

# Licensing Committee

Wednesday, 26th June,  
2024

at 10.00 am

**PLEASE NOTE TIME OF MEETING**  
**Council Chamber - Civic Centre**

This meeting is open to the public

## **Members**

Councillor M Bunday (Chair)  
Councillor Mrs Blatchford  
Councillor Kenny  
Councillor Noon  
Councillor Whitbread  
Councillor Windle  
Councillor Moulton  
Councillor Cooper  
Councillor Cox  
Councillor Laurent

## **Contacts**

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## **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 2022-2030 sets out the four key goals:

- **Strong Foundations for Life.**- For people to access and maximise opportunities to truly thrive, Southampton will focus on ensuring residents of all ages and backgrounds have strong foundations for life.
- **A proud and resilient city** - Southampton's greatest assets are our people. Enriched lives lead to thriving communities, which in turn create places where people want to live, work and study.
- **A prosperous city** - Southampton will focus on growing our local economy and bringing investment into our city.
- **A successful, sustainable organisation** - The successful delivery of the outcomes in this plan will be rooted in the culture of our organisation and becoming an effective and efficient council.

**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**  
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 ELECTION OF VICE-CHAIR**

To elect the Vice Chair for the Municipal Year 2024-2025.

### **3 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.

### **4 STATEMENT FROM THE CHAIR**

### **5 MINUTES OF THE PREVIOUS MEETING (INCLUDING MATTERS ARISING) (Pages 1 - 6)**

To approve and sign as a correct record the Minutes of the meetings held on 14 June 2023 and 31 January 2024 and to deal with any matters arising, attached.

### **6 TAXI POLICY UPDATES (Pages 7 - 156)**

Report of the Cabinet Member for Resident Services proposing updates to the Taxi Policy

### **7 GAMBLING ACT STATEMENT OF LICENSING PRINCIPLES (Pages 157 - 218)**

Report of Head of Service seeking approval to consult on the Draft Statement of Licensing Principles for the Gambling Act of 2005.

Tuesday, 18 June 2024

Executive Director Communities, Culture & Homes

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SOUTHAMPTON CITY COUNCIL  
LICENSING COMMITTEE

MINUTES OF THE MEETING HELD ON 14 JUNE 2023

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Present: Councillors M Bunday (Chair), Mrs Blatchford, Kenny, Noon, Powell-Vaughan and A Frampton

Apologies: Councillors Beaurain, Whitbread and Windle

1. **ELECTION OF VICE-CHAIR**

**RESOLVED** that:

Councillor Blatchford be elected as Vice-Chair for the Municipal Year 2023/2024.

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

**RESOLVED:** that the minutes for the meeting on 29 November 2022 be approved and signed as a correct record.

**RESOLVED:** that the minutes for the meeting on 7 December 2022 be approved subject to correction of a spelling mistake and signed as a correct record.

3. **HACKNEY CARRIAGE UNMET DEMAND SURVEY**

The Committee considered the report of the Service Manager, Licensing seeking a decision on whether to retain, amend or abandon the cap on the number of hackney carriage licences.

In attendance were Phil Bates, Service Manager Licensing, Mr Hall and Mr Johnson who, with consent of the Chair, addressed the meeting.

**RESOLVED:**

To continue to restrict the number of licensed hackney carriages to 283.

The Committee noted that observations, surveys and public views had indicated there was no significant unmet demand. It noted some pressure as expected at peak times, such as when cruise ships were in Southampton, and that most existing licenced hackney carriages were on the road.

The Committee encouraged all licensed drivers to note the comments from the public contained in the survey.

The Committee received legal advice that issues concerning the livelihoods of existing licensed drivers could not be taken into account when making this decision.

4. **PRIVATE HIRE VEHICLE, PRIVATE HIRE DRIVER AND PRIVATE HIRE OPERATOR CONDITIONS**

The Committee considered the report of the Licensing Manager seeking amendments to the private hire conditions to licenses for private hire vehicles, private hire drivers and private hire operators to enable the removal of the requirements to display operator details.

In attendance were Phil Bates, Service Manager Licensing, Russell Hawkins, Senior Licensing Officer, Simon May, CEO Radio Taxis, Mr Rahman, Ali Haydor, GMB Representative, Ian Hall, Abdul Mohammad, Perry MacMillan and Clive Johnson and a member of the public who, with the consent of the Chair, addressed the meeting.

**RESOLVED:**

To adopt in their entirety the amended conditions as detailed in the report to the different private hire licences (Appendices 1 to 3).

The Committee noted the livery requirement had been established due to public safety concerns with support from the trade and that the policy would be monitored and subject to review by licensing officers, the Taxi Forum, trade representatives and unions.

The Committee had last reviewed private hire conditions in 2021 and noted the subsequent changes in practice of some drivers using an app which resulted in them being able to work for more than one operator at a time. Consultation demonstrated general, though not universal, support for the recommendation.

The Committee discussed the recommendation that the requirement to display the name of the operator on the vehicle door sticker should therefore be removed and that the safety of the public should be protected by adding a condition to drivers' licences that no bookings should be cancelled without reasonable cause and by adding a condition to operators' licences that unnecessary cancellations, complaints or safeguarding concerns should be recorded and shared with the licensing authority. Should vehicles display the name of an operator then the driver would not be able to take bookings from other operators in that vehicle.

The Committee noted that pursuant to the Local Government (Miscellaneous Provisions) Act 1976 operators were under an existing duty to ensure that any member of the public should be collected if a driver cancelled. Operators would be provided with suggestions for ways to mitigate cancellations.

The Committee noted that if a driver were in breach of their licence the Sub-Committee could consider whether that driver was a fit and proper person.

The Committee was advised that the method of communication between operators and licensing officers will be refined. It was noted that operators had experience that many drivers would not accept pre bookings for small fares and that operators would need to see whether allowing drivers to work for multiple operators at the same time might affect the ability to predict availability for bookings.

It was noted that the door stickers would have to be replaced when licences were being renewed. Drivers could choose to change the sticker earlier.



5. **REMOTE HEARING PROCEDURE**

The Committee considered the report of Executive Director of Place seeking adoption of a remote hearing procedure note for Licensing (Licensing and Gambling) Sub-Committee hearings.

In attendance were Phil Bates, Service Manager Licensing, who with the consent of the Chair addressed the meeting.

**RESOLVED:**

To adopt the procedure note.

The Committee noted the ability to hold meetings as hybrid meetings or in person meetings if they were complex or involved multiple witnesses at the discretion of the Chair and legal advisor.

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SOUTHAMPTON CITY COUNCIL  
LICENSING COMMITTEE

MINUTES OF THE MEETING HELD ON 31 JANUARY 2024

Present: Councillors M Bunday (Chair), Beaurain, Mrs Blatchford, Kenny, Noon, Powell-Vaughan, Whitbread, Moulton and Letts

Apologies: Councillor Windle

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

The apologies of Councillor Windle were noted.

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

RESOLVED that the minutes of the meeting held on 14 June 2023 were not approved and that amendments should be considered by the Committee at the next meeting.

8. **CUMULATIVE IMPACT ASSESSMENT**

The Committee considered the report of Service Manager Licensing seeking a decision to adopt the Cumulative Impact Assessment as detailed in Appendix 1 of the report and the maps in Appendix 2 of the report and for them to replace the assessment of stress areas in Section 6 of the current Statement of Licensing Policy.

In attendance was Phil Bates, Service Manager Licensing, who, with consent of the Chair, addressed the meeting.

RESOLVED: To support the adoption of the Cumulative Impact Assessment as detailed in the report to replace the current assessment in Section 6 of the Statement of Licensing Policy, as amended to rename the Bevois Valley stress area to Bevois Valley/Charlotte Place.

The Committee noted that the size of the stress area around Bevois Valley would increase to include Charlotte Place and that Service Manager Licensing had accepted its recommendation that the stress area should be renamed Bevois Valley/Charlotte Place to accurately describe the larger area covered as shown in the map and locations of reported incidents.

The Committee noted that there were a reduced number of incidents in Bevois Valley which had been reported to the police but that the Community Cohesion Team had recorded incidents of violence against women and girls.

The Committee noted that an additional stress area was being created in Oxford Street because of the increasing number of incidents of crime and disorder being reported to the police and a change of character in the area away from food lead venues towards more music and alcohol lead venues with later closing times in a short street with a relatively high density of licensed venues.

The Committee noted that two existing stress areas in London Road/Bedford Place and Above Bar would remain unaltered.

The Committee noted that a comprehensive consultation had taken place.

The Committee noted that the Cumulative Impact Policy provided a useful licensing tool and had a positive impact.

