness to be licensed. The relevance of the reason for refusing/revoking a licence must be considered. For example, if any individual was refused a licence for failing a local knowledge test, it does not have any safeguarding implications. Conversely, a revocation or refusal connected to indecency would. Licensing authorities should not simply replicate a previous decision, authorities must consider each application on its own merits and with regard to its own policies.
- 4.25 Should a licensing authority receive information that a licence holder did not disclose the information referred to in paragraph 4.20, for example by checking the NR3 register, the authority should consider whether the non-disclosure represents dishonesty and should review whether the licence holder remains 'fit and proper'.

### **Multi-agency Safeguarding Hub (MASH)**

- 4.26 Multi-Agency Safeguarding Hubs are a way to improve the safeguarding response for children and vulnerable adults through better information sharing and high quality and timely safeguarding responses. MASHs (or similar models) should operate on three common principles: information sharing, joint decision making and coordinated intervention.
- 4.27 The Home Office report on [Multi Agency Working and Information Sharing](#) recommended that effective multi-agency working still needs to become more widespread. The Children's Commissioner's 2013 [Inquiry into Child Sexual Exploitation in Gangs and Groups](#) found that both police and local authorities still identified the inability to share information as a key barrier to safeguarding children from sexual abuse and exploitation.

4.28 All licensing authorities should operate or establish a means to facilitate the objectives of a MASH (i.e. the sharing of necessary and relevant information between stakeholders). As has been emphasised throughout this document, one of the most effective ways to minimise the risk to children and vulnerable adults when using taxis and private hire vehicles is to ensure that decisions on licensing individuals are made with the fullest knowledge possible.

### Complaints against licensees

4.29 Complaints about drivers and operators provide a source of intelligence when considering the renewal of a licence or to identify problems during the period of the licence. Patterns of behaviour such as complaints against drivers, even when they do not result in further action in response to an individual complaint, may be indicative of characteristics that raise doubts over the suitability to hold a licence. **All licensing authorities should have a robust system for recording complaints, including analysing trends across all licensees as well as complaints against individual licensees.** Such a system will help authorities to build a fuller picture of the potential risks an individual may pose and may tip the 'balance of probabilities' assessment that licensing authorities must take.

4.30 Licensees with a high number of complaints made against them should be contacted by the licensing authority and concerns raised with the driver and operator (if appropriate). Further action in terms of the licence holder must be determined by the licensing authority, which could include no further action, the offer of training, a formal review of the licence, or formal enforcement action.

4.31 To ensure that passengers know who to complain to, licensing authorities should produce guidance for passengers on making complaints directly to the licensing authority that should be available on their website. Ways to make complaint to the authority should be displayed in all licensed vehicles. This is likely to result in additional work for the licensing authority but has the advantage of ensuring consistency in the handling of complaints. Currently, it is more likely that a complaint against a taxi driver would be made directly to the licensing authority whereas a complaint against a private hire vehicle driver is more likely to be made to the operator. An effective partnership in which operators can share concerns regarding drivers is also encouraged.

4.32 Importantly, this approach will assist in the directing of complaints and information regarding the behaviour of drivers who may be carrying a passenger outside of the area in which the driver is licensed to the authority that issued the licence. In order for this to be effective licensing authorities must ensure that drivers are aware of a requirement to display information on how to complain and take appropriate sanctions against those that do not comply with this requirement.

4.33 In terms of investigating complaints CCTV footage of an incident can provide an invaluable insight, providing an 'independent witness' to an event. This can assist in the decision whether to suspend or revoke a licence. The potential benefits of mandating CCTV in vehicles is discussed in paragraphs 7.7 - 7.12.

### Overseas convictions

- 4.34 The DBS cannot access criminal records held overseas, only foreign convictions that are held on the Police National Computer may, subject to the disclosure rules, be disclosed. Therefore, a DBS check may not provide a complete picture of an individual's criminal record where there have been periods living or working overseas; the same applies when an applicant has previously spent an extended period (three or more continuous months) outside the UK. It should however be noted that some countries will not provide an 'Certificate of Good Character' unless the individual has been resident for six months or more
- 4.35 Licensing authorities should seek or require applicants to provide where possible criminal records information or a 'Certificate of Good Character' from overseas in this circumstance to properly assess risk and support the decision-making process (. It is the character of the applicant as an adult that is of particular interest, therefore an extended period outside the UK before the age of 18 may be less relevant. As with all licensing decisions, each case must be considered on its own merits. For information on applying for overseas criminal record information or 'Certificates of Good Character' please see the Home Office [guidance](#).
- 4.36 Where an individual is aware that they have committed an offence overseas which may be equivalent to those listed in the annex to this document (Annex – Assessment of previous convictions), licensing authorities should advise the applicant to seek independent expert or legal advice to ensure that they provide information that is truthful and accurate.

## 5. Decision Making

### Administration of the licensing framework

- 5.1 A policy is only effective if it is administered properly. The taxi and private hire vehicle licensing functions of local councils are non-executive functions i.e. they are functions of the council rather than the executive (such as the Cabinet). The functions include the determination of licence applications, reviews and renewals, along with the attachment of conditions when considered appropriate. The function may be delegated to a committee, a sub-committee or an officer – which should be set out within a clear scheme of delegation. In London the taxi and private hire vehicle licensing function is undertaken by Transport for London.
- 5.2 Licensing authorities should ensure that all individuals that determine whether a licence is issued or refused are adequately resourced to allow them to discharge the function effectively and correctly.

### Training decision makers

- 5.3 **All individuals that determine whether a licence is issued should be required to undertake sufficient training.** As a minimum, training for a member of a licensing committee should include: licensing procedures, natural justice, understanding the risks of CSAE, disability and equality awareness and the making of difficult and potentially controversial decisions. Training should not simply relate to procedures, but should include the use of case study material to provide context and real scenarios. All training should be formally recorded by the licensing authority and require a signature from the person that has received the training. Training is available from a number of organisations including the Institute of Licensing and Lawyers in Local Government; the LGA may also be able to assist in the development of training packages.
- 5.4 Public safety is the paramount consideration but the discharge of licensing functions must be undertaken in accordance with the following general principles:
- policies should be used as internal guidance, and should be supported by a member/officer code of conduct.
  - any implications of the Human Rights Act should be considered.
  - 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 factors.
  - decision makers must avoid bias (or even the appearance of bias) and predetermination.
  - data protection legislation.

5.5 When a decision maker has a prejudicial interest in a case, whether it be financial or a personal relationship with those involved they should declare their interest at the earliest opportunity; this must be prior to any discussions or votes and, once declared, they must leave the room for the duration of the discussion or vote.

### The regulatory structure

5.6 It is recommended that councils operate with a Regulatory Committee or Board that is convened at periodic intervals to determine licensing matters, with individual cases being considered by a panel of elected and suitably trained councillors drawn from a larger Regulatory Committee or Board. This model is similar to that frequently adopted in relation to other licensing matters. To facilitate the effective discharge of the functions, less contentious matters can be delegated to appropriately authorised council officers via a transparent scheme of delegation.

5.7 It is considered that this approach also ensures the appropriate level of separation between decision makers and those that investigate complaints against licensees, and is the most effective method in allowing the discharge of the functions in accordance with the general principles referred to in 5.4. In particular, the Committee/Board model allows for:

- Each case to be considered on its own merits. It is rare for the same councillors to be involved in frequent hearings – therefore the councillors involved in the decision making process will have less knowledge of previous decisions and therefore are less likely to be influenced by them. Oversight and scrutiny can be provided in relation to the licensing service generally, which can provide independent and impartial oversight of the way that the functions are being discharged within the authority.
- Clear separation between investigator and the decision maker – this demonstrates independence, and ensures that senior officers can attempt to resolve disputes in relation to service actions without the perception that this involvement will affect their judgement in relation to decisions made at a later date.

5.8 Avoidance of bias or even the appearance of bias is vital to ensuring good decisions are made and instilling and/or maintaining confidence in the licensing regime by passengers and licensees.

5.9 Unlike officers, elected members are not usually involved in the day to day operation of the service and as such do not have relationships with licence holders that may give the impression that the discharge of a function is affected by the relationship between the decision maker and the licence holder.

5.10 Some licensing authorities may decide to operate a system whereby all matters are delegated to a panel of officers; however, this approach is not recommended and caution should be exercised. Decisions must be, and be seen to be, made objectively, avoiding any bias. In addition, it may be more difficult to demonstrate compliance with the principles referred to above due to the close

connection between the officers on the panel, and those involved in the operational discharge of the licensing functions.

- 5.11 Whether the structure proposed is introduced or an alternative model is more appropriate in local circumstances, the objective should remain the same - to separate the investigation of licensing concerns and the management of the licence process. Regardless of which approach is adopted, **all licensing authorities should consider arrangements for dealing with serious matters that may require the immediate revocation of a licence.** It is recommended that this role is delegated to a senior officer/manager with responsibility for the licensing service.

### Fit and proper test

- 5.12 Licensing authorities have a duty to ensure that any person to whom they grant a taxi or private hire vehicle driver's licence is a 'fit and proper' person to be a licensee. It may be helpful when considering whether an applicant or licensee is fit and proper to pose oneself the following question:

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

- 5.13 If, on the balance of probabilities, the answer to the question is 'no', the individual should not hold a licence.
- 5.14 Licensing authorities have to make difficult decisions but (subject to the points made in paragraph 5.4) the safeguarding of the public is paramount. All decisions on the suitability of an applicant or licensee should be made on the balance of probability. This means that an applicant or licensee should not be 'given the benefit of doubt'. If the committee or delegated officer is only "50/50" as to whether the applicant or licensee is 'fit and proper', they should not hold a licence. The threshold used here is lower than for a criminal conviction (that being beyond reasonable doubt) and can take into consideration conduct that has not resulted in a criminal conviction.

### Criminal convictions and rehabilitation

- 5.15 In considering an individual's criminal record, licensing authorities must consider each case on its merits, but they should take a particularly cautious view of any offences against individuals with special needs, children and other vulnerable groups, particularly those involving violence, those of a sexual nature and those linked to organised crime. In order to achieve consistency, and to mitigate the risk of successful legal challenge, licensing authorities should have a clear policy for the consideration of criminal records. This should include, for example, which offences would prevent an applicant from being licenced regardless of the period elapsed in all but truly exceptional circumstances. In the case of lesser offences, a policy should consider the number of years the authority will require to have elapsed since the commission of particular kinds of offences before they will grant a licence.

- 5.16 Annexed to this document are the Department's recommendations on the assessment of previous convictions (Annex – Assessment of previous convictions). This draws on the work of the Institute of Licensing, in partnership with the LGA, the National Association of Licensing Enforcement Officers (NALEO) and Lawyers in Local Government, in publishing its guidance on determining the suitability of taxi and private hire vehicle licensees.
- 5.17 These periods should be taken as a starting point in considering whether a licence should be granted or renewed in all cases. The Department's view is that this places passenger safety as the priority while enabling past offenders to sufficiently evidence that they have been successfully rehabilitated so that they might obtain a licence. Authorities are however reminded that applicants are entitled to a fair and impartial consideration of their application.



## 6. Driver Licensing

### Criminality checks for drivers

- 6.1 Licensing authorities are entitled to request an enhanced criminal record certificate with check of the barred lists from the DBS for all driver licence holders or applicants. The DfT's 2019 [survey of taxi and private hire vehicle licensing authorities](#) shows that all licensing authorities in England and Wales have a requirement that an enhanced DBS check is undertaken at first application or renewal.
- 6.2 All individuals applying for or renewing a taxi or private hire vehicle drivers licence licensing authorities should carry out a check of the children and adult Barred Lists in addition to being subject to an enhanced DBS check (in section x61 of the DBS application 'Other Workforce' should be entered in line 1 and 'Taxi Licensing' should be entered at line 2). All licensed drivers should also be required to evidence continuous registration with the DBS update service to enable the licensing authority to routinely check for new information every six months. Drivers that do not subscribe up to the Update Service should still be subject to a check every six months.
- 6.3 Driving a taxi or private hire vehicle is not, in itself, a regulated activity for the purposes of the barred list. This means that an individual subject to barring would not be legally prevented from being a taxi or private hire vehicle driver but the licensing authority should take an individual's barred status into account alongside other information available. **In the interests of public safety, licensing authorities should not, as part of their policies, issue a licence to any individual that appears on either barred list.** Should a licensing authority consider there to be exceptional circumstances which means that, based on the balance of probabilities they consider an individual named on a barred list to be 'fit and proper', the reasons for reaching this conclusion should be recorded.
- 6.4 Drivers working under an arrangement to transport children may be working in 'regulated activity' as defined by the [Safeguarding Vulnerable Groups Act 2006](#). It is an offence to knowingly allow a barred individual to work in regulated activity. The [guidance on home-to-school travel and transport](#) issued by the Department for Education should be considered alongside this document. Please see [guidance](#) on driver DBS eligibility and how to apply.

### Safeguarding awareness

- 6.5 Licensing authorities should consider the role that those in the taxi and private hire vehicle industry can play in spotting and reporting the abuse, exploitation or neglect of children and vulnerable adults. As with any group of people, it is overwhelmingly the case that those within the industry can be an asset in the detection and prevention of abuse or neglect of children and vulnerable adults. However, this is only the case if they are aware of and alert to the signs of potential abuse and know where to turn to if they suspect that a child or vulnerable adult is at risk of harm or is in immediate danger.

6.6 All licensing authorities should provide safeguarding advice and guidance to the trade and should require taxi and private hire vehicle drivers to undertake safeguarding training. This is often produced in conjunction with the police and other agencies. These programmes have been developed to help drivers and operators:

- provide a safe and suitable service to vulnerable passengers of all ages;
- recognise what makes a person vulnerable; and
- understand how to respond, including how to report safeguarding concerns and where to get advice.

6.7 Since 2015, the Department for Education (DfE) has run a nationwide campaign – *‘Together, we can tackle child abuse’* which aims to increase public understanding of how to recognise the signs to spot and encourage them to report child abuse and neglect. The DfE continues to promote and raise awareness of the campaign materials through its [online toolkit](#), for local authorities, charities and organisations for use on their social media channels.

### ‘County lines’ exploitation

6.8 County lines is a term used to describe gangs and organised criminal networks involved in exporting illegal drugs (primarily crack cocaine and heroin) into one or more importing areas [within the UK], using dedicated mobile phone lines or other form of “deal line”.

6.9 Exploitation is an integral part of the county lines offending model with children and vulnerable adults exploited to transport (and store) drugs and money between locations. Children aged between 15-17 make up the majority of the vulnerable people involved in county lines, but they may also be much younger. We know that both girls and boys are groomed and exploited and offenders will often use coercion, intimidation, violence (including sexual violence) and weapons to ensure compliance of victims. Children exploited by county lines gangs may have vulnerabilities besides their age, such as broader mental health issues, disrupted or chaotic homes, substance misuse issues, being excluded from school or frequently going missing.

6.10 The National Crime Agency’s 2018 county lines threat assessment set out that the national road network is key to the transportation of county lines victims, drugs and cash; with hire vehicles being one of the methods used for transportation between locations.

6.11 Safeguarding awareness training should include the ways in which drivers can help to identify county lines exploitation. Firstly, they should be aware of the following warning signs:

- Children and young people travelling in taxis or private hire vehicles alone;

- travelling at unusual hours (during school time, early in the morning or late at night);
- travelling long distances;
- unfamiliar with the local area or do not have a local accent;
- paying for journeys in cash or prepaid.

6.12 The Home Office is working with partners to raise awareness of county lines and has provided [material](#) to help taxi and private vehicle hire staff to identify victims and report concerns to protect those exploited through this criminal activity.

6.13 Drivers (or any person) should be aware of what to do if they believe a child or vulnerable person is at risk of harm. If the risk is immediate they should contact the police otherwise they should:

- use the local safeguarding process, the first step of which is usually to contact the safeguarding lead within the local authority;
- call Crime Stoppers on 0800 555 111.

### Language proficiency

6.14 A lack of language proficiency could impact on a driver's ability to understand written documents, such as policies and guidance, relating to the protection of children and vulnerable adults and applying this to identify and act on signs of exploitation. Oral proficiency will be of relevance in the identification of potential exploitation through communicating with passengers and their interaction with others.

6.15 A licensing authority's test of a driver's proficiency should cover both oral and written English language skills to achieve the objectives stated above.

## 7. Vehicle Licensing

7.1 As with driver licensing, the objective of vehicle licensing is to protect the public, who trust that the vehicles dispatched are above all else safe. It is important therefore that licensing authorities are assured that those granted a vehicle licence also pose no threat to the public and have no links to serious criminal activity. Although vehicle proprietors may not have direct contact with passengers, they are still entrusted to ensure that the vehicles and drivers used to carry passengers are appropriately licensed and so maintain the safety benefits of the licensing regime.

### Criminality checks for vehicle proprietors

7.2 Enhanced DBS and barred list checks are not available for vehicle licensing. **Licensing authorities should require a basic disclosure from the DBS and that a check is undertaken annually.** Any individual may apply for a basic check and the certificate will disclose any unspent convictions recorded on the Police National Computer (PNC). Licensing authorities should consider whether an applicant or licence holder with a conviction for offences provided in the annex to this document (Annex – Assessment of previous convictions), other than those relating to driving, meet the ‘fit and proper’ threshold.

7.3 However, it is important that authorities acknowledge that in many cases individuals that license a vehicle may already be licensed as a driver. An authority which undertakes the biannual DBS checks recommended for its drivers should not require those seeking to licence a vehicle to provide a basic DBS check as part of the application process; a basic DBS would not provide any information in addition to that disclosed under the enhanced DBS and barred lists check used for the driver assessment. In these circumstances, the authority should instead rely on the fact that the applicant is considered as fit and proper to hold a driver licence when considering their suitability to hold a vehicle licence. Should the individual cease to hold a driver licence a basic certificate should be required immediately.

7.4 A refusal to license an individual as a driver or to suspend or revoke a driver licence does not automatically mean that that individual cannot be issued or continue to hold a vehicle or private hire vehicle operator licence; these decisions must be independent of a driver licence refusal and based on the appropriate information i.e. it should not consider information that would only be available via an enhanced DBS check but instead that which would be disclosed on a basic check. DBS certificate information can only be used for the specific purpose for which it was requested and for which the applicant’s full consent has been given.

7.5 Private hire vehicle operator and vehicle licences may be applied for by a company or partnership; licensing authorities should apply the ‘fit and proper’ test to each of the directors or partners in that company or partnership. For this to be effective private hire vehicle operators and those to whom a vehicle licence should be required to advise the licensing authority of any change in directors or partners.

7.6 As explained earlier in the context of driver licensing, the DBS cannot access criminal records held overseas so other checks must be considered where and applicant has lived or worked overseas (see paragraph 4.34 - 4.36).

### **In-vehicle visual and audio recording – CCTV**

7.7 Government has acknowledged the potential risk to public safety when passengers travel in taxis and private hire vehicles. It is unfortunately the case that no matter how complete the information available to licensing authorities is when assessing whether to issue any taxi or private hire vehicle licence, nor how robust the policies in place are and the rigor with which they are applied, it will never completely remove the possibility of harm to passengers by drivers.

7.8 The Department's view is that CCTV can provide additional deterrence to prevent this and investigative value when it does. The use of CCTV can provide a safer environment for the benefit of taxi/private hire vehicle passengers and drivers by:

- deterring and preventing the occurrence of crime;
- reducing the fear of crime;
- assisting the police in investigating incidents of crime;
- assisting insurance companies in investigating motor vehicle accidents.

7.9 All licensing authorities should consult to identify if there are local circumstances which indicate that the installation of CCTV in vehicles would have either a positive or an adverse net effect on the safety of taxi and private hire vehicle users, including children or vulnerable adults, and taking into account potential privacy issues.

7.10 While only a small minority of licensing authorities have so far mandated all vehicles to be fitted with CCTV systems, the experience of those authorities that have has been positive for both passengers and drivers. In addition, the evidential benefits of CCTV may increase the level of reporting of sexual offences. According to the [Crime Survey for England and Wales](#) only 17 percent of victims report their experiences to the police, 28 percent of rape or sexual assault victims indicated that a fear they would not be believed as a factor in them not reporting the crime. The evidential benefits CCTV could provide are therefore an important factor when considering CCTV in vehicles.

7.11 The mandating of CCTV in vehicles may deter people from seeking a taxi or private hire vehicle licence with the intent of causing harm. Those that gain a licence and consider perpetrating an opportunistic attack against a vulnerable unaccompanied passenger may be deterred from doing so. It is however unfortunately the case that offences may still occur even with CCTV operating.

7.12 CCTV systems that are able to record audio as well as visual data may also help the early identification of drivers that exhibit inappropriate behaviour toward passengers. Audio recording should be both overt (i.e. all parties should be aware when recordings are being made) and targeted (i.e. only when passengers (or

drivers) consider it necessary). The recording of audio should be used to provide an objective record of events such as disputes or inappropriate behaviour and must not be continuously active by default and should recognise the need for privacy of passengers' private conversations between themselves. Activation of the audio recording capability of a system might be instigated when either the passenger or driver operates a switch or button.

- 7.13 Imposition of a blanket requirement to attach CCTV as a condition to a licence is likely to give rise to concerns about the proportionality of such an approach and will therefore require an appropriately strong justification and must be kept under regular review. More information and guidance on assessing the impacts of CCTV and on an authority mandating CCTV is annexed to this document (Annex – CCTV guidance).

### **Stretched Limousines**

- 7.14 Licensing authorities are sometimes asked to license small (those constructed or adapted to carry fewer than nine passengers) limousines as private hire vehicles, these vehicles may be used for transport to 'school proms' as well as for adult bookings. It is suggested that licensing authorities should approach such requests on the basis that these vehicles – where they have fewer than nine passenger seats - have a legitimate role to play in the private hire trade, meeting a public demand. It is the Department's view that it is not a legitimate course of action for licensing authorities to adopt policies that exclude limousines as a matter of principle thereby excluding these services from the scope of the private hire vehicle regime and the safety benefits this provides. A blanket policy of excluding limousines may create an unacceptable risk to the travelling public, as it may lead to higher levels of unsupervised operation. Public safety considerations are best supported by policies that allow respectable, safe operators to obtain licences on the same basis as other private hire vehicle operators.
- 7.15 Stretched large limousines which clearly seat more than eight passengers should not be licensed as private hire vehicles because they are outside the licensing regime for private hire vehicles. However, in some circumstances a vehicle with space for more than eight passengers can be licensed as a private hire vehicle where the precise number of passenger seats is hard to determine. In these circumstances, the authority should consider the case on its merits in deciding whether to license the vehicle under the strict condition that the vehicle will not be used to carry more than eight passengers, bearing in mind that refusal may encourage illegal private hire operation.

## 8. Private Hire Vehicle Operator Licensing

8.1 As with driver licensing, the objective in licensing private hire vehicle operators is to protect the public, who may be using operators' premises and trusting that the drivers and vehicles dispatched are above all else safe. It is important therefore that licensing authorities are assured that those that are granted a private hire vehicle operator also pose no threat to the public and have no links to serious criminal activity. Although private hire vehicle operators may not have direct contact with passengers, they are still entrusted to ensure that the vehicles and drivers used to carry passengers are appropriately licensed and so maintain the safety benefits of the driver licensing regime.

### Criminality checks for private hire vehicle operators

8.2 Enhanced DBS and barred list checks are not available for private hire vehicle operator licensing. **Licensing authorities should request a basic disclosure from the DBS and that a check is undertaken annually.** Any individual may apply for a basic check and the certificate will disclose any unspent convictions recorded on the Police National Computer (PNC). Licensing authorities should consider whether an applicant or licence holder with a conviction for offences provided in the annex to this document (Annex – Assessment of previous convictions), other than those relating to driving, meet the 'fit and proper' threshold.

8.3 However, it is important that authorities acknowledge that in many cases individuals that license as a private hire vehicle operator may already be licensed as a driver. An authority which undertakes the biannual DBS checks recommended for its drivers should not require those seeking a private hire vehicle operator licence to provide a basic DBS check as part of the application process; a basic DBS would not provide any information in addition to that disclosed under the enhanced DBS and barred lists check used for the driver assessment. In these circumstances, the authority should instead rely on the fact that the applicant is considered as fit and proper to hold a driver licence when considering their suitability to hold a vehicle licence. Should the individual cease to hold a driver licence a basic certificate should be required immediately

8.4 Refusal to license in individual as a driver or to suspend or revoke a driver licence does not automatically mean that that individual cannot be issued or continue to hold a private hire vehicle operator licence; this decision must be independent of a driver licence refusal and based on the appropriate information i.e. it should not consider information that would only be available via an enhanced DBS check but instead that which would be disclosed on a basic check. DBS certificate information can only be used for the specific purpose for which it was requested and for which the applicant's full consent has been given.

8.5 A private hire vehicle operator licence may be applied for by a company or partnership; licensing authorities should apply the 'fit and proper' test to each of the directors or partners in that company or partnership. For this to be effective

private hire vehicle operators should be required to advise the licensing authority of any change in directors or partners.

- 8.6 As explained earlier in the context of driver licensing, the DBS cannot access criminal records held overseas. Further information on assessing the suitability of those that have spent extended periods in overseas is provided in paragraphs 4.34 - 4.36.

### Booking and dispatch staff

- 8.7 Private hire vehicle drivers are not the only direct contact that private hire vehicle users have with private hire vehicle operators' staff, for example a person taking bookings (be it by phone or in person). A vehicle dispatcher decides which driver to send to a user, a position that could be exploited by those seeking to exploit children and vulnerable adults. It is therefore appropriate that all staff that have contact with private hire vehicle users and the dispatching of vehicles should not present an undue risk to the public or the safeguarding of children and vulnerable adults.
- 8.8 Licensing authorities should be satisfied that private hire vehicle operators can demonstrate that all staff that have contact with the public and/or oversee the dispatching of vehicles do not pose a risk to the public. **Licensing authorities should, as a condition of granting an operator licence, require a register of all staff that will take bookings or dispatch vehicles is kept.**
- 8.9 Operators should be required to evidence that they have had sight of a Basic DBS check on all individuals listed on their register of booking and dispatch staff and to ensure that Basic DBS checks are conducted on any individuals added to the register and that this is compatible with their policy on employing ex-offenders. DBS certificates provided by the individual should be recently issued when viewed, alternatively the operator could use a '[responsible organisation](#)' to request the check on their behalf. When individuals start taking bookings and dispatching vehicles for an operator they should be required, as part of their employment contract, to advise the operator of any convictions while they are employed in this role.
- 8.10 The register should be a 'living document' that maintains records of all those in these roles for the same duration as booking records are required to be kept, this will enable cross-referencing between the two records. A record that the operator has had sight of a basic DBS check certificate (although the certificate itself should not be retained) should be retained for the duration that the individual remains on the register. Should an employee cease to be on the register and later re-entered, a new basic DBS certificate should be requested and sight of this recorded.
- 8.11 Operators may outsource booking and dispatch functions but they cannot pass on the obligation to protect children and vulnerable adults. Operators should be required to evidence that comparable protections are applied by the company to which they outsource these functions.



8.12 Licensing authorities should also require operators or applicants for a licence to provide their policy on employing ex-offenders in roles that would be on the register as above. As with the threshold to obtaining a private hire vehicle operators' licence, those with a conviction for offences provided in the annex to this document (Annex – Assessment of previous convictions), other than those relating to driving, may not be suitable to decide who is sent to carry a child or vulnerable adult unaccompanied in a car.

## Record keeping

8.13 Section 56 of the [Local Government \(Miscellaneous Provisions\) Act 1976](#) requires private hire vehicle operators to keep records of the particulars of every booking invited or accepted, whether it is from the passenger or at the request of another operator. **Licensing authorities should as a minimum require private hire vehicle operators to record the following information for each booking:**

- the name of the passenger;
- the time of the request;
- the pick-up point;
- the destination;
- the name of the driver;
- the driver's licence number;
- the vehicle registration number of the vehicle;
- the name of any individual that responded to the booking request;
- the name of any individual that dispatched the vehicle.

8.14 This information will enable the passenger to be traced if this becomes necessary and should improve driver security and facilitate enforcement. It is suggested that booking records should be retained for a minimum of six months.

8.15 Private hire vehicle operators have a duty under data protection legislation to protect the information they record. The Information Commissioner's Office provides comprehensive on-line guidance on registering as a data controller and how to meet their obligations.

## Use of passenger carrying vehicles (PCV) licensed drivers

8.16 PCV licensed drivers are subject to different checks from taxi and private hire vehicle licensed drivers as the work normally undertaken, i.e. driving a bus, does not present the same risk to passengers. Members of the public are entitled to expect when making a booking with a private hire vehicle operator that they will receive a private hire vehicle licensed vehicle and driver. **The use of a driver who holds a PCV licence and the use of a public service vehicle (PSV) such**

**as a minibus to undertake a private hire vehicle booking should not be permitted as a condition of the private hire vehicle operator's licence without the informed consent of the booker.**

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

## 9. Enforcing the Licensing Regime

9.1 Implementing an effective framework for licensing authorities to ensure that as full a range of information made available to suitably trained decision makers that are supported by well-resourced officials is essential to a well-functioning taxi and private hire vehicle sector. These steps will help prevent the licensing of those that are not deemed 'fit and proper' but does not ensure that those already licensed continue to display the behaviours and standards expected.

### Joint authorisation of enforcement officers

9.2 Licensing authorities should, where the need arises, jointly authorise officers from other authorities so that compliance and enforcement action can be taken against licensees from outside their area. An agreement between licensing authorities to jointly authorise officers enables the use of enforcement powers regardless of which authority within the agreement the officer is employed by and which issued the licence. This will mitigate the opportunities for drivers to evade regulation. Such an agreement will enable those authorities to take action against vehicles and drivers that are licensed by the other authority when they cross over boundaries. A model for agreeing joint authorisation is contained in the [LGA Councillors' handbook](#).

### Setting expectations and monitoring

9.3 Licensing authorities should ensure that drivers are aware of the policies that they must adhere and are properly informed of what is expected of them and the repercussions for failing to do so. Some licensing authorities operate a points-based system, which allows minor breaches to be recorded and considered in context while referring those with persistent or serious breaches to the licensing committee. This has the benefit of consistency in enforcement and makes better use of the licensing committee's time.

9.4 The provision of a clear, simple and well-publicised process for the public to make complaints about drivers and operators will enable authorities to target compliance and enforcement activity (see paragraphs 4.29 - 4.33). This will provide a further source of intelligence when considering the renewal of licences and of any additional training that may be required. It is then for the licensing authority to consider if any intelligence indicates a need to suspend or revoke a licence in the interests of public safety.

### Suspension and revocation of driver licences

9.5 Section 61 of the Local Government (Miscellaneous Provisions) Act 1976 provides a licensing authority with the ability to suspend or revoke a driver's licence on the following grounds: -

(a) that he has since the grant of the licence—

- (i) been convicted of an offence involving dishonesty, indecency or violence; or
- (ii) been convicted of an offence under or has failed to comply with the provisions of the Act of 1847 or of this Part of this Act;
- (aa) that he has since the grant of the licence been convicted of an immigration offence or required to pay an immigration penalty; or
- (b) any other reasonable cause

9.6 Licensing authorities have the option to suspend or revoke a licence should information be received that causes concern over whether a driver is a fit and proper person. Where the licence holder has been served an immigration penalty or convicted of an immigration offence the licence should be revoked immediately. [Guidance for licensing authorities](#) to prevent illegal working in the taxi and private hire vehicle sector has been issued by the Home Office. As with the initial decision to license a driver, this determination must be reached based on the balance of probabilities, not on the burden of beyond reasonable doubt.

9.7 Before any decision is made, the licensing authority must give full consideration to the available evidence and the driver should be given the opportunity to state his or her case. If a period of suspension is imposed, it cannot be extended or changed to revocation at a later date.

9.8 A decision to revoke a licence does not however prevent the reissuing of a licence should further information be received that alters the balance of probability of a decision previously made. The decision to suspend or revoke was based on the evidence available at the time the determination was made. New evidence may, of course, become available later.

9.9 New evidence may be produced at an appeal hearing that may result in the court reaching a different decision to that reached by the council or an appeal may be settled by agreement between the licensing authority and the driver on terms which, in the light of new evidence, becomes the appropriate course. If, for example, the allegations against a driver were now, on the balance of probability, considered to be unfounded, a suspension could be lifted or, if the licence was revoked, an expedited re-licensing process used.

9.10 A suspension may still be appropriate if it is believed that a minor issue can be addressed through additional training. In this instance the licence would be returned to the driver once the training has been completed without further consideration. This approach is clearly not appropriate where the licensing authority believes that, based on the information available at that time, on the balance of probability it is considered that the driver presents a risk to public safety.

## Annex – Assessment of Previous Convictions

Legislation specifically identifies offences involving dishonesty, indecency or violence as a concern when assessing whether an individual is 'fit and proper' to hold a taxi or private hire vehicle licence. The following recommendations to licensing authorities on previous convictions reflect this.

**Authorities must consider each case on its own merits, and applicants/licensees are entitled to a fair and impartial consideration of their application.** Where a period is given below, it should be taken to be a minimum in considering whether a licence should be granted or renewed in most cases. The Department's view is that this places passenger safety as the priority while enabling past offenders to sufficiently evidence that they have been successfully rehabilitated so that they might obtain or retain a licence.