# Agenda Item 6

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

<b><u>CONTACT DETAILS</u></b>			
<b>Executive Director</b>	<b>Title</b>	PLACE	
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<b>Author:</b>	<b>Title</b>	<b>Service Manager Licensing</b>	
	<b>Name:</b>	<b>Phil Bates</b>	Tel: 023 8083 3523
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## **STATEMENT OF CONFIDENTIALITY**

N/A

## **BRIEF SUMMARY**

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

## **RECOMMENDATIONS:**

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

## **REASONS FOR REPORT RECOMMENDATIONS**

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

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

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

25.	This will have no impact on council revenue.
<b><u>Property/Other</u></b>	
26.	No impact
<b>LEGAL IMPLICATIONS</b>	
<b><u>Statutory power to undertake proposals in the report:</u></b>	
27.	Local Government (Miscellaneous Provisions) Act 1976 Licensing of private hire vehicles, drivers and operators and provides powers with regards hackney carriages and hackney carriage drivers.
28.	Local Government Act 2000 – Functions and Responsibilities Regulations 2000 Provides the framework for the discharge of various functions of a local authority.
<b><u>Other Legal Implications:</u></b>	
29.	Human Rights Act 1998 The Act requires UK legislation to be interpreted in a manner consistent with the European Convention on Human Rights. It is unlawful for the council to act in a way that is incompatible (or fail to act in a way that is incompatible) with the rights protected by the Act. Any action undertaken by the council that could have an effect upon another person’s human rights must be taken having regard to the principle of proportionality – the need to balance the rights of the individual with the rights of the community as a whole. Any action taken by the council which affect another’s rights must be no more onerous than is necessary in a democratic society. The matter set out in this report must be considered in light of the above obligations.
30.	Crime and Disorder Act 1998 Section 17 of the Crime and Disorder Act 1998 places the Council under a duty to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area.
31.	Equality Act 2010 Section 149 of the Act states a public authority must, in the exercise of its functions, have due regard to the need to — a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act; b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
<b>RISK MANAGEMENT IMPLICATIONS</b>	
32.	<ul style="list-style-type: none"> <li>• Financial risk is low – no cost implications to proposal</li> <li>• Service delivery low – vast majority of licence holders adhere to policy and conditions, potential reduction in investigations into breach of livery conditions but potential increase in cancelled jobs investigations.</li> </ul>



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

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

**Documents In Members' Rooms**

1.	<a href="http://www.gov.uk">Statutory taxi and private hire vehicle standards - GOV.UK (www.gov.uk)</a>
2.	<a href="http://www.gov.uk">Taxi and private hire vehicle licensing best practice guidance for licensing authorities in England - GOV.UK (www.gov.uk)</a>

**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>
<b>Data Protection Impact Assessment</b>	
<b>Do the implications/subject of the report require a Data Protection Impact Assessment (DPIA) to be carried out.</b>	<b>Yes</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.	

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## **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. DRUG TESTING**

- 13.1 Licence holders may be asked to submit to a drugs test to assist in determining the suitability of that individual to hold a taxi licence. These may be by appointment or spot checks. A separate drug testing policy is at Appendix 12.

## **14. EQUALITY ACT 2010**

- 14.1 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.
- 14.2 Southampton City Council maintains a list of wheelchair accessible vehicles which can be [here](#).
- 14.3 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 11 Taxi camera policy](#)

[Appendix 12 Drug testing policy](#)

# HACKNEY CARRIAGE LICENCE POLICY AND CONDITIONS From (date)

## 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**
- 2.3.1 In this licence and in this document, unless the subject or context otherwise requires: -
- 2.3.2 "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;
- 2.3.3 "the Council" means Southampton City Council;
- 2.3.4 "hackney carriage" has the same meaning as in the Town Police Clauses Act 1847;
- 2.3.5 "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;
- 2.3.6 "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.
- 2.3.7 "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.

## 2.4 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 a mini bus, have a minimum seat width of 407 mm per person;

3.3.3 • shall 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; and

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 17;

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 With the exception of vehicles detailed in 3.5.3 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
- 3.5.3 No diesel wheelchair accessible 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 2024 unless the vehicle has been converted with approved CVRAS technology. See 3.5.2
- 3.6 Hackney Carriage licence numbers 216 and higher shall only be issued to wheelchair accessible vehicles as prescribed in 3.4.
- 3.7 Any new Hackney Carriage licences issued, shall only be issued to wheelchair accessible vehicles as prescribed in 3.4. Those particular hackney carriage numbers are listed here:  
031

#### **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 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 Service Manager for Licensing.
- 10.2 A second licence plate shall be securely fixed in a position on the front of the hackney carriage to the satisfaction of the Service Manager for Licensing.

## 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. CARD PAYMENTS

- 13.1 Ensure the vehicle is equipped with a card payment terminal which can accept payment by credit/debit card, including contactless. Ensure the device is connected, maintained, and working to ensure customers can pay by card for any journey. Receipts shall be issued upon request.

## 14. INSPECTION OF VEHICLE

- 14.1 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.

- 14.2 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”).

## 15. **DAMAGE TO VEHICLE**

- 15.1 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.
- 15.2 On completion of the repairs, to the satisfaction of the Service Manager for Licensing, the plate may be restored.
- 15.3 The removal of the hackney carriage licence plate will constitute suspension of the hackney carriage licence.

## 16. **PRODUCTION OF DOCUMENTS**

- 16.1 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.

## 17. **TARIFF SHEET**

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

## 18. **NUMBER OF PASSENGERS**

- 18.1 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.

## 19. **EMPLOYMENT OF DRIVERS**

- 19.1 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 his hackney carriage.

## 20. **CHANGE OF ADDRESS**

- 20.1 The proprietor(s) shall notify the Council in writing within seven days of any change of his address.

## 21. **LOST PROPERTY**

- 21.1 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.

## 22. **TRANSFER OF LICENCE**

- 22.1 If the holder of a hackney carriage licence intends to transfers his interest in the hackney carriage to any other person, he 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.
- 22.2 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

## 23. **RECORDS OF BOOKINGS**

- 23.1 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: -
- 23.1.1 • Name of person making booking, name and address of passenger and place where passenger is to be picked up.
  - 23.1.2 • Time and date when passenger(s) are to be picked up.
  - 23.1.3 • Destination.
  - 23.1.4 • Licence number of hackney carriage so used.
- 23.2 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.
- 23.3 Such record shall be produced on request to any authorised officer of the Council, or to any constable for inspection.

## 24. **ORIGINAL VEHICLE SPECIFICATION**

- 24.1 All licensed hackney carriages shall be maintained to their original specification whilst the licence remains in force.
- 24.2 All licensed vehicles will be kept clean both internally and externally, all furniture and fittings must be well maintained.

## 25. **DIGITAL TAXI CAMERAS**

- 25.1 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.
- 25.2 An approved yellow Taxi camera sticker will be displayed on both side windows of the vehicle and be both inside and outside so they can be easily read by the public.
- 25.3 The above requirement will be effective immediately on the grant of a new licence (other than by way of renewal) or on the replacement of a licensed vehicle.

## 26. **CONVICTIONS**

- 26.1 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.

## 27. **SMOKING**

- 27.1 Smoking, including the use of electronic smoking devices, is not permitted in a licensed vehicle. (See Additional Information below)



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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. 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.

## 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:

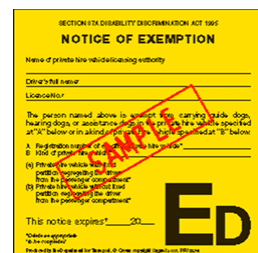
- carry assistance dogs accompanying disabled people;
- do so without additional charge; and
- allow the dog to remain with the passenger

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 his 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.

# PRIVATE HIRE VEHICLE LICENCE POLICY AND CONDITIONS From 2023

## 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. Should the advertising promote the operator the vehicle will be restricted to only being able to accept bookings from the advertised operator.
- 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 21 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 450 mm in width on a white background. The upper portion of the display will show the words "PRE-BOOKED ONLY" in black capital letters, 24 mm high with a total length of 400 mm.



- 8.4 To the left under the above words the sticker 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
- 8.5 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.
- 8.6 In the remaining space to the right of the Bargate logo will be four individual boxes measuring 30mm wide and 50mm high, outlined in black with the background of the box white in colour. The boxes will contain the licence plate number of the vehicle.
- 8.7 There shall be a 3mm thick black boarder inset 10mm from the edge of the sticker with 25mm radiused corners. The corners of the sticker shall also be radiused in parallel with the black boarder.
- 8.8 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.

## **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 Service Manager for Licensing.

## **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.

20. **ADHERENCE TO BOOKINGS**

20.1 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.

21. **WEDDINGS AND FUNERALS**

21.1 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.

22. **SPECIALIST VEHICLES**

22.1 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.

22.3 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.

22.4 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

23 **ORIGINAL VEHICLE SPECIFICATION**

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

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 An approved yellow Taxi camera sticker will be displayed on both side windows of the vehicle and be both inside and outside so they can be easily read by the public.

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

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.

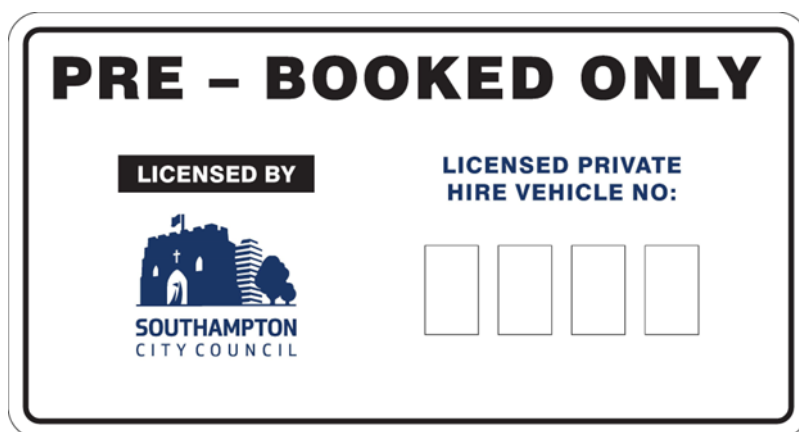
26. **SMOKING**

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

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

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**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 2023

### 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.

8.2 Once a hiring has been accepted the driver shall complete that hiring unless there is good cause not to. Any hiring that has been accepted but is not completed by the driver must be reported with the reasons to the operator immediately.

8.3 If the vehicle being used by the driver is advertising an operator then the driver can only accept bookings from the advertised operator.

## 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.

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 Operators are also required to keep a record of bookings that a driver accepts but then cancels together with a reason for the cancellation. The operator will have a policy of reviewing the cancelled jobs recorded, how they will address incidents of unjustified cancellations with the driver and will report the result of unjustified cancelled jobs to the licensing authority.
- 5.3 All record books shall be maintained for at least 12 months.
- 5.4 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/DRIVERS 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 and/or driver 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 An operator must accept the carriage of any disabled person, provide them with reasonable mobility assistance, and carry their mobility aids, all without charging any more than they would for a non-disabled passenger, provide any disabled passenger who requests it with assistance to identify the vehicle, at no extra charge and be required to accept bookings for or on behalf of any disabled person, if they have a suitable vehicle available

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.

13. **INCIDENT REPORTING**

- 13.1 The operator shall record and notify the Licensing Authority of incidents or complaints that may bring into question the fitness and propriety of the driver or operator, made to the operator, regarding any driver or operator used by the operator within three working days of receipt. This includes incidents or complaints received from third parties and relates to any journey whether a hiring by the public or from contract work. Any response to a complaint that has already been made should be forwarded to the Council Licensing Team at the same time. Any further responses should be forwarded to the Council Licensing Team on request. The report shall include details of driver(s) and vehicle(s) involved and the hirers name and contact details.

- 13.2 A list of complaint types to be reported includes but is not limited to:

- sexual misconduct, sexual harassment, or inappropriate sexual attention
- Breaching terms and conditions laid down by the operator regarding fares and charges including the cancellation of a journey without good reason
- Unnecessarily obtaining passengers personal information which includes but not limited to social media contact details and telephone numbers
- racist behaviour
- violence
- dishonesty, including but not limited to theft, touting, incorrect routing to inflate a fare
- breaches of equality (specifically wheelchair and service animal denial)
- acts of dishonesty
- road traffic offences including condition of any vehicle and including instances of poor driving standards
- any other act that may bring into question the fitness and propriety of the driver or operator

# 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;
- 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.
38. Where an applicant or licence holder provides a sample for drug testing that indicates significant contact with drugs, or refuses to supply a sample with no evidence of mitigation then a licence will not be granted until at least 5 years have elapsed. 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**

39. 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**

40. 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.
41. 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**

42. 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.
43. 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**

44. 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.

45. 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**

46. 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**

47. 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**

48. 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.
49. 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.
50. 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.
51. 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**

52. Vehicle proprietors (both hackney carriage and private hire) have two principal responsibilities.
53. Firstly, they must ensure that the vehicle is maintained to an acceptable standard at all times.
54. Secondly, they must ensure that the vehicle is not used for illegal or illicit purposes.
55. 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.
56. 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:

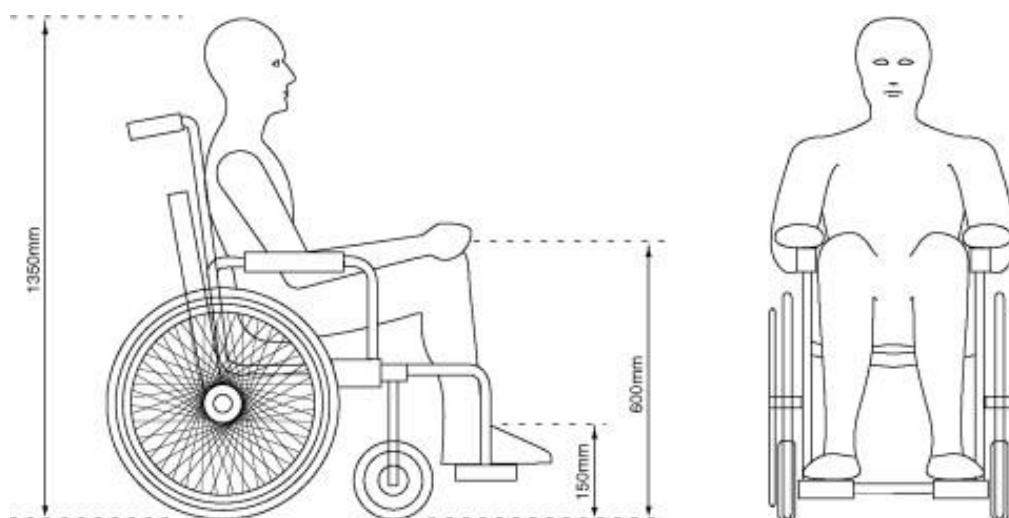
- a) pay attention to personal hygiene and dress so as to present a professional image to the public:
  - As a minimum clothing should be clean, smart casual in appearance with shoes.
  - Unacceptable clothing include jeans, singlets, sports shorts or bathing costumes, sandals or flip flops or open toed 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.

## TAXI CAMERA POLICY



### 1. GENERAL

- 1.1 We use the term Taxi to describe hackney carriages and private hire vehicles.
- 1.2 Hackney carriages can be hailed in the street and take passengers from a rank. Southampton hackney carriages are white in colour, will have a red and white licence plate on the rear of the vehicle as well as a small paper plate in the front windscreen positioned at the top on the nearside. They will have either a factory fitted taxi sign or a large roof box sign displaying the Bargate logo and the word TAXI.
- 1.3 Private hire vehicles have to be pre-booked through an operator. The driver can take no part in the booking process. Southampton licensed private hire vehicles are any colour other than white, display a blue and white rear licence plate and a paper plate in the front windscreen. They will have approved door stickers on both front doors.
- 1.4 As part of the vehicle conditions for hackney carriages and private hire vehicles Southampton City Council has a policy that all vehicles so licensed will be fitted with an approved taxi camera. A check that power is reaching the unit forms part of the annual compliance test.
- 1.5 The legislation does allow for taxis licensed elsewhere to operate in the city, very few authorities mandate the use of cameras so we recommend the public look for and use Southampton licensed vehicles
- 1.6 The council has conducted a Data [Protection](#) Impact Assessment (DPIA) to support this policy.

This policy sets out how these conditions will be applied.

### 2. OWNERSHIP

- 2.1 The camera systems will be purchased by the vehicle proprietor and they will own the system. The data belongs to Southampton City Council who are the data controllers.

### 3. TAXI CAMERA SPECIFICATION

- 3.1 To manage the administration of the scheme Southampton City Council will approve no more than 5 systems at any one time. Each system will have to meet the [specifications](#) set by Southampton City Council.
- 3.2 Part of the specification is to have properly qualified approved fitters of the systems who will issue a camera certificate to confirm the camera has been fitted and meets the specifications set by Southampton City Council.

### 4. SIGNAGE

- 4.1 The vehicles will be required to display in the window of each rear side door an approved double sided sticker advising the public that both visual and audio recording is taking place in the vehicle and contain SCC contact details for any enquiries.

### 5. AUDIO RECORDING

- 5.1 Taxi cameras fitted in SCC licensed vehicles are required to be able to record audio for a period of 5 minutes when activated by a button operated by the driver.
- 5.2 After a challenge by the ICO in 2012 it was deemed there was not sufficient justification to allow the permanent recording of audio data in taxis, however there are times when audio recording is justified. When it is justified the current default position is that the driver will inform the passengers, they are activating the audio recording and explain why. It is acceptable not to announce this if the driver considers by doing so it will place either himself or another at risk.
- 5.3 To be properly prepared drivers should consider various potential scenarios and think of options on how they will deal with it in the safest manner.

- 5.4 It is not acceptable for drivers or passengers to be subjected to abuse or threats. Neither is it acceptable for taxis to be used to facilitate crimes.

The audio button should only be pressed:-

- When there is a conflict between parties.
- As soon as someone becomes abusive.
- As soon as someone becomes threatening.

The driver will announce at the time of activation

FOR EVERYONE'S PROTECTION I AM NOW ACTIVATING THE AUDIO RECORDING WITHIN THIS VEHICLE. THE SYSTEM HAS BEEN RECORDING VISUAL DATA ALL THE TIME.

- 5.5 Only if the driver considers it is not safe to make such an announcement should the announcement not be made and the passengers should be advised of the activation should it become safe to do so.
- 5.6 The driver can add that they have no access to the data; that SCC is the data controller and should be contacted ([licensing@southampton.gov.uk](mailto:licensing@southampton.gov.uk)) if they have any enquiries; that only specific staff have access to the data when it is necessary for them to do so. Details can be found on the council website Taxi cameras ([southampton.gov.uk](http://southampton.gov.uk))
- 5.7 Drivers will be made aware of this policy and specifically the instructions on use of the camera system and acknowledge they have read it at the time of application/renewal.

## 6. DOWNLOADS

- 6.1 Licensed hackney carriages and private hire vehicles licensed by Southampton City Council are required, unless an exception is granted, to be fitted with an approved taxi camera. (See camera specification below but note the fitter and system needs to be approved)
- 6.2 The cameras are to be set up to activate and record permanently visual data when the ignition is turned on and remain on for a period of at least 20 minutes after the ignition is turned off. Audio data will only be activated by means of a button available to the driver.
- 6.3 All passengers are made aware of the fact that they are being recorded by notices strategically placed on the vehicles. These notices are placed on the rear windows adjacent to the B pillar on both sides and in purpose-built vehicles also on the security screen that separates the driver and passenger. These labels clearly warn that both audio and visual recordings take place in the vehicle using wording and images of a camera and a microphone.
- 6.4 Data will only ever be downloaded on four occasions
- where a crime report has been made involving the specific vehicle and the Police have formally requested that data or,
  - when the authority is notified in writing of a complaint in relation to a specific vehicle or driver and the matter cannot be resolved in any other way.
  - where a Data request is received from an applicant e.g. police or social services, that has a legitimate requirement to have access to the data requested to assist them in an investigation that involves a licensed vehicle or driver or passenger.
  - Subject Access Request compliant with the General Data Protection Regulation.
- 6.5 To safeguard the data all downloads will be conducted in the presence of at least two relevant people. Relevant people are: a member of the Southampton City Council licensing team, a serving police employee or the driver or proprietor of the vehicle. This will generally be at the Council offices with a member of Licensing staff and the driver of the vehicle.
- 6.6 All requests must be in an appropriate format detailing the powers that allow the release of the data and providing all the information required. The request form for download must state the approximate time of the event/occurrence and only the timescale relevant to the specific incident will be downloaded, decrypted and thereafter stored.
- 6.7 On receipt of a download request to be conducted by SCC staff a member of the Licensing Team will

confirm it is a legitimate request. If practical, arrangements will be made with the owner of the licensed vehicle for the vehicle to attend the Licensing Office. If it is not practical then a member of the Licensing Team will attend the location of the vehicle or data box to facilitate the download. Any download will be carried out in the presence of at least one other person if at the licensing office. If the download is taking place away from the licensing office then either an additional member of Council staff or a member of the requesting organisation i.e. police officer will be present in addition to the member of staff conducting the download.