### Crimes resulting in death

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

### Exploitation

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

### Offences involving violence against the person

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

### Possession of a weapon

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

### Sexual offences

Where an applicant has a conviction for any offence involving or connected with illegal sexual activity, a licence will not be granted.

In addition to the above, the licensing authority will not grant a licence to any applicant who is currently on the Sex Offenders Register or on any barred list.

### Dishonesty

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

## Drugs

Where an applicant has any conviction for, or related to, the supply of drugs, or possession with intent to supply or connected with possession with intent to supply, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.

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

## Discrimination

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

## Motoring convictions

Hackney carriage and private hire drivers are professional drivers charged with the responsibility of carrying the public. It is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence would not prohibit the granting of a licence. However, applicants with multiple motoring convictions may indicate that an applicant does not exhibit the behaviours of a safe road user and one that is suitable to drive professionally.

Any motoring conviction while a licensed driver demonstrates that the licensee may not take their professional responsibilities seriously. However, it is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence may not necessitate the revocation of a taxi or private hire vehicle driver licence providing the authority considers that the licensee remains a fit and proper person to retain a licence.

## Drink driving/driving under the influence of drugs

Where an applicant has a conviction for drink driving or driving under the influence of drugs, a licence will not be granted until at least seven years have elapsed since the completion of any sentence or driving ban imposed. In the case of driving under the influence of drugs, any applicant may also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.

## Using a hand-held device whilst driving

Where an applicant has a conviction for using a held-hand mobile telephone or a hand-held device whilst driving, a licence will not be granted until at least five years have elapsed since the conviction or completion of any sentence or driving ban imposed, whichever is the later.

## Annex – Disclosure and Barring Service information

Table 1: Information included in criminal record checks

Information included	Type of check			
	Basic check	Standard DBS check	Enhanced DBS check	Enhanced DBS (including barred list) check
Unspent convictions	Yes	Yes	Yes	Yes
Unspent cautions <sup>1</sup>	Yes	Yes	Yes	Yes
Spent convictions <sup>2</sup>	No	Yes	Yes	Yes
Spent cautions <sup>1 &amp; 2</sup>	No	Yes	Yes	Yes
Additional police Information <sup>3</sup>	No	No	Yes	Yes
Barred list(s) Information <sup>4</sup>	No	No	No	Yes

1. Does not include fixed penalty notices, penalty notices for disorder or any other police or other out-of-court disposals.
2. Spent convictions and cautions that have become protected under the Rehabilitation of Offenders Act 1974 (Exceptions Order) 1975, as amended, are not automatically disclosed on any level of certificate. Further guidance is available [the DBS filtering guide](#).
3. This is any additional information held by the police which a chief police officer reasonably believes to be relevant and considers ought to be disclosed.
4. This is information as to whether the individual concerned is included in the children's or adults' barred lists maintained by the Disclosure and Barring Service (DBS).

## Annex – CCTV Guidance

It is important to note that, in most circumstances, a licensing authority which mandates the installation of CCTV systems in taxis and private hire vehicles will be responsible for the data – the data controller. It is important that data controllers fully consider concerns regarding privacy and licensing authorities should consider how systems are configured, should they mandate CCTV (with or without audio recording). For example, vehicles may not be exclusively used for business, also serving as a car for personal use - it should therefore be possible to manually switch the system off (both audio and visual recording) when not being used for hire. Authorities should consider the Information Commissioner's view on this matter that, in most cases, a requirement for continuous operation is unlikely to be fair and lawful processing of personal data.

The Home Office '[Surveillance Camera Code of Practice](#)' advises that government is fully supportive of the use of overt surveillance cameras in a public place whenever that use is:

- in pursuit of a legitimate aim;
- necessary to meet a pressing need;
- proportionate;
- effective, and;
- compliant with any relevant legal obligations

The Code also sets out 12 guiding principles which, as a 'relevant authority' under section 33(5) of the [Protection of Freedoms Act 2012](#), licensing authorities must have regard to. It must be noted that, where a licence is granted subject to CCTV system conditions, the licensing authority assumes the role and responsibility of 'System Operator'. The role requires consideration of all guiding principles in this code. The failure to comply with these principles may be detrimental to the use of CCTV evidence in court as this may be raised within disclosure to the Crown Prosecution Service and may be taken into account.

The Surveillance Camera Commissioner (SCC) has provided guidance on the Surveillance Camera Code of Practice in its '[Passport to Compliance](#)' which provides guidance on the necessary stages when planning, implementing and operating a surveillance camera system to ensure it complies with the code. The Information Commissioner's Office (ICO) has also published a [code of practice](#) which, in this context, focuses on the data governance requirement associated with the use of CCTV such as data retention and disposal, which it is important to follow in order to comply with the data protection principles. The SCC provides a [self-assessment tool](#) to assist operators to ensure compliance with the principles set out in the Surveillance Camera Code of Practice. The SCC also operate a [certification scheme](#); authorities that obtain this accreditation are able to clearly demonstrate that their systems conform to the SCC's best practice and are fully compliant with the Code and increase public confidence that any risks to their privacy have been fully considered and mitigated.

The [Data Protection Act 2018](#) regulates the use of personal data. Part 2 of the Data Protection Act applies to the general processing of personal data, and references and supplements the General Data Protection Regulation. Licensing authorities, as data controllers, must comply with all relevant aspects of data protection law. Particular attention should be paid to the rights of individuals which include the right to be informed, of access



and to erasure. The ICO has provided detailed [guidance](#) on how data controllers can ensure compliance with these.

It is a further requirement of data protection law that before implementing a proposal that is likely to result in a high risk to the rights and freedoms of people, an impact assessment on the protection of personal data shall be carried out. The ICO recommends in [guidance](#) that if there is any doubt as to whether a Data Protection Impact Assessment (DPIA) is required one should be conducted to ensure compliance and encourage best practice. A DPIA will also help to assess properly the anticipated benefits of installing CCTV (to passengers and drivers) and the associated privacy risks; these risks might be mitigated by having appropriate privacy information and signage, secure storage and access controls, retention policies, training for staff how to use the system, etc.

It is essential to ensure that all recordings made are secure and can only be accessed by those with legitimate grounds to do so. This would normally be the police if investigating an alleged crime or the licensing authority if investigating a complaint or data access request. Encryption of the recording to which the licensing authority, acting as the data controller, holds the key, mitigates this issue and protects against theft of the vehicle or device. It is one of the guiding principles of data protection legislation, that personal data (including in this context, CCTV recordings and other potentially sensitive passenger information) is handled securely in a way that 'ensures appropriate security', including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures.

All passengers must be made fully aware if CCTV is operating in a vehicle. Given that audio recording is considered to be more privacy intrusive, it is even more important that individuals are fully aware and limited only to occasions when passengers (or drivers) consider it necessary. The recording of audio should be used to provide an objective record of events such as disputes or inappropriate behaviour and must not be continuously active by default and should recognise the need for privacy of passengers' private conversations between themselves. Activation of the audio recording capability of a system might be instigated when either the passenger or driver operates a switch or button. As well as clear signage in vehicles, information on booking systems should be introduced. This might be text on a website, scripts or automated messages on telephone systems; the Information Commissioner's Office (ICO) has issued guidance on privacy information and the right to be informed on its website.

## Annex - Staying Safe: Guidance for Passengers

Licensing authorities should provide guidance to assist passengers in identifying licensed vehicles and the increased risks of using unlicensed vehicles. The guidance might include advice on:

- how to tell if a taxi or private hire vehicle is licensed.

Educate the public in the differences between taxis and private hire vehicles e.g.:

- a taxi can be flagged down or pre-booked.
- a private hire vehicle that has not been pre-booked should not be used as it will not be insured and may not be licensed.
- what a private hire vehicle should look like e.g. colour, signage, licence plates etc.
- the benefit of pre-booking a return vehicle before going out.
- arrange to be picked up from a safe meeting point.
- requesting at the time of booking what the fare is likely to be.

When using a private hire vehicle, passengers should always:

- book with a licensed operator.
- confirm their booking with the driver when s/he arrives.
- note the licence number.
- sit in the back, behind the driver.
- let a third party know details of their journey.

When using a taxi, passengers should where possible:

- use a taxi rank and choose one staffed by taxi marshals if available.

# Draft Taxi Statement of Licensing Policy Consultation

## Full results summary

Data, Intelligence & Insight Team – July 2021

## Introduction and Methodology

- [Introduction](#)
- [Consultation principles](#)
- [Methodology and promotion](#)
- [Interpreting this report](#)
- [Who are the respondents](#)

## Disclosure and Barring Checks

- [DBS checking frequency](#)
- [Vehicle proprietors and DBS checks](#)
- [Private hire operators and DBS checks](#)
- [Private hire operators employment policy](#)
- [DBS proposals: disagreements, comments, suggestions and impacts](#)
- [DBS proposals – unique points and suggestions](#)

## Vehicle Signage

- [Operator details on signs](#)
- [Vehicle signage: different options, suggestions, comments or impacts](#)
- [Vehicle signage – unique points and suggestions](#)

## Taxi Cameras

- [Policy for taxi cameras](#)
- [Safeguarding to protect privacy](#)
- [Taxi cameras: disagreements, comments, suggestions and impacts](#)
- [Taxi cameras – unique points and suggestions](#)

## Overall Policy

- [Overall draft policy](#)
- [Parts of the draft policy that need more information](#)
- [More information on the draft policy – unique points and suggestions](#)
- [Impact on you, your business or the wider community](#)
- [Draft policy: disagreements, comments, suggestions and impacts](#)
- [Draft policy – unique points and suggestions](#)



# 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)*:

Page 105

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 questionnaires 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.



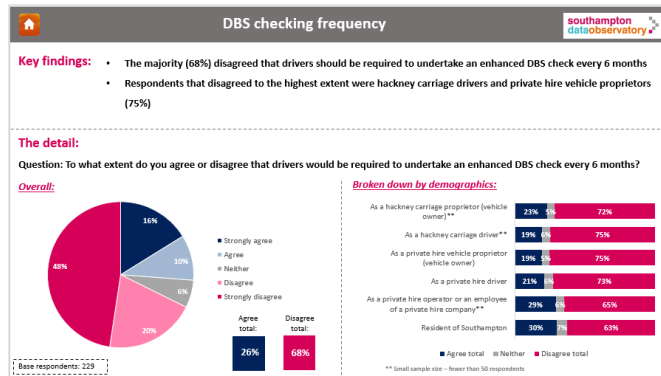


# Interpreting this report

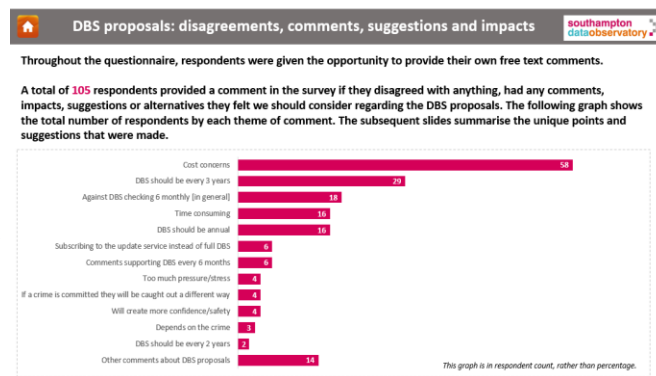
- It is not the purpose of this report to make recommendations. It is intended to provide an accurate and objective reflection of the feedback received as part of the consultation, which can be used by decision makers as part of the decision making process.
- For each section and proposal, the following are provided:
  - A summary of the **quantitative results** presented in chart form. This is supplied at both city level (all responses received) and by key demographic group (gender and age) to better understand any variation in opinion / sentiment. The quantitative data is useful for understanding whether there is general agreement or disagreement with a proposal / priority.
  - Qualitative analysis of free text comments.** Free text comments provided by respondents have been **thematically** analysed throughout the questionnaire and grouped by similar sentiment or theme. These **themes** are presented in chart form with an indication of how frequently it was mentioned by unique individuals. Individuals may have commented on more than one theme, so could be represented more than once in a chart. This qualitative information provides a richer picture of respondent views and may identify specific issues that need to be considered or addressed.
  - A list of **unique points or quotes** within each theme. This provides an added level of granularity and allows more in depth exploration of important themes. Again, this may identify specific issues that need to be considered or addressed.

Page 107

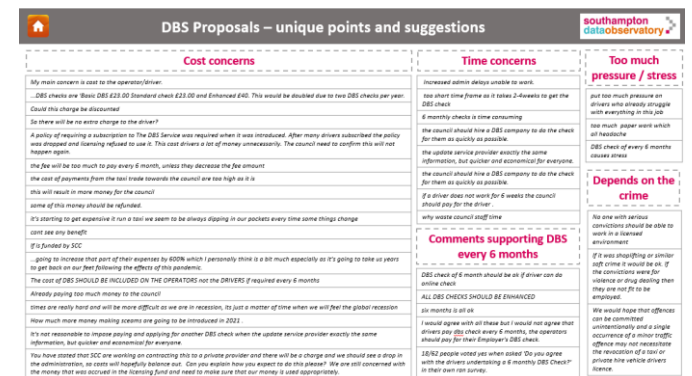
## Quantitative analysis



## Thematic analysis



## Unique points / quotes





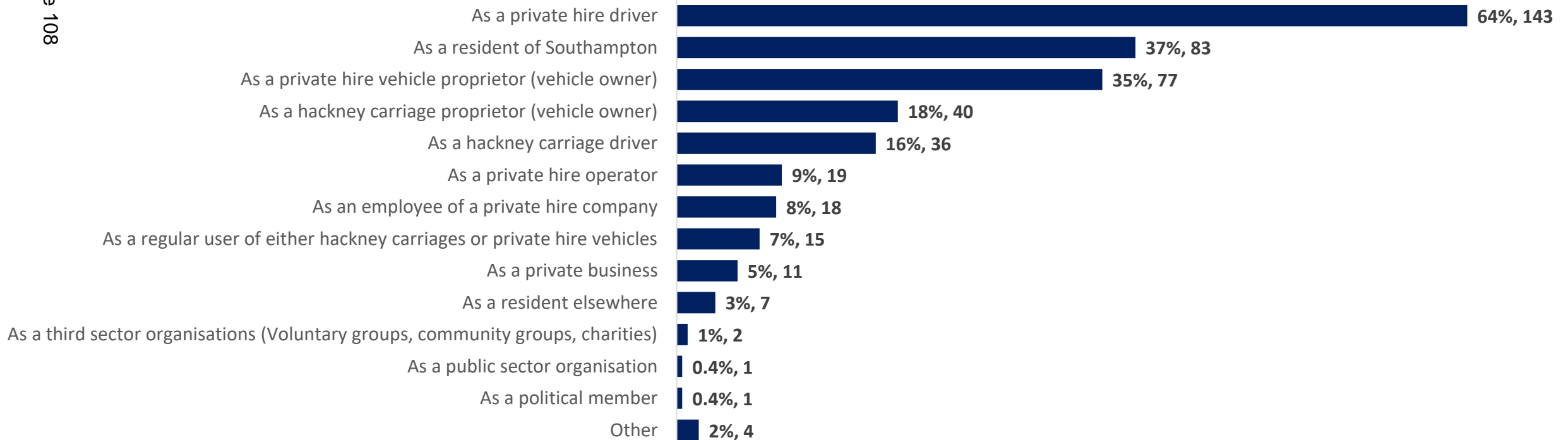
# Who are the respondents?