6.8 A dedicated computer not linked to the council or any network will be used to facilitate the download from the data box. This computer will copy the downloaded footage onto its files. A master copy will be created from this computer and placed on the external hard drive dedicated for such use and retained by SCC Licensing Team. This hard drive will be kept secure to prevent loss of data. A working copy will be produced and either given to the requesting authority or subject or retained by the investigating officer. Data retained by SCC Licensing Team will only be retained for the following periods:

- A) Cases leading to prosecution or suspension/revocations/refusal of a taxi licence 10 years from date of trial or determination.
- B) Formal caution 3 years from date of caution
- C) Written warning or no formal action 3 years from date of decision
- D) Subject Access request 6 years from date of request.

The file on the dedicated computer will be deleted once the master and working copies are produced.

6.9 Staff in the Licensing Team will conduct a review of material held on the hard drive each year in March and erase any material over one year old. Any working copies should be placed on the appropriate files and they will be weeded and safely destroyed with the files whose time limits mirror those set out above. Data will only be viewed by the person performing the download to the extent necessary to facilitate the download process. Data being used in any investigations will only be viewed by persons involved in that investigation but will be released to be used in court or for determinations if necessary.

6.10 After a period of time any data held by the system installed in any vehicle is automatically overwritten dependent upon the specification of the system installed. Typically, this will be within a period of 14 – 30 days.

6.11 Only systems approved by the Licensing Team may be installed by an approved installer – thereby ensuring that any equipment may not be tampered with, encryption is of a sufficient standard and data may not be interfered with or released to any third party / published.

## **7. EXEMPTIONS TO THE POLICY**

7.1 The private hire vehicle policy has a section on Specialist Vehicles where the service manager of licensing has discretion to apply an exemption to the requirement for a taxi camera. These will be very rare and only when justified with supporting evidence.

7.2 The exemptions will apply to vehicles solely used for high level executive hire, the vehicle will have to be a high end executive vehicle, the applicant will have to provide evidence and assurances the vehicle will only be used for contract work, namely not standard private hire work but work with known clients on a contract for a number of journeys and not just one or one and a return journey. Airport runs for non business purposes are not considered to be within this definition.

7.3 Anyone has the right to object to having their data processed. Any objections should be sent to [licensing@southampton.gov.uk](mailto:licensing@southampton.gov.uk) . Each case will be determined on the merits in accordance with relevant legislation and Southampton City Council Policies.



## TECHNICAL SPECIFICATIONS

### 1.0 Operational

Reference	Specification	Details
1.1	100% solid state design or a proven vibration and shock resistant system (solid state is preferable)	The recording should be vibration and shock proof, i.e.: <ul style="list-style-type: none"> <li>- Flash-based SSD (100% industrial grade),</li> <li>- Hard disk with both mechanical anti-vibration and anti-shock mechanism and self-recovery and self-check file writing system.</li> </ul>
1.2	8 to 15 Volts DC	Operational between 8 and 15 volts DC
1.3	Reverse polarity protected	System to be protected against reverse voltage.
1.4	Short circuit prevention	System to be protected against short circuits
1.5	Over voltage protection	System to be protected against high voltage transients likely to be encountered in the vehicle electrical system.
1.6	Automotive Electromagnetic Compatibility Requirements	The in-vehicle Camera system must be compliant with the Council Directives: <ul style="list-style-type: none"> <li>- 2014/30/EC on Electromagnetic Compatibility (CISPR 22/EN55022),</li> <li>- 2014/30/EC on Radio Interference (sections 6.5, 6.6, 6.8 and 6.9)</li> </ul> The Camera equipment should therefore be e-marked or CE-marked or UKCA marked with confirmation by the equipment manufacturer as being non-immunity related and suitable for use in motor vehicles as and where required by the regulations.
1.7	Absence of "on/off" switch	The system must be permanently wired to the power supply of the vehicle, and shall not be equipped with an on/off switch. Although facility to have an on/off switch fitted retrospectively is advised
1.8	First-in/first-out buffer recording principle	
1.9	Image export formats and media	Images must be exported to common commercially available formats.
1.10	Image protection during power disruption	Images must be preserved in the event of loss of power. Battery back-up will not be permitted
1.11	Image and audio data shall be recorded and stored in a unit separate from the camera head.	
1.12	The system must be capable of recording audio time synchronized to the recorded images.	
1.13	The system shall be programmed not to record audio unless triggered by an approved trigger.	The system needs to have the ability to start recording audio data by means of a panic button. Once audio recording is triggered the length of the audio recording needs to be able to be set to record for a duration of 5 minutes.
1.14	The audio playback, when triggered, shall be in 'real time' regardless of the image capture rate	

1.15	Digital sampling of the audio signal must exceed 8KHz	
1.16	Digital resolution of the audio samples must exceed 10 bits.	
1.17	The audio microphone shall be integrated within the camera head.	
1.18	Audio data and image data must be stored together, not in separate files, and must be protected against unauthorised access or tampering.	
1.19	The system must support testing of the audio function for installation set-up and inspection purposes.	
1.20	The system must 'go to sleep' to reduce battery drain during prolonged idle time. It must be capable of immediate reactivation	

## Technical Specifications

### 2.0 Storage Capacity

Reference	Specification	Details
2.1	Minimum of seven days of recording capacity	The camera system must be capable of recording and storing a minimum of seven days of continuous recording
2.2	Images must be clear in all lighting conditions	System to provide clear images in bright sunshine, shade, dark and total darkness. Also, when strong back light is present.

## Technical Specifications

### 3.0 Camera Head

Reference	Specification	Details
3.1	Camera installation non-obstructive	The camera and all system components shall be installed in a manner that does not interfere with the driver's vision or view of mirrors or otherwise normal operation of the vehicle.
3.2	Protected camera disconnect	The camera head shall be designed to disconnect for ease of removal and replacement by maintenance personnel.
3.3	Special tools for adjustment/removal	To prevent inappropriate interference only tools supplied to authorised fitters should be capable of carrying out adjustments or removal.
3.4	Field of view to capture all passengers in the vehicle	The lens of the camera must be of a type that captures the driver and all passengers of the vehicle on the recorded image. The lens must be of a style not to create a "fishbowl" effect.
3.5	Images must be clear	System to provide clear images in all lighting conditions and allow different skin tones to be detected.

3.6	Compatible for use in vehicles with a partition (shield)	The camera system must be adaptable to provide clear images when a vehicle is equipped with a shield. This may be accomplished with the use of multiple camera heads.
3.7	Multiple cameras	The unit shall be capable of supporting up to four (4) cameras. Four cameras may be required to provide adequate coverage in larger vehicles and/or certain purpose built vehicles.

## Technical Specifications

### 4.0 Storage Device (Recorder)

Reference	Specification	Details
4.1	Impact and shock resistance	The recorder shall be impact resistant, sufficient to withstand a typical car accident, or striking with a large, heavy object such as a suitcase.
4.2	Controller in concealed location	The storage unit shall be concealed from view and effectively inaccessible except by authorised personnel.
4.3	Download provision	Any new models are to have a removable drive that only allows access by approved persons, namely fitters, council staff and others authorised to carry out downloads. Existing models can be equipped with a communication port for downloading by authorised personnel or a removable drive.
4.4	Download port shall be located in an easily accessible location such as a glove compartment.	The recorder download port shall be located in a location that does not require the removal of panels and is accessible.
4.5	Download port cable length (1 foot minimum)	Download port cable shall be at least one foot in length for ease of download.
4.6	Recorder to be securely affixed to the vehicle	
4.7	Log to register each user access	
4.7.1	Log to register camera system parameter modifications	
4.7.2	Log to register each image download session	
4.7.3	Log to register modification/manipulation of downloaded images	
4.7.4	Log to register exporting of downloaded images	
4.7.5	Log to register exporting of downloaded clips	
4.7.6	Log file protected against unauthorised access	
4.7.7	Time/date stamp	All stored images must be time and date stamped.
4.7.8	Vehicle ID number stamp	All stored images must have two fields for vehicle identification (VIN & number plate).
4.7.9	Controller non-modifiable ID code stamp	Each recorded image shall be automatically stamped with a unique and non-modifiable code that identifies the controller that was used to record the image.

4.7.10	Controller (Storage Recorder)	Manufacturer to supply Southampton City Council Licensing Team and Hampshire Police with a supply of specialized tools to allow for removal of the Controller and download of data when required.
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## Technical Specifications

### 5.0 Activation

Reference	Specification	Details
5.1	System to record when ignition switch is on.	System to record when ignition switch is in the accessory position and in the engine run position even if the engine is not running.
5.2	System to continue to record images when engine is off.	System must continue to record images for 20 minutes after engine is shut off.
5.3	System to record audio for a period of 5 minutes on activation of a button	Currently we only require a button for the driver but the system should be capable of allowing at least one other audio trigger, including another button.

## Technical Specifications

### 6.0 Visual data quality

Reference	Specification	Details
6.1	System to record at least 4 frames a second and increase to a minimum of 10 frames per second on activation of any emergency button.	When starting system to record a minimum of 4 frames per second and to remain constant at the initial rate until the activation of an emergency button when it must record at least 10 frames per second for a period of 5 minutes.