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:

Page 108





# 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:

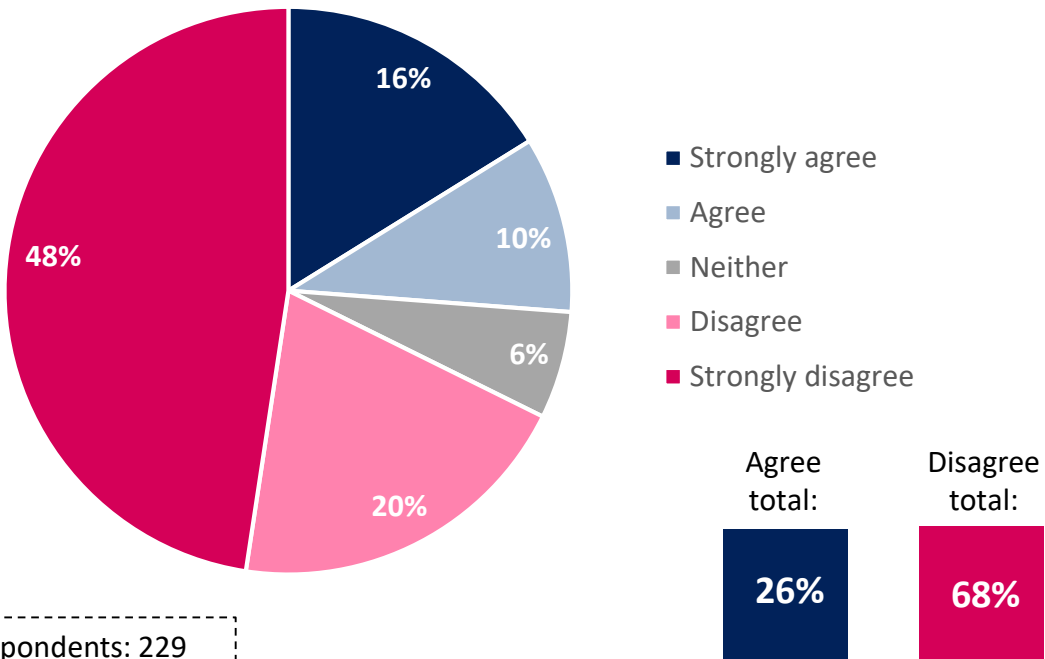
- The majority (68%) disagreed that drivers should be required to undertake an enhanced DBS check every 6 months
- Respondents that disagreed to the highest extent were hackney carriage drivers and private hire vehicle proprietors (75%)

## 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?

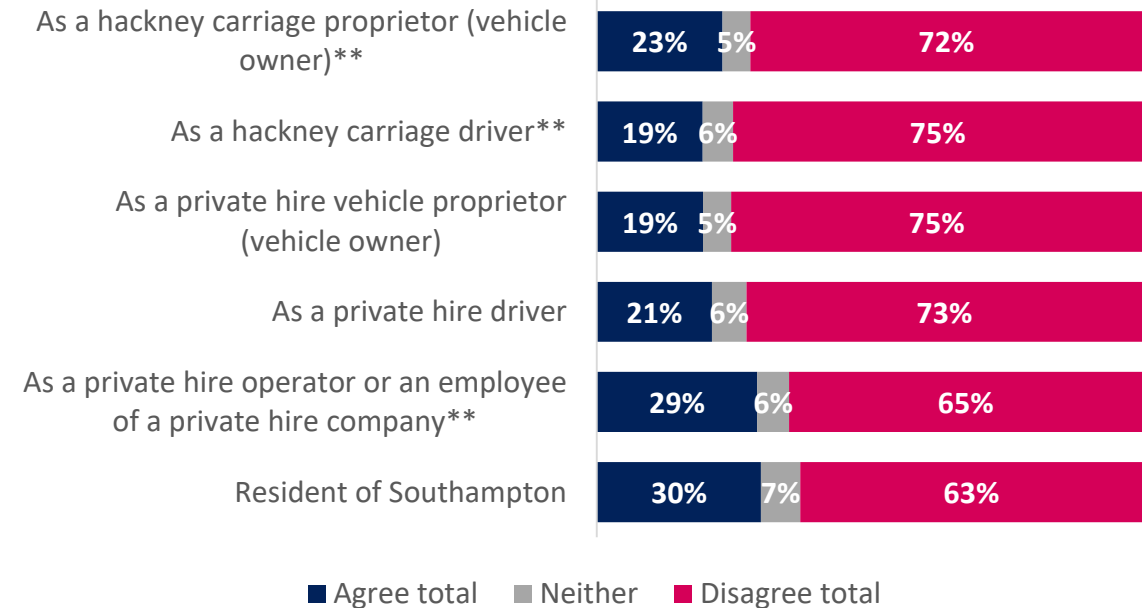
### Overall:

Page 111



Base respondents: 229

### Broken down by demographics:



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

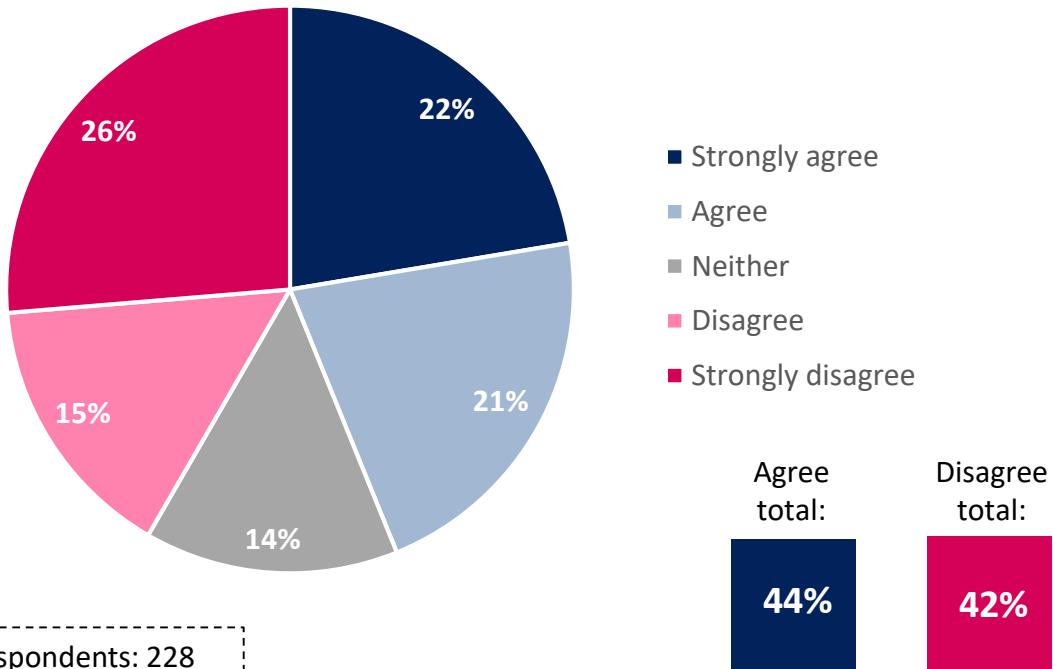


- Key findings:**
- The amount of respondents that agreed (44%) and disagreed (42%) were similar
  - Respondents that agreed to the highest extent were private hire operators or employees of a private hire company (55%)
  - Respondents that disagreed to the highest extent were hackney carriage proprietors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

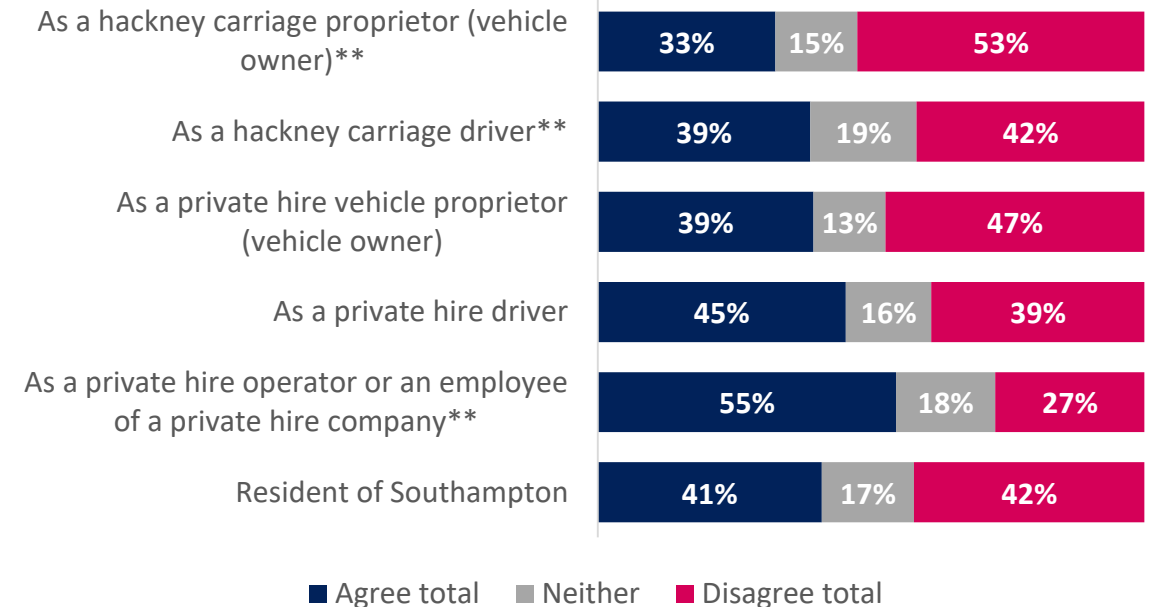
## The detail:

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

Page 112  
Overall:



### Broken down by demographics:



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

Base respondents: 228



## Key findings:

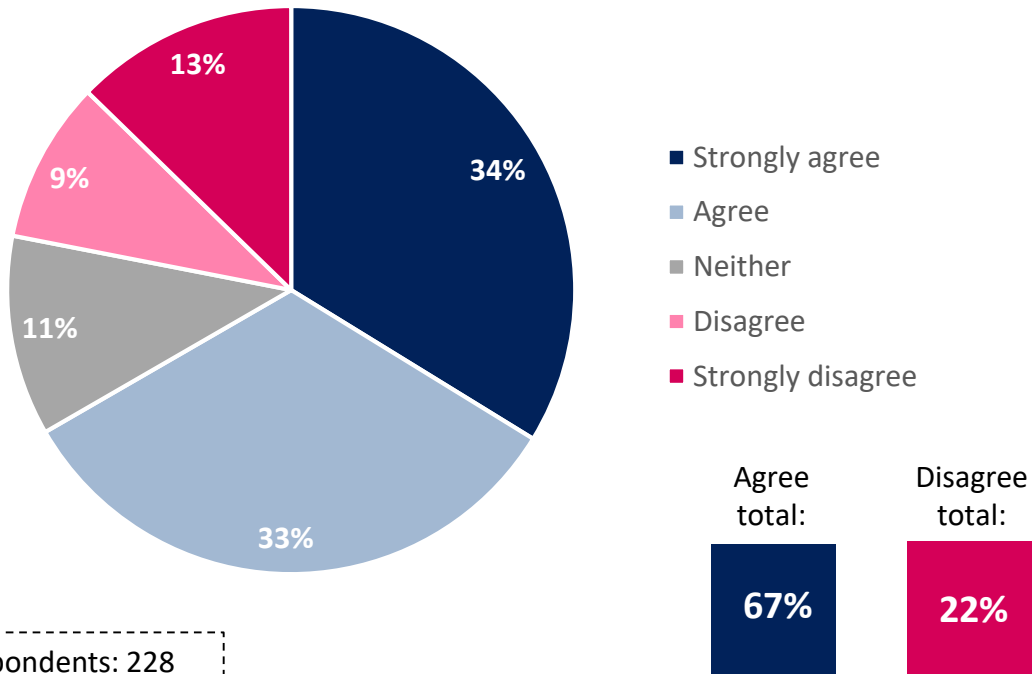
- The majority of respondents (67%) agreed that private hire operators should be required to provide basic DBS checks
- Almost 1 in 4 (24%) private hire operators or employees of private hire companies disagreed with the statement

## The detail:

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

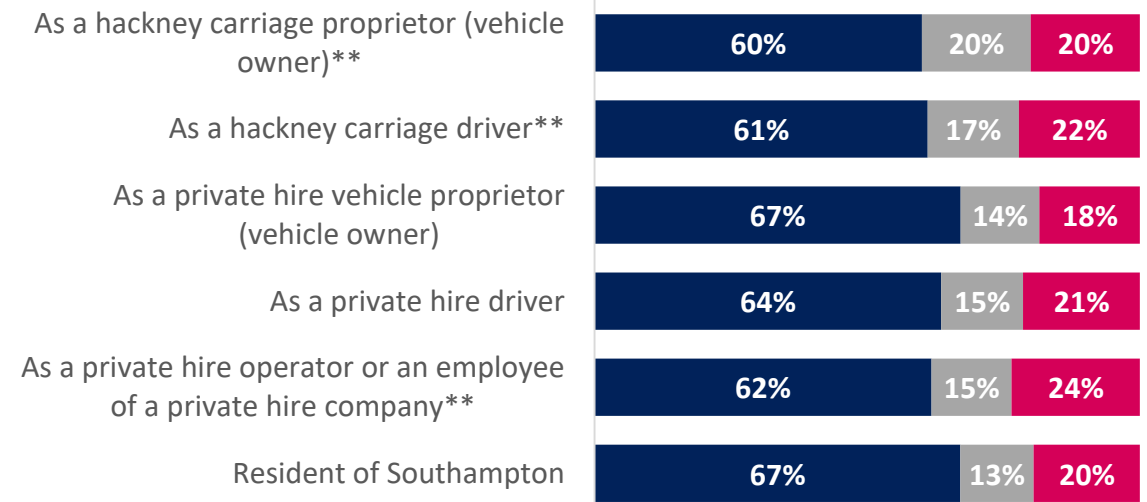
### Overall:

Page 113



Base respondents: 228

### Broken down by demographics:



■ Agree total ■ Neither ■ Disagree total

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



## Key findings:

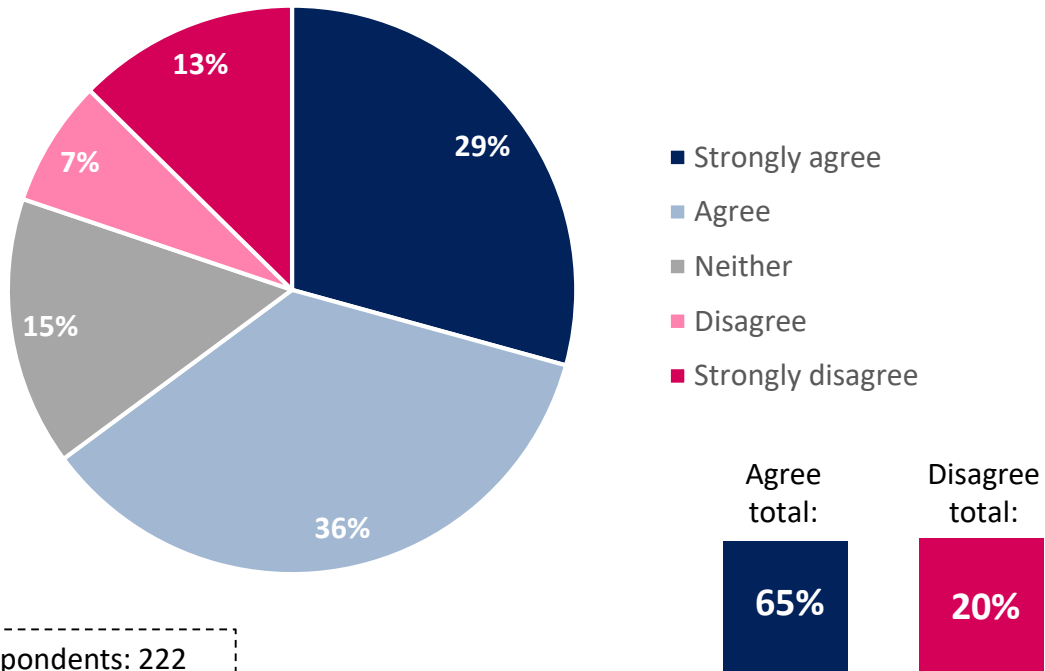
- The majority of respondents (65%) agree that private hire operators should provide a policy on employing staff with convictions
- Respondents that agree to the highest extent are private hire vehicle proprietors (69%)

## The detail:

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

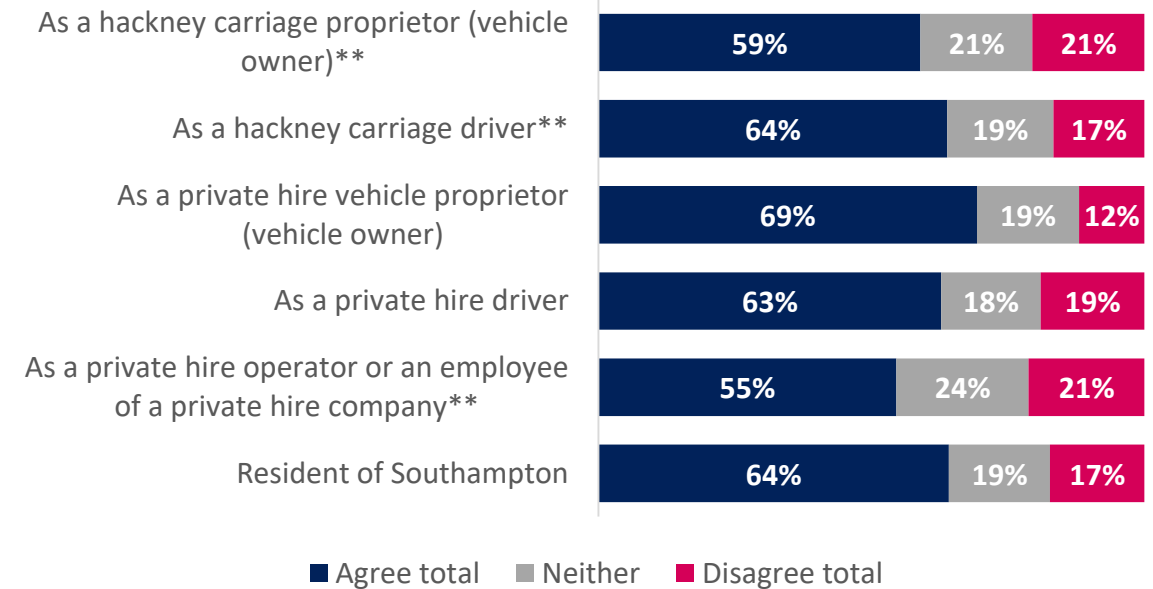
### Overall:

Page 114



Base respondents: 222

### Broken down by demographics:



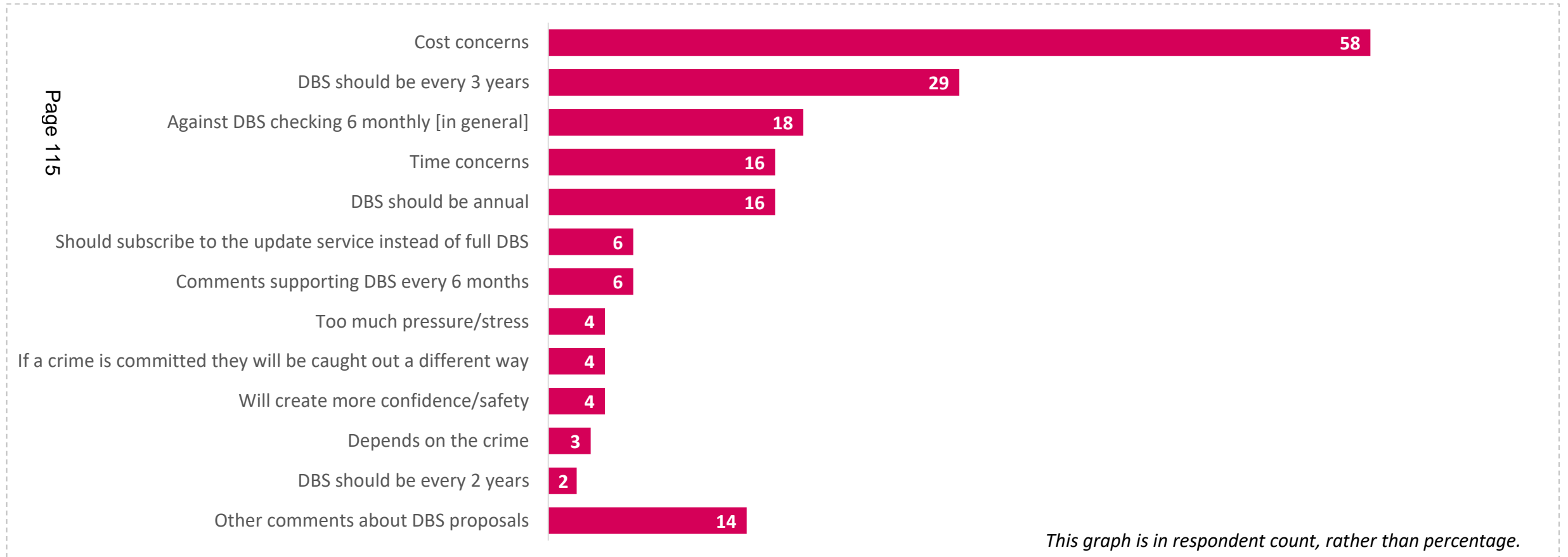
\*\* Small sample size – fewer than 50 respondents





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

A total of **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.





# 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.*

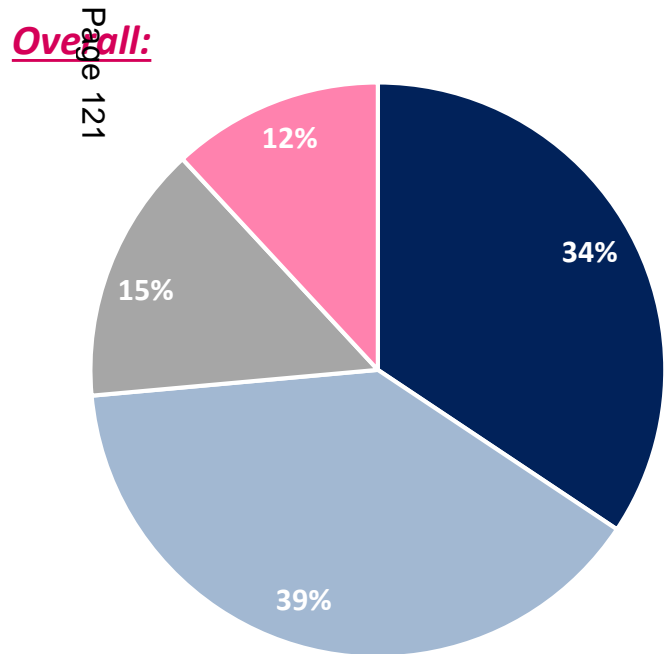
*The draft policy for private hire vehicles includes an option to have either a door sign with operator details or one without. The intention is to adopt one of these options.*



- 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%)

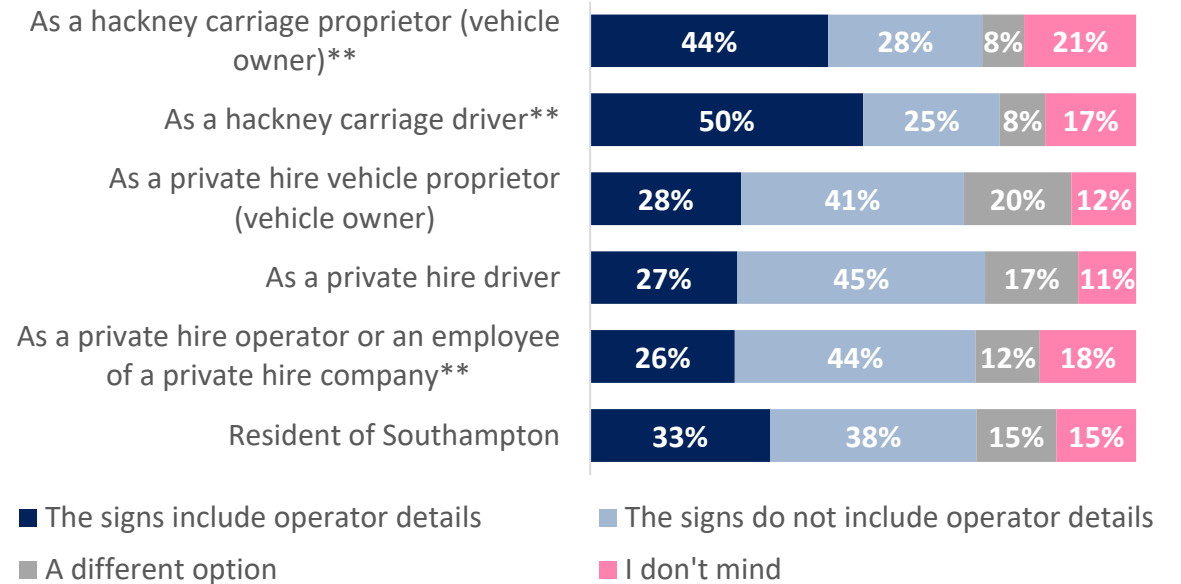
## The detail:

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



- The signs include operator details
- The signs do not include operator details
- A different option
- I don't mind

### Broken down by demographics:



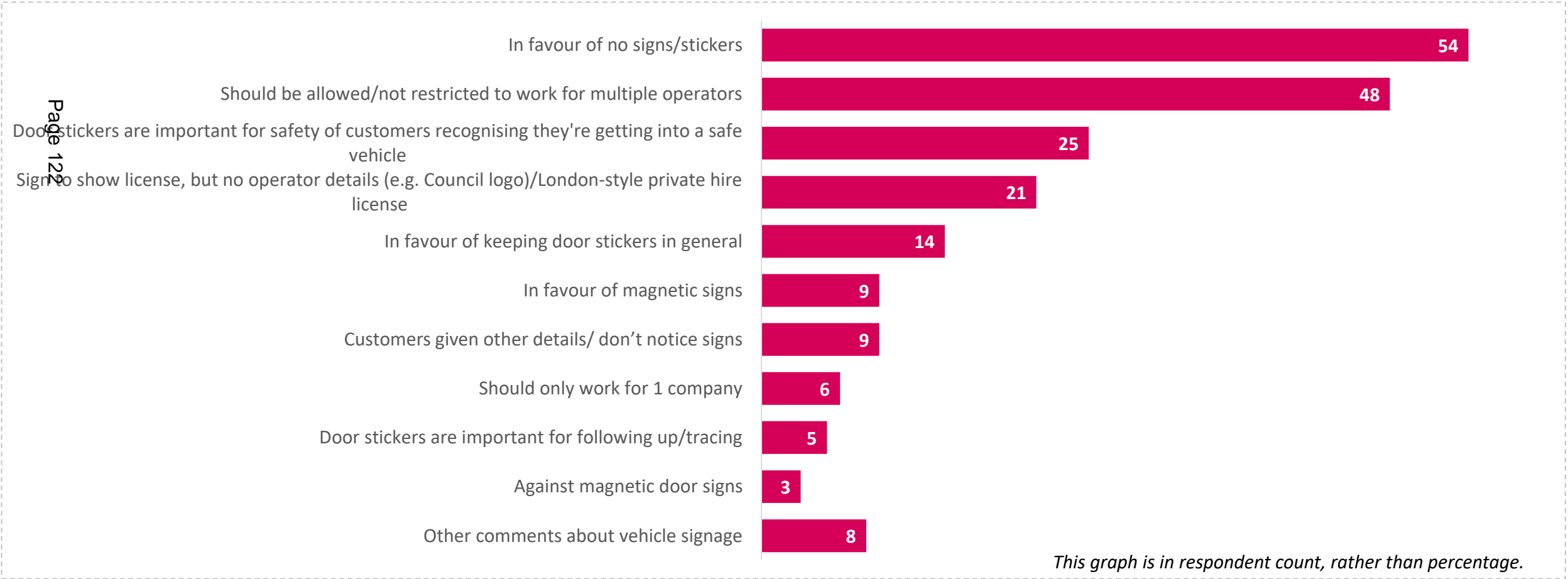
\*\* Small sample size – fewer than 50 respondents



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.

Page 122



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





# 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 about 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 oporator 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 Licising*

*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:

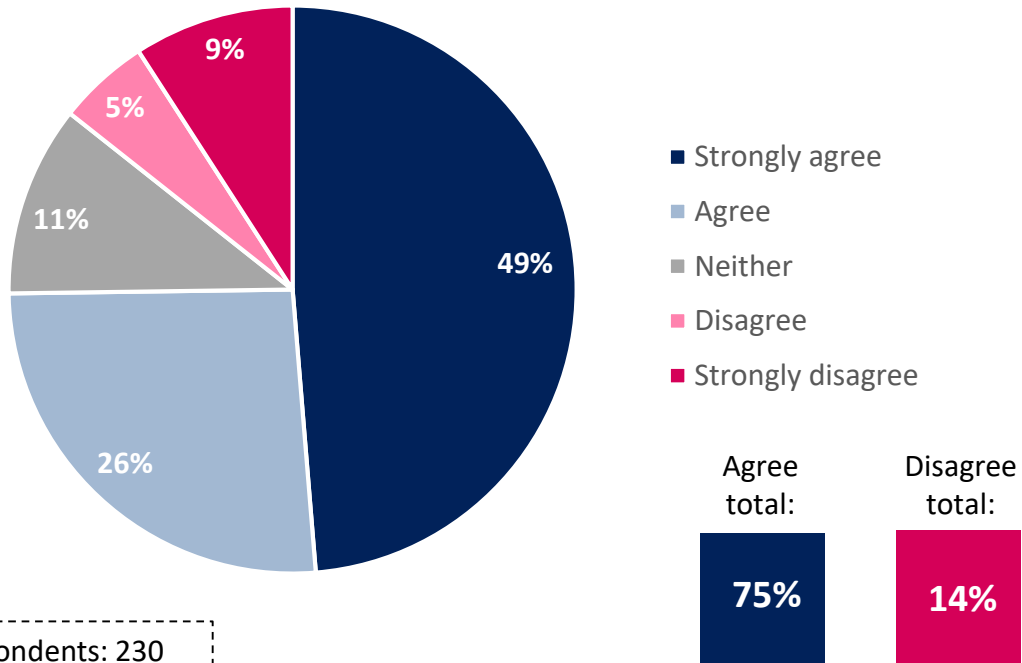
- 3 in 4 respondents agreed with the Council’s policy to require licensed vehicles to be fitted with an approved taxi camera, and that the camera must be on when the vehicle is in use.
- Respondents the disagreed to the highest extent hackney carriage proprietors (25%)

## 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?

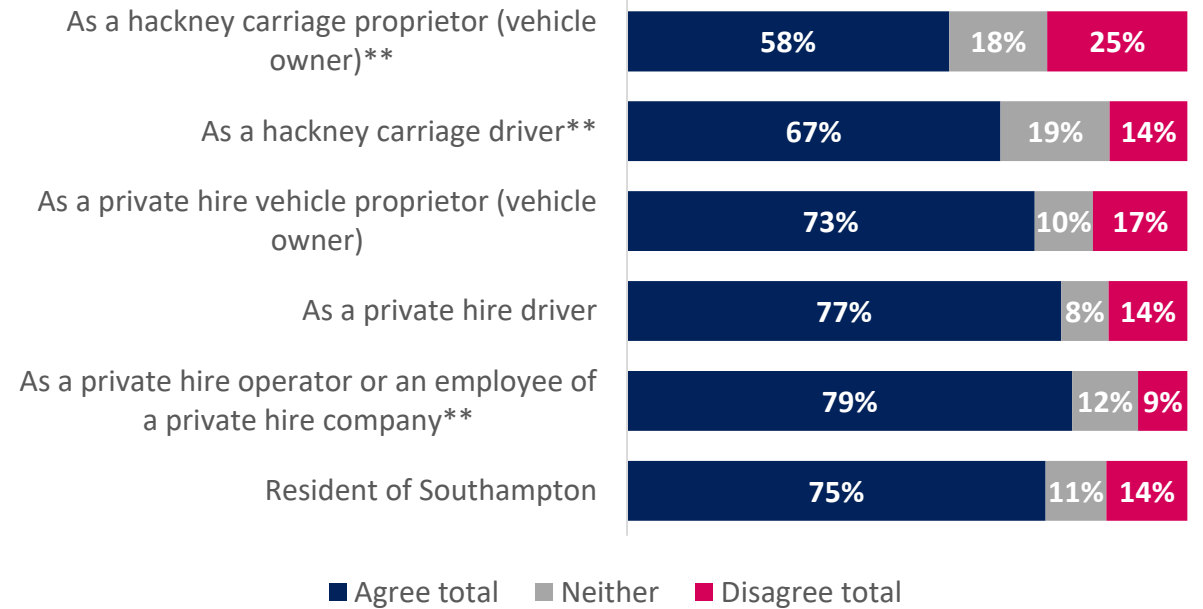
### Overall:

Page 130



Base respondents: 230

### Broken down by demographics:



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





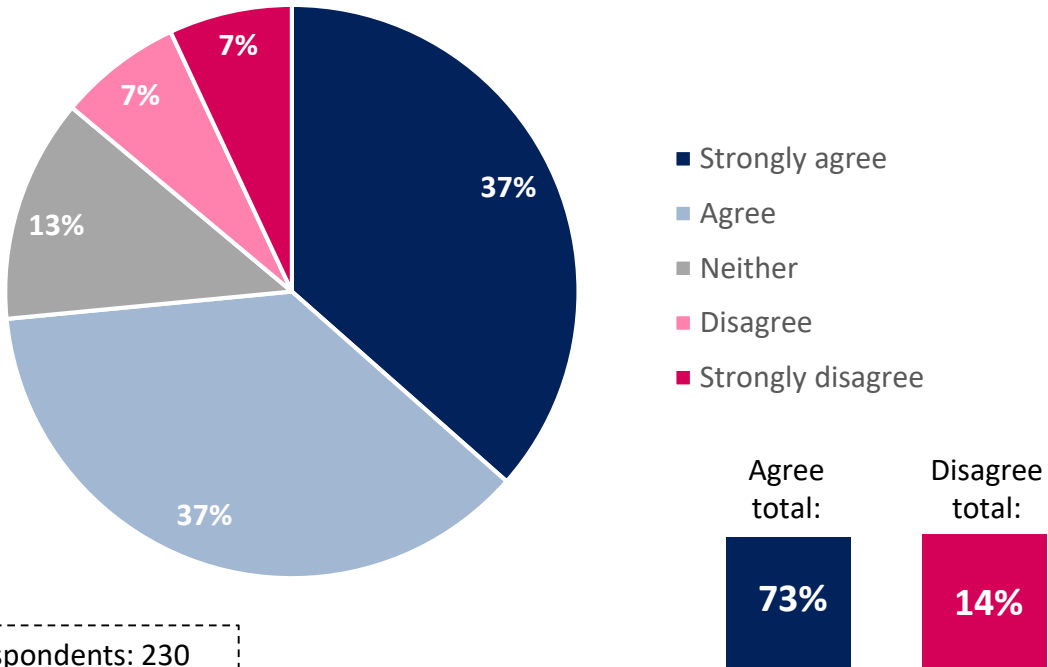
- Key findings:**
- The majority of respondents (73%) agreed that the safeguards put in place are sufficient to protect both drivers and passengers right to privacy
  - Respondents that agree to the highest extent were private hire operators or employees of a private hire company (88%)