## Technical Specifications

### 7.0 Downloading

Reference	Specification	Details
7.1	Time to download complete memory not to exceed 30 minutes	Time to download to be accomplished in 30 minutes or less.
7.2	Provision of necessary software, cables, security keys to Southampton City Council Licensing Team and Hampshire Police	
7.3	Windows 10 compatible.	
7.4	Downloaded images stored in non-volatile media	
7.5	Downloaded images stored in secure format	
7.6	Verifiable image authenticity	Each image shall be stamped with controller ID and vehicle ID and be tamperproof.

7.7	Provision of technical support to Southampton City Council Licensing Team and Hampshire Police when necessary.	To assist in accessing system in case of damage to the vehicle or to the system in case of accident within 1 hour during normal working hours and within 8 hours otherwise.
7.8	Wireless Download Prohibited	Unit must not allow for wireless downloads. Wireless diagnostic may be used. All wireless hardware to be disabled.
7.9	Filter the specific images for events and times for the approximate time of the incident	In order to obtain only relevant data, system must require officers to set a time frame that captures required data and only that time frame is downloaded.

## System Requirements

### 8.0 System Information

Reference	Requirement	Details
8.1	Provision of service log sheet with each unit shipped	The unit manufacturer shall have a service log shipped with the unit. The manufacturer shall also enclose detailed instructions for the drivers with each unit shipped. An installation manual shall also be furnished to authorised installers and fleet operators.
8.2	Serial number indication on service log	The unit will be marked with a serial number
8.3	Installation date indication on service log	The provision for the installer to indicate the installation date
8.4	Provision of driver instruction card with each unit shipped	
8.5	Provision of installation manual to installers and fleet operators	
8.6	Clarity of operating instructions	The system shall be provided with clear and concise operation instructions which are written with due consideration to varying levels of literacy.
8.7	Installation by authorised agents	The unit shall be installed by manufacturer's authorised agents.
8.8	Provision of authorised agents list to Southampton City Council Licensing Team	The manufacturer shall provide a list of all authorised agents to Southampton City Council Licensing Team.
8.9	Documentation	The manufacturer/supplier must provide clear and concise operating instructions which are written in layman's terms. (Details on how the system records the images). Also to include how the driver can check system is functioning correctly (See 9.1 below)
8.10	Image Protection	All captured images must be protected using encryption software that meets or exceeds the current FIPS 140-2 (level 2) standard or AES 256 or equivalent.

## System Requirements

### 9.0 Vehicle Inspection Facility – Inspections

Reference	Requirement	Details
9.1	Provision of system status/health indicator	The driver shall have an indicator showing when the system is operational and when there is a malfunction.
9.2	Designed/Installed to be testable by Southampton City Council Licensing Team	The system shall be designed and installed such that the system may be easily tested by Southampton City Council Licensing Team staff to ensure that all features are operating and that images are being recorded as prescribed.

## System Requirements

### 10.0 General

Reference	Requirement	Details
10.1	Vandal and tamper resistance	
10.2	Provision of statement of compliance	In addition to a formal test of all aspects of this requirement specification, a statement of compliance shall be provided and signed by an officer of the company.
10.3	Reliability in operational and environmental conditions	The system shall provide reliable and full functionality in all operational and environmental conditions encountered in the operation of taxis.
10.4	Programmability of image timing parameters	It shall be possible to change timing and parameters without the requirement to change components.
10.5	Training and Technical Support and Equipment	Manufacturer must provide Southampton City Council Licensing Team a Training and Technical Manual. Supply a working unit to Southampton City Council for testing purposes.
10.6	Software and Hardware	Manufacturer to supply Southampton City Council and Hampshire Police a supply of cables and software to be installed under the supervision of the City's authorised staff.

## **DRUG SCREENING POLICY FOR APPLICANTS AND LICENCE HOLDERS**

### **1. Introduction**

- 1.1 As an applicant or existing holder of a hackney carriage driver's or private hire driver's licence, you are required to demonstrate that you are medically fit to drive by having a medical check with your Doctor or an approved GP. In addition, a licence holder must also be and remain a 'Fit and Proper Person'. Guidance notes and the respective policies for both of these aspects are contained within this document.
- 1.2 Although drug screens are primarily undertaken on drivers, we reserve the right to request that either vehicle proprietor(s) and/or operators submit to a drug screen as required.

### **2. Drug Screening**

- 2.1 In addition to undertaking a medical examination, we may on occasion require evidence of satisfactory negative drug screening as part of your overall medical fitness to hold a licence.
- 2.2 You may be required to undertake drug screening under the following circumstances.
- Before a licence is granted
  - Where there is sufficient cause and reason to believe an existing licence holder may be using drugs
  - Licensing Enforcement Staff may also carry out random drug screening on existing drivers, proprietors and operators or following an instruction by the Licensing Committee.
- 2.3 Screening is normally required for the following drug types:
- Amphetamines (to include methamphetamines)
  - Cocaine
  - Opiates
  - Cannabinoids
  - Benzodiazepines
  - Methadone

### **3. Drug Screening facilities from the Licensing Team**

- 3.1 Subject to receiving your formal written consent, a template of the consent form is at the end of this policy, trained licensing staff will collect a saliva sample by way of a mouth swab. The sample will then be sent to an analytical laboratory to be screened and a certificate of analysis will be returned to the council. This process is subject to very strict "chain of custody" procedures to ensure that the sample is not interfered with between collection and arrival at the laboratory.
- 3.2 We can also carry out "instant" screens on site which will provide an initial test result. If an 'on site test' indicates a positive result for one of the substances mentioned above, then a sample will also be sent to an analytical laboratory to be verified using the 'chain of custody' mentioned above.
- 3.3 Prior to testing, your saliva sample is split in two to create "A" and "B" samples. The "A" sample is tested whilst the "B" sample is left sealed and stored. If you dispute the confirmed result, you can request the "B" sample for independent analysis (any such costs arising from this will not be met by SCC).

### **4. Important Information**

- 4.1 PERSONS PROVIDING A SAMPLE MUST NOT EAT, DRINK OR SMOKE FOR AT LEAST 20 MINUTES BEFORE THE TEST. THEY MUST ALSO PROVIDE DETAILS OF ANY PRESCRIBED OR OVER THE COUNTER MEDICINES THEY ARE TAKING

4.2 Failure to follow the instructions will be treated as a refusal to provide a sample (See Section 6).

4.3 Individuals will be advised of any costs (if any) before a test is conducted.

## **5. Problems arising from screening results**

5.1 If you are an applicant for a private hire or hackney carriage driver's licence and your test results are positive then you will NOT be granted a licence without referral to the Licensing Committee (or by the Licensing Manager through delegated powers) who will decide whether or not to grant you a licence.

5.2 If you are a licensed driver and provide a positive test result, then your licence may be suspended or revoked after consideration on individual merit.

5.3 Any "positive" certificates of analysis will be accompanied by a supporting statement indicating the illicit drug(s) and will be given to you upon request.

## **6. Failure to undertake drug screening**

6.1 If you refuse, without satisfactory or reasonable excuse, to provide a sample or follow the instructions for providing a sample for analysis then your application for a licence will not be processed or, if you are an existing driver, your licence may be suspended or revoked. It is also an offence to obstruct or to make a false statement to an authorised officer.

6.2 Southampton City Council will process your personal information in accordance with data protection law. The personal details provided by you will be used for licensing service purposes. Your details will be held on a database and where the law allows, may be shared with other departments within the council to update details they hold about you. The council may also be required to disclose personal information to third parties (such as Police, Department for Work and Pensions or for the National Fraud Initiative) for the purposes of preventing or detecting crime or apprehending or prosecuting offenders.

6.3 For further information about how the Council collects and uses personal information please visit our website: <https://www.southampton.gov.uk/contact-us/privacy-cookies/privacy-policy.aspx>



# DRUG SCREENING CONSENT

## Local Government (Miscellaneous Provisions) Act 1976

### Town Police Clauses Act 1847

SOUTHAMPTON CITY COUNCIL has to be satisfied that persons are deemed to be "fit and proper". This includes undertaking medical and other enquiries to establish overall fitness to drive a licensed vehicle.

Drug screening can form an important part of the initial application and on-going licensing process but we require your consent to undertake a screening.

The details we hold about you are shown below:

Name of applicant or licence holder:

Address:

Licence number (if applicable):

#### IMPORTANT

Are you taking any medication whether prescribed by your doctor or not? **YES\*/NO**

**\*If yes, please state opposite drug name(s), amount taken and date last taken**

Drug(s):

Amount:

Date taken:

#### DECLARATION

I confirm that the details above are correct and by signing below I give my **CONSENT** for an authorised officer to collect and process a sample for screening. I have read and understand the council's drug screening requirements guidance notes. I further confirm and understand that:

- It is an offence to knowingly or recklessly make a false statement
  - **I DO/DO NOT\*** have any previous drug misuse or current drug dependency problems
  - **I DO/DO NOT\*** have any medical condition(s) that might interfere with the sample process
  - I understand that an authorised officer may refuse to take a sample in individual circumstances
  - My driver application will not be processed if I refuse to provide a sample
  - My hackney carriage or private hire driver licence may be suspended or subsequently revoked if I refuse to provide a sample
- \*Delete as appropriate**

Signature of applicant:

Name of officer taking sample:

Date of sample collection:


## DVLA "ASSESSING FITNESS TO DRIVE" CURRENT MEDICAL STANDARDS\*

DRUG MISUSE OR DEPENDENCE	GROUP 2 ENTITLEMENT (VOCATIONAL) TO INCLUDE ADOPTED PCC STANDARDS FOR HACKNEY CARRIAGE & PRIVATE HIRE APPLICANTS/LICENCE HOLDERS
<b>Cannabis</b> <b>Amphetamines (note: Methamphetamine below)</b> <b>Ecstasy (MDMA)</b> <b>Ketamine</b> <b>&amp; other psychoactive substances, including LSD and Hallucinogens</b>	<p>Must not drive and must notify either DVLA or the council with persistent use or dependence.</p> <p>Medical or screening enquiry confirming the problem will lead to refusal or revocation of a licence for a minimum <b>1 year period free of misuse or dependence</b>. Future licensing will require independent medical assessment and urine screen arranged by DVLA.</p>
<b>Heroin</b> <b>Morphine</b> <b>Methadone*</b> <b>Cocaine</b> <b>Methamphetamine</b>	<p>Must not drive and must notify either DVLA or the council with persistent use or dependence.</p> <p>Medical or screening enquiry confirming the problem will lead to refusal or revocation of a licence for a minimum 3 year period free of misuse or dependence. Future licensing will require independent medical assessment and urine screen arranged by DVLA.</p> <p>*Applicants or drivers complying fully with a Consultant supervised oral Methadone maintenance programme may be considered for an annual review licence once a minimum 3 year period of stability on the maintenance programme has been established, with favourable random urine tests and assessment. Expert Panel advice will be required in each case.</p> <p>Persistent misuse of, or dependence on these substances, will require revocation or refusal of a vocational licence for a minimum three-year period. Independent medical assessment and urine screen arranged by DVLA will normally be required. In addition, a favourable Consultant or Specialist report will be required before relicensing.</p>
<b>Benzodiazepines</b>	<p>The non-prescribed use of these drugs and/or the use of supra-therapeutic dosage, whether in a substance withdrawal/maintenance programme or otherwise, constitutes misuse/dependence for licensing purposes.</p> <p>The prescribed use of these drugs at therapeutic doses (BNF), without evidence of impairment, does not amount to misuse/dependence for licensing purposes (although clinically dependence may exist).</p>
<p>NOTE (1): Multiple substance misuse and/or dependence including misuse with alcohol is incompatible with licensing fitness</p> <p>NOTE (2): A seizure associated with drug use will result in a licence being refused or revoked for a minimum period of 5 years</p>	

*\*The medical guidelines shown above are subject to periodic review by the Driver Medical Group of DVLA*

### TO BE READ IN CONJUNCTION WITH OUR LEAFLET "DRUG SCREENING REQUIREMENTS"

*Southampton City Council will process your personal information in accordance with data protection law. The personal details provided by you will be used for licensing service purposes. Your details will be held on a database and where the law allows, may be shared with other departments within the council to update details they hold about you. The council may also be required to disclose personal information to third parties (such as Police, Department for Work and Pensions or for the National Fraud Initiative) for the purposes of preventing or detecting crime or apprehending or prosecuting offenders.*

*For further information about how the Council collects and uses personal information please visit our website:*  
<https://www.southampton.gov.uk/contact-us/privacy-cookies/privacy-policy.aspx>



# Consultation on proposed updates to Southampton's Taxi Policy - Report

- [Introduction](#)
- [Methodology and Promotion](#)
- [Respondents](#)
- [Proposed appendix on Taxi Cameras](#)
- [Proposed new appendix on Drug Testing](#)
- [New proposal on a requirement for Card Machines in Taxis](#)
- [Reading the draft strategy](#)



Southampton City Council undertook a public consultation on a Taxi licensing policy consultation.

This consultation took place between **08/12/2023 – 22/02/2024** and received **87** responses.

The aim of this consultation was to:

- Communicate clearly to residents and stakeholders the proposals for the Taxi Policy consultation;
- Ensure any resident, business or stakeholder in Southampton that wished to comment on the proposals had the opportunity to do so, enabling them to raise any impacts the proposals may have, and;
- Allow participants to propose alternative suggestions for consideration which they feel could achieve the objectives of the strategy in a different way.

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The primary method of gathering feedback for this consultation was via online questionnaire. Physical paper versions of the questionnaire were also made available, and respondents could also email [yourcity.yoursay@southampton.gov.uk](mailto:yourcity.yoursay@southampton.gov.uk) with their feedback, as well as respond by post.



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

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



New Conversations 2.0  
LGA guide to engagement



## Rules: The Gunning Principles

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

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

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

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

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

<sup>3</sup> BAILII, United Kingdom Supreme Court, Accessed: 13 December 2016

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



The agreed approach for this consultation was to use an online questionnaire & paper questionnaire as the main route for feedback; questionnaires enable an appropriate amount of explanatory and supporting information to be included in a structured way, 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 that contained consultation feedback were collated and analysed as a part of the overall consultation.

The consultation was promoted in the following ways:

- Contacted Licence holders & key partners including police, neighbouring local authorities and appropriate community groups.
- Advertised on Council websites.

All questionnaire results have been analysed and presented in graphs within this report. Respondents were also given opportunities throughout the questionnaire to provide written feedback on the proposals. All written responses and questionnaire comments have been read and then assigned to categories based upon sentiment or theme.

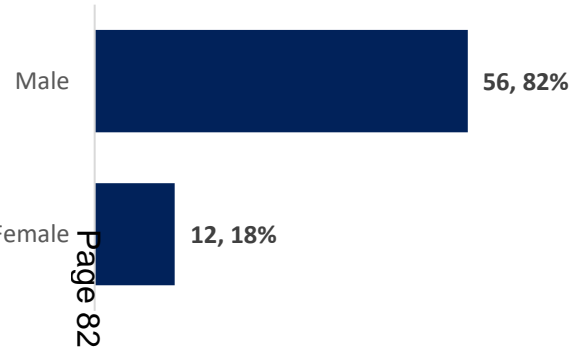


## Total responses

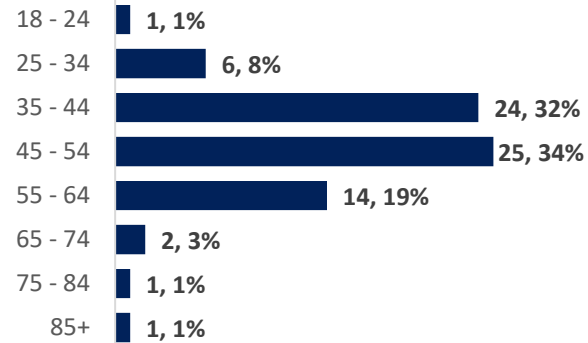
84 survey responses  
3 email/letter responses  
87 total

Graphs on this page are labelled as percentage (count).