## 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?

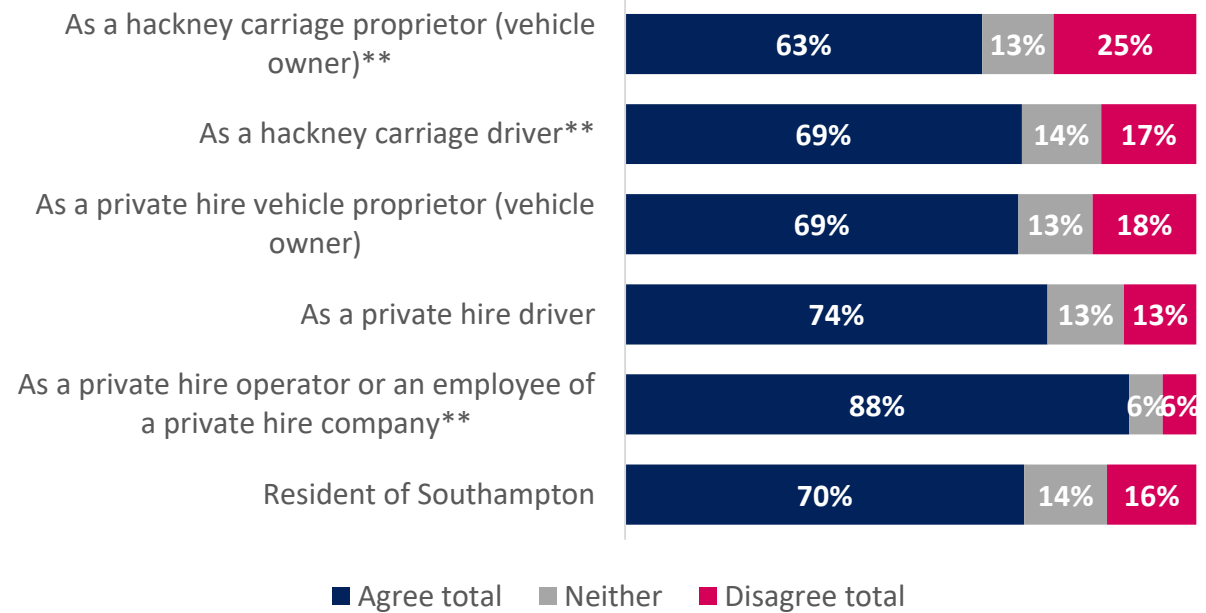
### Overall:

Page 131



Base respondents: 230

### Broken down by demographics:

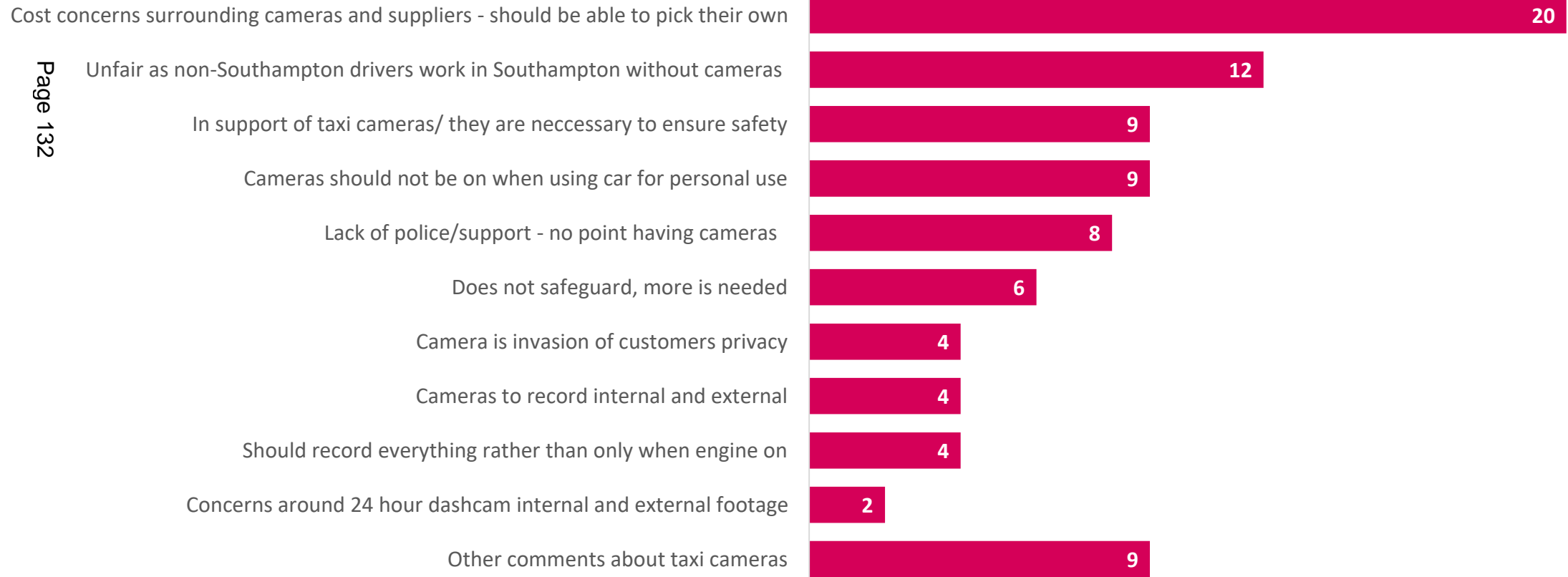


\*\* Small sample size – fewer than 50 respondents



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

A total of **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.



Page 132

*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/operators 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

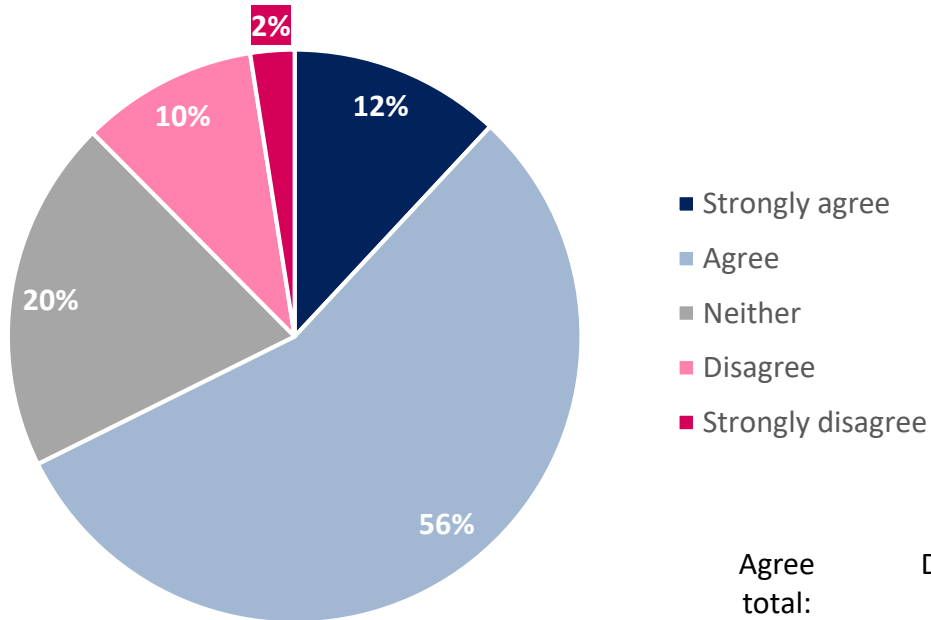
36% Yes, some of it

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.

Page 136



Agree total:

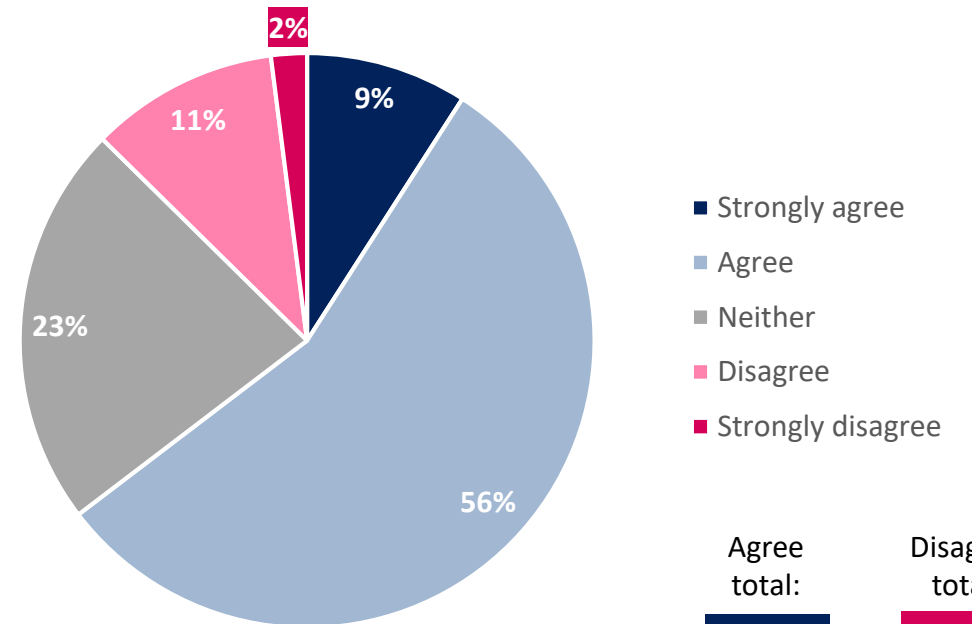
68%

Disagree total:

12%

Base respondents: 201

The draft policy provides sufficient information.



Agree total:

65%

Disagree total:

13%

Base respondents: 198



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:

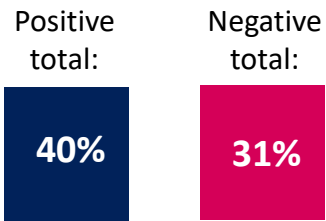
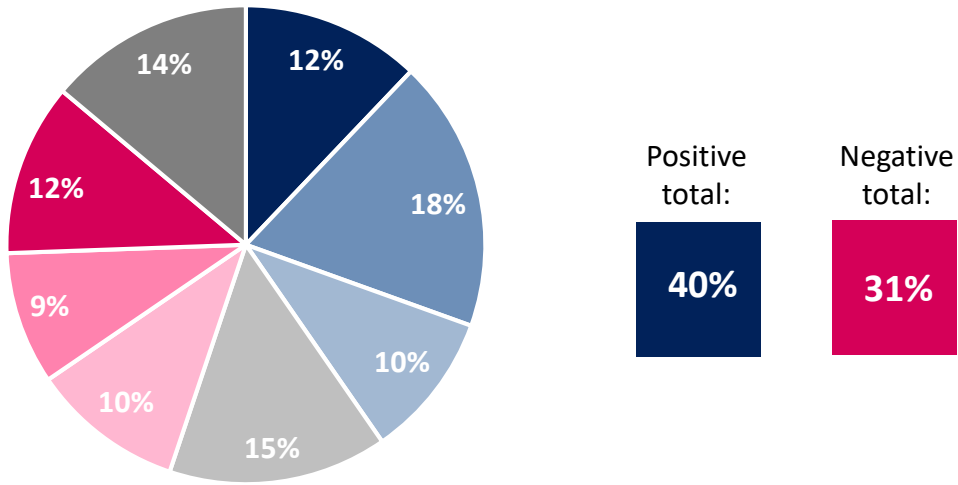
- The majority of respondents (40%) selected that if the draft policy was to be implemented, there would be a positive impact on them, their business or the wider community.
- Almost half (47%) of private hire operators or employees of private hire companies selected that there would be a negative impact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

## The detail:

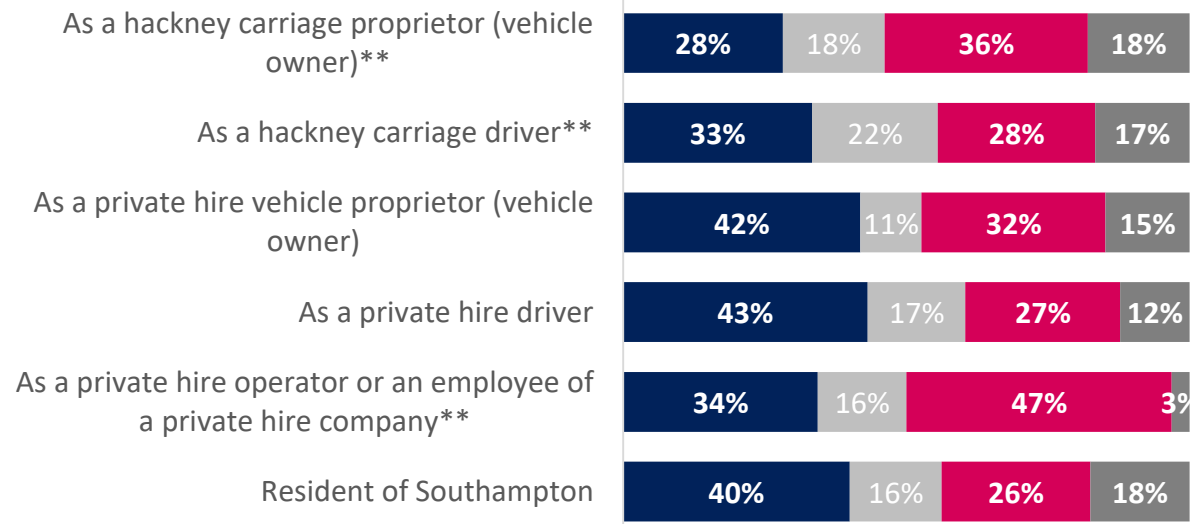
Question: If the draft policy was to be implemented, what impact do you feel this may have on you, your business or the wider community?

### Overall:

Page 140



### Broken down by demographics:



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

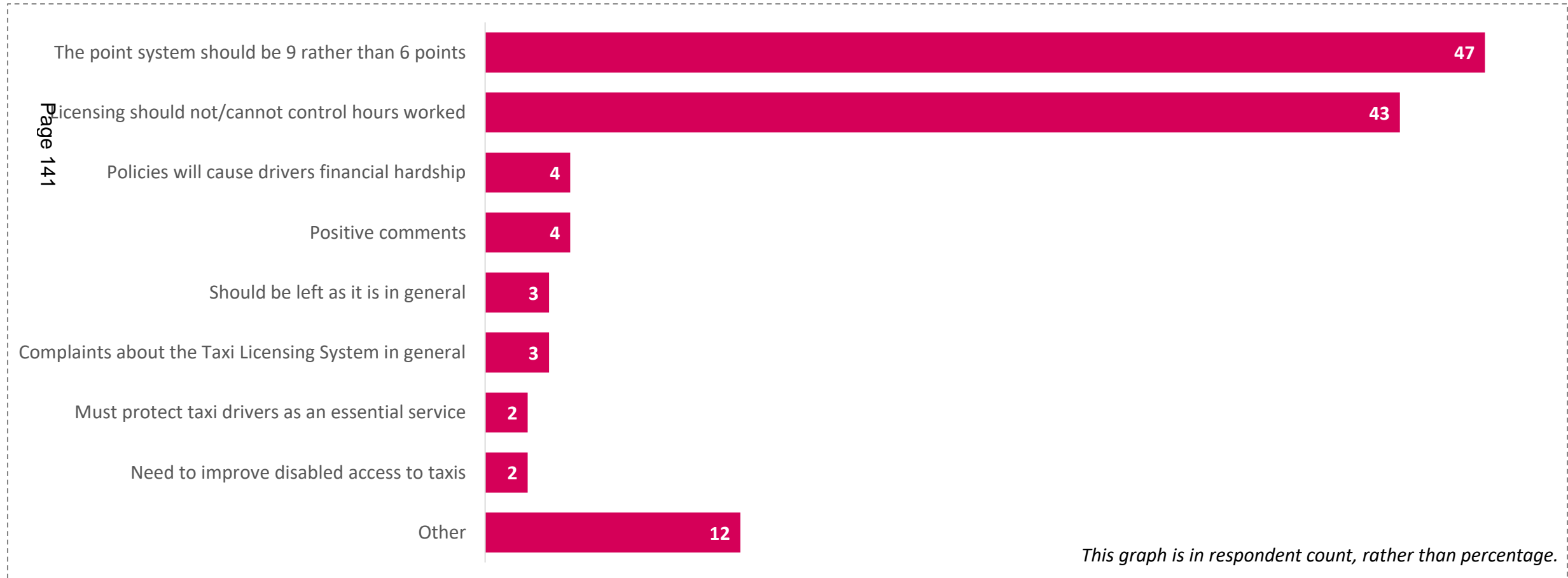
\*\* Small sample size – fewer than 50 respondents

Base respondents: 223



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.