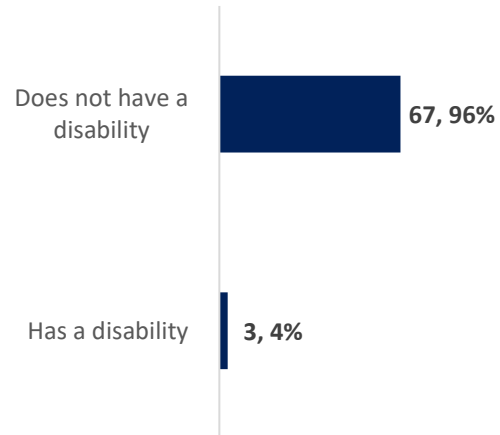
### Sex



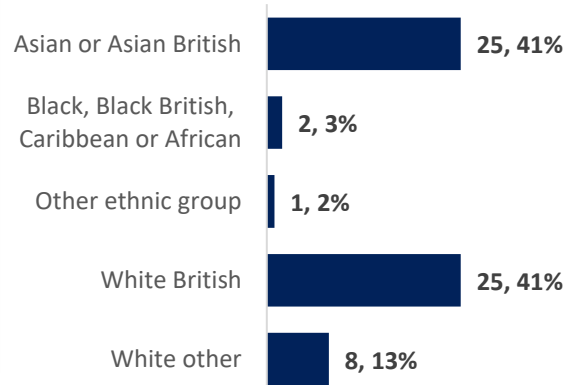
### Age



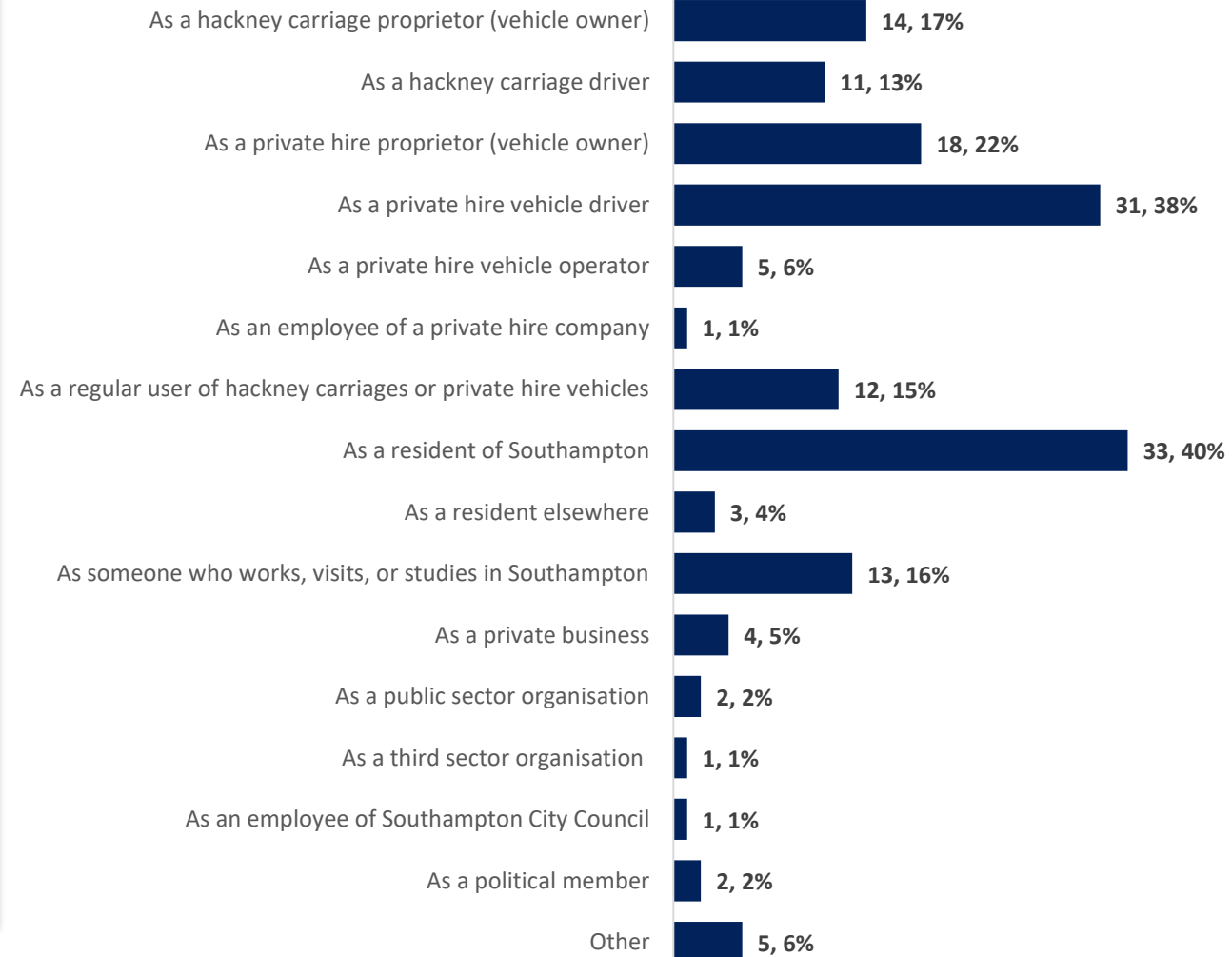
### Disability



### Ethnicity



## Interest in the consultation







# Consultation feedback

## Proposed appendix on Taxi Cameras





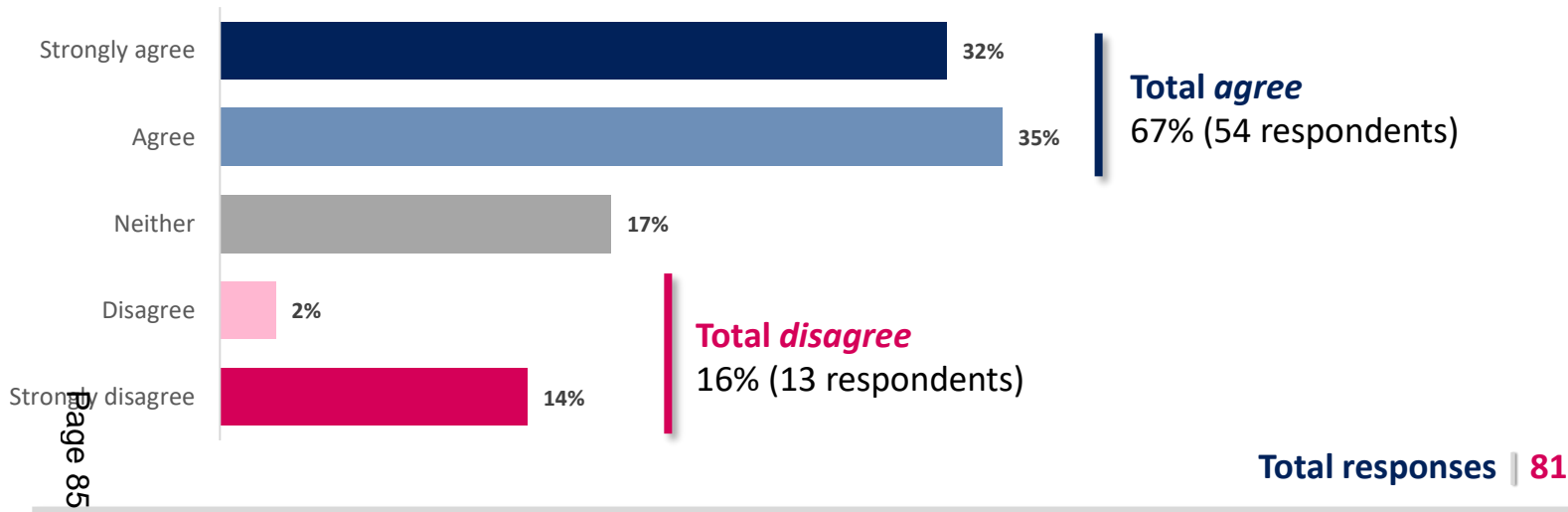
The proposed Appendix 11 covers the use of safety cameras in taxis. This appendix is the same as the previous taxi cameras policy and is only being brought into the main policy for consistency, so all of the elements of taxi policy in Southampton are in one place.

Taxi cameras have assisted police in numerous criminal investigations, some of which have resulted in prison sentences for both passengers and drivers. They have also been pivotal in determining the fitness and propriety of drivers.

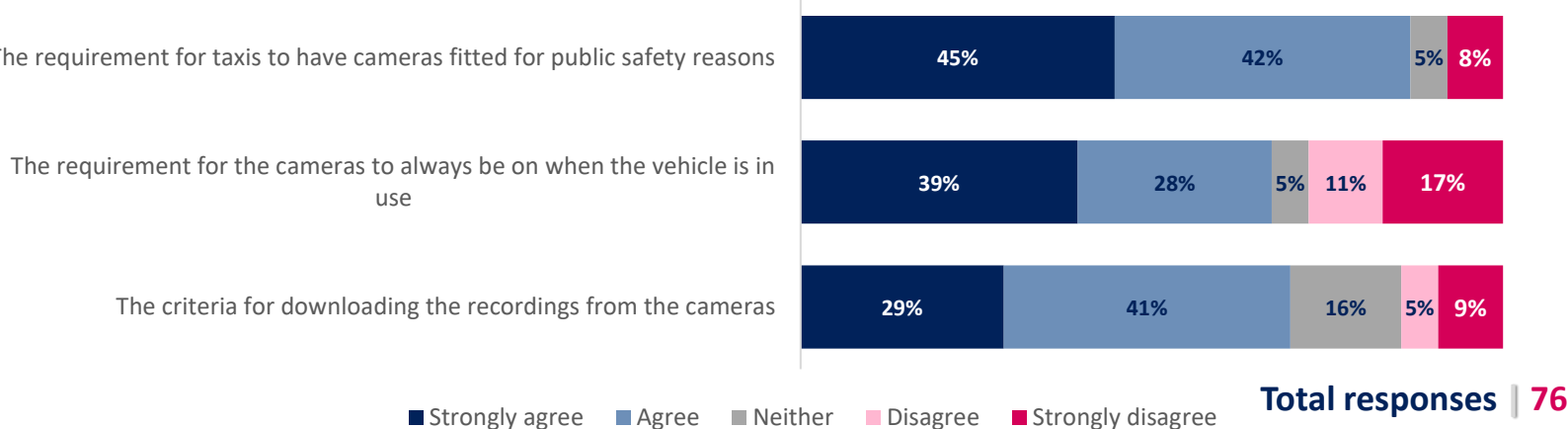
Taxi cameras only record activity inside of the vehicle. Visual data is always recorded, and audio data can be triggered by the pressing of a button by the driver. The recorded data is encrypted and held securely within the vehicle. The policy outlines the strict criteria when a download will be performed: effectively, an active investigation into a crime or complaint.

As hackney carriages and private hire vehicles remain a commercial vehicle the whole time they are licensed and can only be driven by the holder of the relevant hackney carriage or private hire driver licence, the cameras are required to remain on the whole time the vehicle in question is in use, regardless of the use the vehicle is put to.

**Question 1** | To what extent do you agree or disagree with the proposal to move the policy on taxi cameras to an appendix of the main taxi policy?



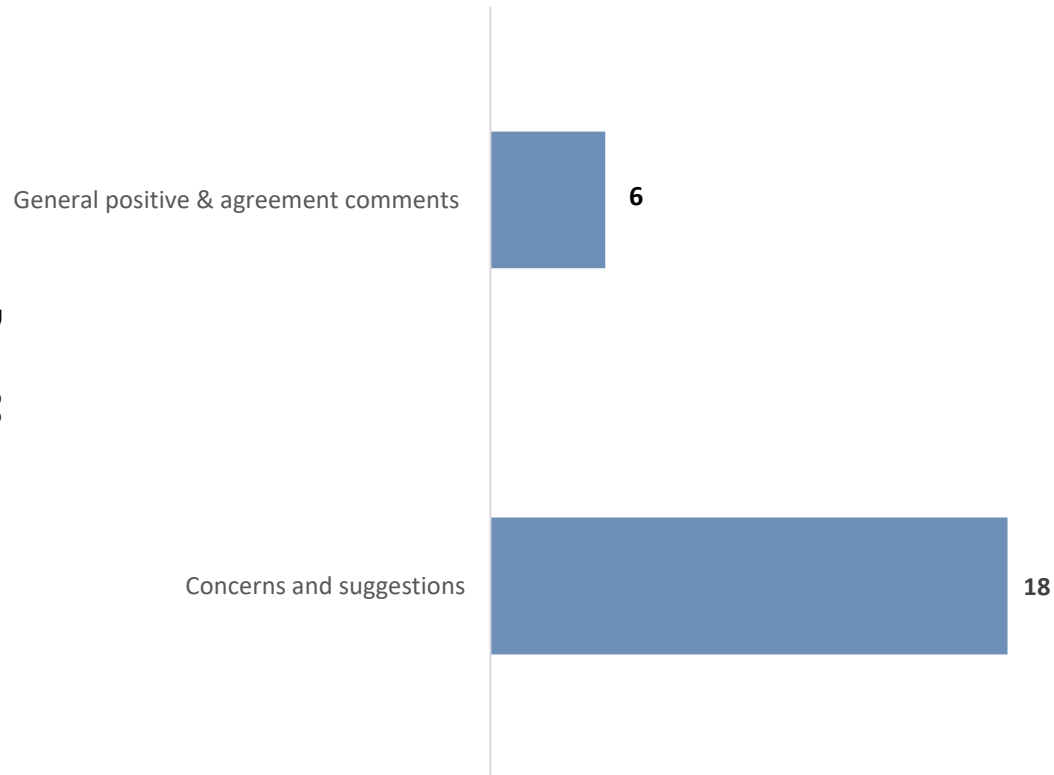
**Question 2** | While you are here, it would be good to hear your thoughts on taxi cameras overall. To what extent do you agree or disagree with the following elements of the policy on safety cameras?