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



# 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*

## 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*

## 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.*

## 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.*

## 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*



# 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 of 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.*

This page is intentionally left blank



### OFFICER RESPONSES TO CONSULTATION

#### DISCLOSURE AND BARRING CHECKS

ISSUE RAISED	COMMENT
The cost of the checks	<p><b>For drivers</b> the proposal changes from a check every three years to following the DfT statutory guidance for them to sign up to the update service for 6 monthly checks or have a new DBS every six months (see para 6.2 of DfT Guidance).</p> <p>The applicant will apply for an enhanced DBS check, currently SCC has obtained a reduced cost from an on line supplier at the rate of £49.60p. This is paid by the driver. The driver deals directly with the supplier so does away with officer time spent completing forms.</p> <p>SCC has procured the services of an on line supplier to provide the checking service at a cost of £15 per year per driver. This is charged to SCC and the cost will be included in the renewal fees.</p> <p>It will be important for applicants signed up to the update service to keep their original certificate and maintain current payment details with the service as failure to do so will require a new application with associated costs and delay the grant of a licence. The DBS is looking at improving the payment options.</p> <p>Currently officers spend time completing the DBS check each year, this time is levied against the fees applicants pay. As this piece of work is contracted out it will use less staff time, reducing the costs to the service provided by SCC staff.</p> <p>Licensing fees are ring fenced and cover the costs of the administration of the service. They are not used for any other purpose.</p> <p><b>For proprietors and Operators</b></p> <p>Currently there is no requirement for any such checks. The proposal to have these checks follow the DfT statutory guidance. The cost is borne by the applicant but is a legitimate business expense. The frequency is on application or renewal. A driver proprietor will be able to use the driver DBS check so there will be no requirement for a second check.</p>
Time concerns	The update service is a more efficient process, officers have instant access to responses.
Pressure and Stress	The update service is provided on line and is simple to use. The important part is applicants must maintain the service by keeping their original certificate and maintaining current payment details with DBS
Depends on the crime	This is linked to the suitability test, not the frequency of the checks. The suitability guidance also reflects the DfT statutory guidance.

.....	.....
Against 6 month checks	The frequency follows the DfT Statutory guidance.
.....	.....
If a crime is committed they will be caught out in a different way	Systems are in place to try and capture significant events such as an arrest or conviction, but this is reliant on a number of factors such as identifying the offender is a licence holder and reporting it to the appropriate licence holder. The systems are not fool proof and the DBS check provides the cover for any gaps.
.....	.....
DBS should be at different frequencies	The frequency follows DfT statutory guidelines. We have experienced discovering convictions that were committed during the life of the previous licence when the renewal DBS certificate has been seen, placing the public at risk.
.....	.....
Supporting comments	Make it a requirement to sign up to the update service.  Agree it will improve customer confidence.
.....	.....
Other comments	All operators need to demonstrate they are fit and proper, including large corporations. Proprietors will be able to use a drivers enhanced check as long as it is less than 6 months since the last check which it should be. We follow the DBS guidelines for people from overseas, namely requiring certificates from the country the applicant has been to and to cover a minimum of 5 years. Suggestion to only require basic DBS on employment for operator staff but to have requirement in contract to disclose offences. <b>Policy updated</b>

#### **PRIVATE HIRE VEHICLE (PHV) SIGNAGE**

<b>ISSUE RAISED</b>	<b>COMMENT</b>
Safety of stickers for customer to recognise the vehicle	This is current practice and has been in place for many years.  It clearly identifies the vehicle as a licensed vehicle which is a public safety matter.  Provides clarity for customers at locations frequented by PHVs such as night clubs and travel hubs.  Removal of the operator detail will make it easier for an unscrupulous driver to take another companies booking.  The operator details provide a clear line of communication for anyone in relation to the use of that vehicle.
.....	.....
In favour of stickers with operator details	Concern removal of operator detail will make it easier to take a job not booked to that driver.

	<p>Elderly customers and the vulnerable are high use taxi users and often rely on traditional methods of communication so looking for a company on a door sign is important for them.</p> <p>The local operators have developed their business on the policies of Southampton, the removal of the company details on the door stickers will have a significant impact on them and could result in them taking advantage of the current state of legislation and licence elsewhere but continue to provide a service in Southampton. They would have to abide by that authorities policy and conditions so very unlikely to have cameras or local enforcement officers which will undermine our policy and conditions.</p>
<p>Should only work for one company</p>	<p>Removal of the company name from the door sticker although making it a lot easier for a driver to work for multiple operators at the same time will prevent operators from being able to regulate the work as they will not know which drivers are going to be available. The vulnerable in our society are more reliant on the taxi trades and will therefore be adversely impacted.</p> <p>The removal of the company name will not increase the amount of work for the trade overall, all it will do is improve the chances of those that decide to use more than one operator. A reduction or perceived reduction in the safety element of the policy is more likely to reduce the amount of journeys overall for the trade.</p> <p>Working for more than one operator is likely to increase the distraction of the driver as they will have multiple apps or devices to manage.</p> <p>Making it easier to work for more than one company at a time will allow drivers to be more selective on the jobs they accept. i.e. a short trip with company A comes in worth £5 as a longer trip with company B comes in worth £30 is likely to result in an operator having difficulty fulfilling the short trips. It should also be noted the vulnerable and those with mobility issues are more likely to require these shorter journeys.</p>
<p>Should be allowed to work for multiple operators</p>	<p>Drivers are free to choose which operator to apply for.</p> <p>Hackney carriages are not required to display door stickers, it is only PHVs that are required to display the door stickers.</p> <p>This is not going to increase the amount of work for the private hire industry.</p> <p>Any operator unable to fulfil a booking with their own vehicles can pass that booking to another operator, either one licensed by Southampton or any other licensing authority. The national companies that tend to be app based companies are more likely to pass the booking to one of their own operators licensed elsewhere.</p> <p>We will make Southampton a more attractive authority to licence with as an authority of convenience leading to an increased number of vehicles being licensed in Southampton but working in other towns and cities.</p>

	<p>A vehicle remains licensed all of the time regardless of the use it is put to, the policy is a choice of stickers so the vehicles will remain clearly identifiable as licensed vehicles.</p> <p>Suggestion to remove all signs and use a roundel similar to London, this will make unlawful plying for hire much easier and poses a risk to the public in making vehicle identification more difficult.</p>
<p>Magnetic door signs</p>	<p>A lot of modern cars use less steel in vehicle production preventing magnetics.</p> <p>Magnetics are an insecure load, they are prone to coming off during a journey, particularly on motorway trips, which is a hazard and could result in an accident.</p> <p>Magnetics would also make it very easy to steal and use on an unlicensed vehicle.</p> <p>Portsmouth licensing advise allowing magnetic signs is a trial and already has evidence of cars with no signs.</p>
<p>No signs or stickers</p>	<p>Reference to the Competitions Market Authority suggesting the proposal to have door stickers is contrary to the CMA guidance. The CMA's view is that competition should only be restricted by regulatory rules to the extent that is necessary to protect consumers. The purpose of the stickers is to protect the public and in particular the vulnerable.</p> <p>Suggestion the stickers attract damage and theft. On a few occasions we have been advised by the police thieves are targeting taxis, however it is a legal requirement to have a plate so the vehicle will still be identifiable as a taxi but not so clearly.</p> <p>Making a vehicle easily identifiable as a Southampton licensed vehicle supports the safety aspect of the policy. Customers will know these cars have a high standard, with cleaner engines, taxi cameras, thorough testing regime and more.</p> <p>Comments are made the signs are just advertising for the city and this is another benefit, the taxi trades are often the first contact visitors have and first impressions have a lasting impact. The better that first interaction is the better the impression and these are often people who will attract more business and visitors to the city, improving the opportunity for all.</p>
<p>Customers given other details/Do not notice stickers</p>	<p>Not all companies have an app, the local companies that do have an app also operate a traditional call centre, albeit some have some levels of automation. The national companies tend to be purely app based. This means not all customers receive details of the driver and vehicle coming for them. Certainly locations making bookings for their customers, such as hotels, will not always be sending details of the vehicle and driver, making the vehicle identification important.</p>

Other comments on vehicle signage	<p>Restricted vehicles are predominantly chauffeur work carried out by way of a contract rather than the traditional private hire of making a phone call to an operator. The vehicles have to be high spec and are predominantly high spec Mercedes. They carry out a lot of MOD and top business contracts with very little public safety risk. The only other vehicles are a small number of novelty hire vehicles, these are often unique vehicles used very rarely as private hire and the risks are minimal. The proprietor of a restricted vehicle can ask for an exemption from the need for stickers.</p> <p>Operators will naturally wish to fulfil a job with one of their own vehicles but are able to pass the booking to another operator to ensure the customer receives a service and is not left stranded.</p> <p>The legislation was applied and a change of policy was adopted by the committee to allow a more modern means of communication to be used on the door sticker instead of a traditional phone number.</p> <p>The licensing policy is about public safety, the benefits of setting these standards is to improve customer confidence which should result in increased use of Southampton licensed vehicles in our city.</p>
More clarification on door stickers (Under other comments)	<p>The legislation allows the licensing authority to apply conditions as it sees fit. Conditions cannot go against other legislation. A condition for door signs in either option is lawful</p> <p>Licensed vehicles, unlike a normal private car, are able to travel to nearly any location at any time of the day or night and not raise suspicion, making it an ideal vehicle for criminal activity. For this reason it is important they are clearly identifiable and licences are only granted to those worthy.</p>

## **TAXI CAMERAS**

<b>ISSUE RAISED</b>	<b>COMMENT</b>
Concern over 24hour dashcam footage	The Council's taxi cameras are not dashcams. This comment is referring to vehicles where in addition to the required taxi camera an individual has fitted a dashcam to the vehicle. The licensing authority expect such cameras to be compliant with the Information Commissioners directives. It is a matter for the ICO to regulate these cameras.
Cameras to record external as well as internal	The evidence to support the use of cameras is in relation to events within the cab of the vehicle. Recording outside multiplies by a significant amount the volume of data collected that we cannot justify collecting. It would lead to a significant increase in requests for data that officers would struggle to keep

	up with and therefore increase the cost to the service with increased officer time.
Lack of police support/no point in cameras	<p>Camera data has been provided to support investigations into non payment of fare, however police will usually require more than just the cameras evidence to secure a conviction.</p> <p>Taxi camera data has assisted in corroborating accounts where complaints are made when it is often one person's word against another and the camera is the only independent corroborating evidence. It has been used to support both complainants accounts as well as drivers.</p> <p>Apart from the incidents the camera records the installation of cameras prevents an unknown number of incidents as people's behaviour changes when they know they are being recorded.</p>
Does not safeguard/ more is needed	As above it is not known how many incidents cameras have prevented. Data from cameras have been used in serious crime investigations including murder and rape for crimes away from the car. For offences from within the car sexual assault, assaults and abuse investigations have all benefitted from the cameras.
Invasion of customer privacy	<p>There is an exemption that can be applied to limousines undertaking contract work only.</p> <p>The system is not monitored and data is only ever recovered or viewed when strict criteria are met. There are only 5 individuals approved to download data</p> <p>See above re dashcams</p>
Cameras should not be on when car is in personal use	<p>The vehicle remains a licensed vehicle regardless of the purpose it is being used. The vehicles are clearly liveried as licensed vehicles and anyone approaching the vehicle should expect the protection the policy and conditions afford. The data would only be viewed if the strict criteria of the download policy was met.</p> <p>Providing an off switch undermines the requirement. Sadly we have a number of incidents over the years, including a number caught on camera, of drivers taking advantage of vulnerable passengers at the end of the journey. The camera data was the only independent evidence to support the allegations and has resulted in a number of drivers losing their licences. The worst year 3 drivers were caught taking advantage of their vulnerable passenger. Providing an off switch, even with a delay, would afford a driver the opportunity to drive the vehicle with no camera, this places the driver and public at risk.</p> <p>The Information Commissioners Office challenged the policy of the council to permanently record audio data in 2012. This resulted in a Tribunal hearing</p>

	that found the permanent recording of audio data to be illegal and this resulted in the audio data only being triggered by the use of a button.
In support/necessary	<p>In the last financial year we conducted 158 downloads of taxi camera data. This was to support mainly police investigations, a considerable proportion for offences not connected to the driver. They have assisted in complaints and have been used in committee hearings leading to revocation of licences.</p> <p>Taxi camera data has also been used to support driver accounts in complaints, the most notable incident was a complaint of abuse by the driver but when the footage was seen the complainant was seen to assault the driver and this data was key in securing a conviction against the passenger.</p>
Unfair as cars from other areas without cameras work in Southampton	<p>The vast majority of trips carried out in Southampton are by Southampton licensed vehicles. We promote our cars as having superior safety because of the cameras to encourage the public to use Southampton licensed vehicles.</p> <p>In 2019 a driver from another Hampshire licensing authority was convicted of raping his passenger. It was commented at the time a camera would have assisted the investigation and may even have prevented the offence.</p> <p>The legislation prevents us requiring the other areas from meeting our standards. We set our policy and conditions to meet the needs of our city.</p>
Should record 24/7	<p>This is not practicable as it would drain the battery of the vehicle.</p> <p>If drivers want to be protected from approaching abusive customers the camera can be activated by turning on the ignition as the customer approaches.</p> <p>The camera remains active for 20 minutes after the ignition is turned off, so a lot of conversations are recorded as a vehicle is not normally stationary on a rank for more than this. ( Covid is the exception here.)</p> <p>The camera remains active all the time until 20 minutes after the ignition is switched off and therefore captures practically everything that happens in the vehicle when it is in use.</p>
Costs	<p>The law requires the Council to be the data controllers of the data captured by the taxi cameras and we have a duty to protect that data, the main part of this is the encryption of the data which is required to be at a high specification for us to meet our obligations. This encryption dramatically increases the cost of system.</p> <p>Each system has its own software to manage the system including the downloads. Each system is different. To manage this we restrict the number of systems we will approve to 5. This allows for competition in prices.</p> <p>The council do not set the prices, the suppliers do.</p>

	<p>The cost of the camera is a legitimate business expense that can be claimed on tax returns.</p> <p>The original cameras are now 12 years old and no longer available. One system was giving a high failure rate as it came to the end of its life. This camera is no longer available. Current models perform well.</p>
Other comments	<p>We intend to maintain the exemption policy</p> <p>When cameras were first introduced it was on a voluntary basis and the take up was only 15%. Unfortunately it often takes a serious incident to occur to an individual before they fully appreciate the value of the system but then it is too late.</p> <p>The data is personal data and needs to be kept safe. Access has to be restricted to only those that need to access it. Individuals can make a subject access request for the data held on cameras.</p> <p>All vehicles are fitted with signs advising recording is taking place.</p> <p>See comment above about ICO challenge in 2012.</p>

#### **OTHER COMMENTS ON POLICY**

Too complicated	<p>We have tried to simplify the policy by providing an overarching policy with appendices of policies and conditions for specific areas of taxi licensing.</p>
Driver's code of conduct	<p>It is guidance which contains recommendations. In the same way the as the Highway code works, a breach of the code may not in itself be an unlawful act but by not following it will be supporting evidence in any complaint or breach of condition.</p>
Lack of public understanding	<p>It is correct a large proportion of society do not understand the differences between a hackney carriage and a private hire vehicle. We do address this on our webpages , in communications we put out and at events such as students freshers week.</p>
Removal of parking condition for private hire vehicles	<p>The condition is not enforceable. It was on private hire vehicles, so the proprietor, who may not be the driver. Private hire driver licences have appropriate, enforceable conditions to deal with private hire vehicles acting unlawfully.</p>
Conditions cannot be applied to Hackney Carriage drivers	<p>Section 51 of the Local Government (Miscellaneous Provisions) Act 1976 provides for a licensing authority to apply conditions to a private hire driver licence. There is no such provision in this Act or any other to apply conditions to hackney carriage drivers. This has been supported in the courts. To address this we are introducing a code of conduct for drivers.</p>



<p>The consultation process</p>	<p>The consultation was following the statutory guidance from the Department for Transport. Concerns with that document need to be taken up with them directly.</p> <p>Over 300 responded to this consultation. We advertised to various groups and on the taxi noticeboard that both the licensing manager and Senior Licensing Officer for taxis would be available through MS Teams to discuss the policy and consultation at 3 separate times through the day on a date in the middle of the consultation. No one attended.</p> <p>The policy complies with natural justice, is reasonable and proportionate. Hearings and meetings follow the rules and legislation relevant to them.</p>
<p>Leave it as it is</p>	<p>We are obliged to take note of the DfT statutory guidance and will have to provide justification for not adhering to it if challenged. Our current policy met the DfT document in most areas but not all and therefore needed to carryout this review.</p> <p>Technology and society move on and we need to review our policies to adapt to changing times.</p>
<p>Will cause financial hardship</p>	<p>The costs incurred by drivers as a result of the changes will increase but only by a small amount, it is likely to be less than £30 a year. Business costs can be applied as legitimate expenses in tax returns.</p> <p>The council currently have some of the lowest licence fees in region.</p> <p>The fees are ring fenced and cover the cost of providing the licensing service and no more.</p>
<p>Must protect drivers</p>	<p>Driver protection is a priority. These policies protect drivers such as cameras, driver hours.</p> <p>We currently have over 1600 drivers licensed, an increase of at least 25% from 10 years ago.</p>
<p>Points system should be 9 rather than 6</p>	<p>Licensed drivers earn a living from driving the public around and it is therefore a reasonable expectation for such drivers to have higher standards than normal drivers.</p> <p>It is clear form this feedback and other informal feedback that 6 points is considered too low a threshold. Experience from Eastleigh who we also administer the taxi licence service for have a system that triggers at 9 points and has worked well.</p> <p>Recommendation to amend suitability policy latter part of para 43 to:-</p> <p><i>New applicants with more than 6 points on their licence will be refused. Any holders of a current driver's licence attaining 9 DVLA penalty points will be</i></p>

	<p><i>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.</i></p> <p><b>Policy updated</b></p>
Cannot control driver's hours	<p>This is part of the driver code of conduct, it is a guide on expectations, falling short of it will raise questions about the fitness of an individual, it is not legislation or a condition of a licence.</p> <p>The council do not employ drivers but licence them. We are mindful of the recent court cases on employment rights. The council has a duty to protect the public, including licence holders and therefore consider the policy and conditions to be proportionate and necessary to achieve this.</p> <p>We have received reports of drivers working at night servicing the night clubs until 4 or 5am and then arriving in the docks to sleep in the car for a couple of hours to then service the cruise industry where there is always the hope of a London airport trip or even further. There are risks doing this and the code of conduct raises the issue of driving tired and the driver's responsibility to keep safe.</p> <p>After reports of a driver falling asleep at the wheel his licence was revoked.</p>
Improve disabled access and the number of accessible cabs	<p>70 of our 283 hackney carriages are wheelchair accessible vehicles.</p> <p>We are aware there are difficulties for those with mobility issues in accessing suitable licensed vehicles however there is not an easy solution. We could seek a change in policy to require all new or replacement vehicles from a date in the future to be accessible vehicles and this would make, over a period of time, all of our licensed vehicles wheelchair accessible. However this is likely to lead to a significant exodus of SCC licensed vehicles, drivers and operators to licence elsewhere but continue to work in Southampton. As Southampton is one of the few authorities that mandates taxi cameras we would be losing a significant safety feature for our travelling public.</p> <p>Demand for hackney carriages has been reducing and was severely impacted by the Coronavirus restrictions, there is no evidence to support an increase in the number of hackney carriage plates to be issued. This would be the only way to increase the number of accessible vehicles.</p>
Disagreement with taxi licensing in general	<p>The letter from the Transport minister that accompanied the launch of the DfT statutory guidance made it clear the intention was to introduce the policy quickly and advised they were going to check on progress in January 2021 and continue to monitor it.</p> <p>Taxi fees are regularly reviewed but fees are set based on predictions which sometimes turn out to be inaccurate.</p> <p>The legislation is outdated and has relied upon case law to shape what is and what is not allowed. Case law supports the use of modern technology</p>

	allowing automated systems to be used. The licensing team carry out checks to ensure all operators licensed by us are compliant with the legislation.
--	---

**OTHER COMMENTS**

Public awareness of the differences between hackneys and private hire	The council webpages do explain the differences. We have placed posters at ranks previously and will work with communications team on the matter.
Out of city cars	It is perfectly lawful for vehicles licensed elsewhere to work in the city, this has always been the case, the use of phone apps has made this more attractive. We will always prefer people to licence in the area they intend to work.
Trade reps should be drivers only	The taxi trades are made up of drivers, operators and proprietors and all should be included in any consultation involving the whole trade.
Standard of English	The driver policies include a requirement to pass an oral and written assessment in English.
Do not agree taxis are high risk environment	The vast majority of the taxi trade are good, honest, decent people who uphold the law. However there are characteristics of a taxi that make them attractive to some with ill intent. The vulnerable often rely on taxis to transport them safely and so measures have to be put in place to protect the public. The risk posed is recognised in law with the hackney carriage drivers and private hire drivers exempt from the Rehabilitation of Offenders Act.
Consultation group make up	It is good practice to hold regular meetings with representatives of the trade. We currently have a process where we meet every three months with a mix of elected trade reps and invited individuals either part of the trade or users of taxis. We continue to work with the trade to improve how this set up works but as can be seen in the comments for this consultation individuals have opposing views on a range of subjects.
Dress code should not apply to hackney carriage drivers	As stated earlier this is not a condition but a guidance document, breaches may raise the question of suitability. As the trade are often the first point of contact in our city it is important to set a positive image of the city.
Trade reps code of conduct	This sets out the conduct expected of trade reps.
Multiple convictions	Eastleigh are currently consulting on a similar policy and the use of the word 'multiple' is included. Any driver attracting multiple convictions is a concern.
Record of complaints and expiry date	The record of complaints is GDPR and Data Protection Act compliant. A single complaint over three years ago is unlikely to have any relevance, however a

	complaint more than three years old but is part of a series of complaints of a similar nature may still be relevant to show a pattern of behaviour.
--	---

# Agenda Item 5

## Appendix 5

TABLE OF AMENDMENTS TO CONSULTED COPY OF TAXI POLICY

Location	Amendment	Reason
Page 1 para 2.3	'and user groups' added	To reflect the meeting includes groups who are frequent users of taxi services
Page 1 para 2.4	'both hackney carriage and private hire' added	Clarifies applies to both sets of drivers
Page 3 para 6.2	Change 'standard' to 'basic'	Correctly reflects the level of check required
Page 4 para 6.4	Change to 48 hours of any arrest	To clarify time to declare convictions etc
Page 4 para 6.4	Add including fixed penalty notices	To clarify they need to be declared as well.
Page 4 para 6.9	'r' added to make abroad	Typo corrected
Page 7 para 11.1	Ft changed to fit	Typo corrected
App 1 para 1.2	'standard' changed to 'basic'	Correctly reflect the level of check required.
App 1 para 3.3.3	Add 'be able to'	Clarify the description
App 1 para 7.3	7.11 amended to 7.1	Amend typo
App 1 para 17.1	. For the avoidance of doubt babies in arms are included in this number.	Clarify all children count, including babies in arms.
App 1 para 18.1	Change his to their	Gender neutral
App 1 para 19.1	Change his to their	Gender neutral
App 1 para 20	More guidance on lost property in hackney carriages	Updates current position with the police
App 1 para 21	Made gender neutral	Gender neutral
App 1 Additional info	Made gender neutral	Gender neutral
App 2 para 1.9	Initial licence for 6 months	To reflect current practice
App 3 para 1.2	Standard replaced by Basic	Reflect accurately the check required
App 3 para 8.7	Remove owner	Clarification of what is to be displayed
App 3 2 <sup>nd</sup> option of 8.3 to 8.7	Removed	Officers are conducting further work/research on the potential impact of any change to allow the committee to reach a better informed decision.
App 3 para 10	Para changed to show plate ownership	Updated
App 3 para 16.1	. For the avoidance of doubt babies in arms are included in this number.	Clarify all children count, including babies in arms.
App 3 para 18.1	His replaced by the	Gender neutral
App 3 para 21.4	Or her added	Gender neutral
App 4 para 1.2 of conditions	Acceptable clothing changed	to reflect Code of conduct

App 4 para 1.3 of conditions	Add 'Sports' in front of shorts	Result of consultation response and acknowledgement some shorts can be smart and more comfortable on hot days.
App 4 para 3.1.4	Delete the licensee of	Corrects an error
App 4 para 3.1.4	Replace 'telephone or radio fitted to the vehicle' with 'an operator licensed by Southampton City Council'	To reflect current practice and facilitate modern technology
App 4 para 9.1.2	Add her	Gender neutral
App 4 para 10.2	'police station' replaced by 'operator	Update correct process
App 4 para 14	Add or the issue of an endorseable fixed penalty notice	Provide clarity this includes FPNs
App 5 para 1.3	Add Basic	Clarify level of certificate required
App 5 para 3.3	Remove requirement for annual DBS	Insert requirement on employment and to have clause in employment contract requiring disclosure of offences or arrest to employer. This was highlighted in the consultation and better mirrors the DfT guidance.
App 5 para 11.1	Remove his and later add /she	To make gender neutral
App 7 para 5	Disability awareness training removed from list	This is not included in driver policies and conditions. Will need to be consulted upon separately and services procured if approved.
App 7 para 43	Add attaining 9 DVLA penalty points	Result of consultation, in line with Eastleigh Borough Council
App 8 1 <sup>st</sup> line	Add "or an approved medical provider"	To allow greater flexibility for applicants in obtaining medicals and at more competitive prices.
App 9 (General info para a	Add "sports" in front of shorts to allow smarter shorts	Result of consultation response and acknowledgement some shorts can be smart and more comfortable on hot days.
App 9 ( General info para h	Re place old text with 'ensure appropriate breaks from work are taken and never drive when tired. It is recommended drivers should endeavour to have a minimum of 8 hours rest between finishing work after midnight and starting again in the day and not exceed 13 hours work in any one day.'	Result of consultation



### Equality and Safety Impact Assessment

The **Public Sector Equality Duty** (Section 149 of the Equality Act 2010 (the 2010 Act) requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity, and foster good relations between different people carrying out their activities.

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

Name or Brief Description of Proposal	Taxi licensing policy statement and associated conditions
<b>Brief Service Profile (including number of customers)</b>	
<p>Taxi and Private Hire Vehicle (PHV) licensing in Southampton is undertaken by Southampton City Council (the Council) as the licensing authority, which has the responsibility for ensuring the public travel in safe, well maintained vehicles driven by competent drivers, while providing a fair and reasonable service for the taxi and PHV trade. Currently the Council grants over 3000 licences to over 2000 individuals.</p> <p>To deliver its responsibilities, the Council’s core functions in taxi and PHV licensing are:</p> <ul style="list-style-type: none"> <li>• setting the local framework, which can include safeguarding standards, fares, vehicles standards and limits on vehicle numbers;</li> <li>• considering licence applications and safeguarding the public by issuing, reviewing or revoking licences; and,</li> <li>• undertaking inspection and enforcement activities to ensure the required standards are being maintained.</li> </ul> <p>In July 2020 the Department for Transport (DfT) issued new statutory guidance under the Policing and Crime Act 2017, setting new standards for the regulation of taxis and PHVs (the new statutory guidance). The new statutory guidance makes clear that local authorities must have regard to the framework therein when formulating their licensing policy. It reminds local authorities of their duty to ensure they safeguard and promote the welfare of children when carrying out their functions.</p> <p>The DfT recommends: “all licensing authorities make publicly available a cohesive policy document that brings together all their procedures on taxi and</p>	

private hire vehicle licensing. This should include but not be limited to policies on convictions, a 'fit and proper' person test, licence conditions and vehicle standards."

The Council's policies and conditions for Hackney Carriages and Private Hire trades have been reviewed to address the recommendations in the DfT standards document and to incorporate feedback from the taxi trades in Southampton.

#### **Summary of Impact and Issues**

The driver and proprietor policy and conditions reflect changes to legislation and the new guidance, as well as minor technical amendments and clarifications. The most significant change is a requirement for drivers to provide a criminality check (DBS check) which is no more than 6 months old (the current limit is 3 years). This requirement can be met by registering for the DBS update service (enabling the Council to perform an instant online check), or by obtaining and submitting checks manually. This change is in line with the recommendations in the DfT document.

Amendments to the existing licence conditions for proprietors include requirements to:

- provide a basic DBS;
- meet the conditions of the Council's suitability policy;
- produce documents (licence and/or certificate of insurance) for inspection upon or within 5 days of request by the Council; and,
- notify the Council of any conviction(s).

Additional conditions for operators include the requirement to:

- provide a basic DBS check;
- maintain a register of staff working with sensitive data (including staff making books and despatching vehicles);
- provide a policy to the Council on dealing with access to sensitive data by staff who are ex-offenders; and,
- hold annual DBS checks for staff handling sensitive data.

The conditions for operators are further updated to specify the records which must be kept for every booking, pursuant to s.56 of the Local Government (Miscellaneous Provisions) Act 1976.

#### **Potential Positive Impacts**

The statutory taxi and private hire vehicle standard published by the DfT states that licensing authorities must use their licensing powers to protect children and vulnerable adults.

There is evidence to support the view that taxis and private hire vehicles are a high-risk environment. In terms of risks to passengers, this can be seen in abuse and exploitation of children and vulnerable adults and the number of sexual crimes reported which involve taxi and private hire vehicle drivers.

Changes to the policy and conditions therefore reflect the importance of safeguarding and promoting the welfare of children and adults and ensuring that all passengers are protected. The policy sets high standards of protection for the public by setting clear and proportionate conditions for individuals who wish to carry out the trade.



<b>Responsible Service Manager</b>	Phil Bates, Licensing Manger
<b>Date</b>	
<b>Approved by Senior Manager</b>	Mary D’Arcy, Executive Director, Communities, Culture & Homes
<b>Date</b>	

**Potential Impact**

<b>Impact Assessment</b>	<b>Details of Impact</b>	<b>Possible Solutions &amp; Mitigating Actions</b>
<b>Age</b>	No identified impact	N/A
<b>Disability</b>	Barriers to accessing taxis or private hire vehicles faced by people with disabilities.	<p>Southampton City Council is committed to an accessible public transport system in which disabled people have the same opportunities to travel as other members of society. The licensing framework embodies the provisions of the 2010 Act in prohibiting the refusal of carriage because of a disability. The Council maintains a public list of wheelchair accessible vehicles.. Section 166 of the 2010 Act permits the Council to provide for drivers who cannot assist wheelchair users on medical grounds to be exempt from their duty to do so under section 165 of the 2010 Act. This exemption is subject to the provision of supporting evidence and is made at the driver’s expense.</p> <p>It is recognised that medical standards for taxi and PHV drivers, as vocational drivers, are higher than ordinary vehicle drivers. The Council’s medical requirements for</p>

Impact Assessment	Details of Impact	Possible Solutions & Mitigating Actions
		<p>drivers provide that certain medical conditions (specified in the policy) will lead it to refuse the granting of a licence, or to revocation. These include conditions affecting eyesight, those which may lead to inattentiveness (eg Obstructive Sleep Apnoea) and other conditions set out in relevant national guidelines and replicated in the policy. The Council's application of the relevant national guidelines in determining medical suitability is considered appropriate and necessary to protect the safety of drivers, passengers and the wider public.</p>
<b>Gender Reassignment</b>	No identified impact	N/A
<b>Marriage and Civil Partnership</b>	No identified impact	N/A
<b>Pregnancy and Maternity</b>	No identified impact	N/A
<b>Race</b>	No identified impact	N/A
<b>Religion or Belief</b>	No identified impact	N/A
<b>Sex</b>	No identified impact	N/A
<b>Sexual Orientation</b>	No identified impact	N/A
<b>Community Safety</b>	Taxis and private hire vehicles are a high risk environment.	Enhanced safeguarding via more stringent suitability requirements will protect vulnerable adults and children. The requirement for licensees to attend safeguarding training raises awareness of the risks of

Impact Assessment	Details of Impact	Possible Solutions & Mitigating Actions
		<p>exploitation (county lines are gangs known to use hire vehicles as a method of transportation).</p> <p>Camera requirements for all vehicles, DBS checks, booking records and checks on staff will reduce the risk of criminal activity associated with taxi and/or private hire vehicles.</p>
<b>Poverty</b>	Prospective licensees will be subject to a small uplift in the overall cost of obtaining a licence due to additional costs associated with the greater frequency of submission of DBS checks.	Signing up to the DBS live update service (approx. £13pa) will in time reduce the cost. Generally licensees will only have to pay for one DBS check, following which the Council will perform instant online checks as required.
<b>Health &amp; Wellbeing</b>	No identified impact	N/A
<b>Other Significant Impacts</b>	No identified impact	N/A

This page is intentionally left blank