**Key findings**

- **67%** of respondents **agree** with the proposal to move the policy on taxi cameras to an appendix of the main taxi policy. Furthermore, **69%** of the **Taxi trade agree** with this proposal.
- **17%** of respondents **strongly disagreed** with the requirement for cameras to always be on when the vehicle is in use. While **45% strongly agreed** with the requirement for taxis to have cameras fitted for public safety reasons, this element was also **highly supported** with those in the **Taxi trade (90%)**.

\*Taxi trade = Hackney carriage proprietor (vehicle owner), Hackney carriage driver, Private hire proprietor (vehicle owner), Private hire vehicle driver, Private hire vehicle operator & Employee of a private hire company.



General positive & agreement comments (6)	
	<i>"The camera in the Taxi is good for public safety and Driver safety."</i>
	<i>"As long as 'Restricted' 'Specialised' Private Hire vehicles are continued to be exempt. This is due to the nature of their work and executive/business clients."</i>
	<i>"I do agree and do not mind the cameras."</i>
	<i>"Agree with cameras in the car switch on while working."</i>
	<i>"Appendix 11 - Taxi Cameras note (includes PHV): We support steps to raise safety standards across the industry. We recognise that there can be safety benefits to installing CCTV. Experience from Uber's global business shows that CCTV can have safety benefits and better investigative outcomes are achieved where CCTV footage is available when complaints are made.!"</i>
	<i>"Every licensed vehicle working in Southampton should be required to have a camera fitted. Each operator should be told that if they haven't got a camera, they cannot be given any work within our city boundaries."</i>

## Concerns and suggestions (18)

"No agree with this decision."

"Because sometimes I use for my family."

"I think it's not fair for drivers to push by licensing."

"When we use our car for family, like going on holiday, travel, shopping. This is not right to keep my camera on."

"Recording of data should only take place if there has an incident or in the event of crime."

"But this rule should be for one to all who working as a taxi in Southampton surrounding area should have safety cameras like Eastleigh cab new, Forrest, Winchesters, Fareham and more."

"Should be switched off Driver is not working."

"Without any complaint from drivers or customer not need to check the cameras."

"It shouldn't be a requirement to always have the camera on as the vehicle can sometimes be a personal used when not on working shift."

"However, the cost is quite steep given the pricing. One can get an even better camera for half the price , which not only looks on the inside but also on the outside !."

"The camera should be recording at all the time only when the vehicle is operating as a taxi but NOT in that period of which is for the personal use."

"I only disagree how is fitting the cameras they over charged to set up a camera £500 is way too much to set up a camera we can save £400 plus with purchases a camera for example in Amazon that will costs us £50 and setting up cheapest."

"I like having the taxi camera but having it on constant recording is that I don't agree on. If whenever we are working or having customers in the vehicle, it should start recording. If there are no customer or we are with family, I prefer it not to record as it personal and not in danger of anything."

"To have permanently operating cameras when a vehicle is not being used as a taxi impinges upon the drivers right to privacy. To not have permanent recording would make it incumbent upon the driver to enable recording during work periods, so presumably the permanent operation is in place to ensure video availability. I believe that the personal privacy of the driver always outweighs the safeguarding of passengers/drivers. You could have reminders in the taxi for the passengers to request that the camera is on if need be and an indicator lamp to confirm that it is so. Why would audio be at the discretion of the driver? Illogical."

"When you have Southampton registered operators bringing in out of town cars as employees to circumvent the requirement of a camera in a car ( different Licencing departments ) it means that those that want to commit sec acts on people do so . And let's be honest Southampton has had more taxi / phv rapists than the neighbouring departments."

"Also, we should be allowed to go elsewhere to get our cameras fitted to probably get better cameras at a cheaper cost."

"I find these surveys a waste of time, because you have already decided what course of action you are going to take. It is a bit like being in a dictatorship? At the recent trade consultation meeting in December 2023, according to the notes that I took, you had 1290 complaints against drivers for one reason or another. How many of those complaints have been identified from using CCTV footage? Let us have some proper figures on this. You have got an encrypted CCTV camera device which can only be downloaded by somebody from the licensing office using a special key but you still allow drivers to have dashcams in their vehicles despite knowing they are not legal to use. They can record pictures and voice 24 hours a day, 7 days a week and these can be posted on one of the social media sites. Because your CCTV policy does not include dashcam footage, a dashcam footage considered to be 'private', you are not only bypassing the ICO regulations, but your CCTV policy can now be rendered as useless."

"3. TAXI CAMERA SPECIFICATION 3.1 To manage the administration of the scheme Southampton City Council will approve no more than 5 systems at any one time. Each system will have to meet the specifications set by Southampton City Council. We support the provision of choice for drivers but would encourage the council not to limit the number of systems and instead prioritise the affordability and availability of systems as a factor in their approval process. Drivers should not be overburdened with the cost of installing CCTV and equally the systems should be easily available for purchase by drivers so they can obtain the one they choose. Additionally, the systems should be reviewed regularly to take into consideration any new technology or more affordable products that may come to market. We would be keen to understand what the transition period would be for drivers as time would be needed to be able to install the systems into their cars once the options are made available. 5. AUDIO RECORDING STRICTLY CONFIDENTIAL - CONTAINS COMMERCIAL SENSITIVE INFORMATION 5.3 To be properly prepared drivers should consider various potential scenarios and think of options on how they will deal with it in the safest manner. We would encourage the council to provide clearer guidance to drivers on the scenarios in question as the condition 5.4 lays out certain situations. The wording 'various potential scenarios' does not give enough information for drivers to follow. 6. DOWNLOADS 6.4 Data will only ever be downloaded on four occasions. It is unclear how operators can request data from drivers or councils. As an operator, we have the responsibility and requirement to investigate complaints and access to any CCTV footage would enable us to investigate complaints thoroughly. We would encourage the council to include a provision for operators to be given footage as part of 6.4 (iii) where a Data request is received from an applicant e.g. police or social services, that has a legitimate requirement to have access to the data requested to assist them in an investigation that involves a licensed vehicle or driver or passenger."



# Consultation feedback

Proposed new appendix on Drug Testing





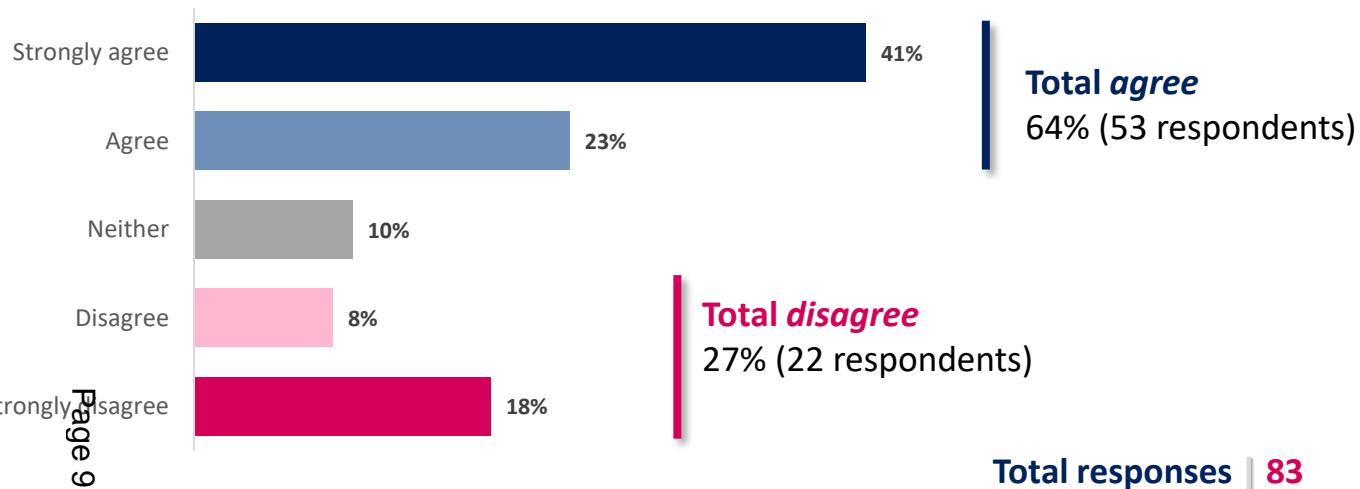
This proposed appendix is a new part of our taxi policy, intended to support both officers and drivers in the carrying out of drug testing.

Applicants or an existing holder of a hackney carriage or private hire driver's licence would be required to demonstrate that they are medically fit to drive by having a medical check with their Doctor or approved GP. In addition, a licence holder must also be, and remain, a 'Fit and Proper Person'.

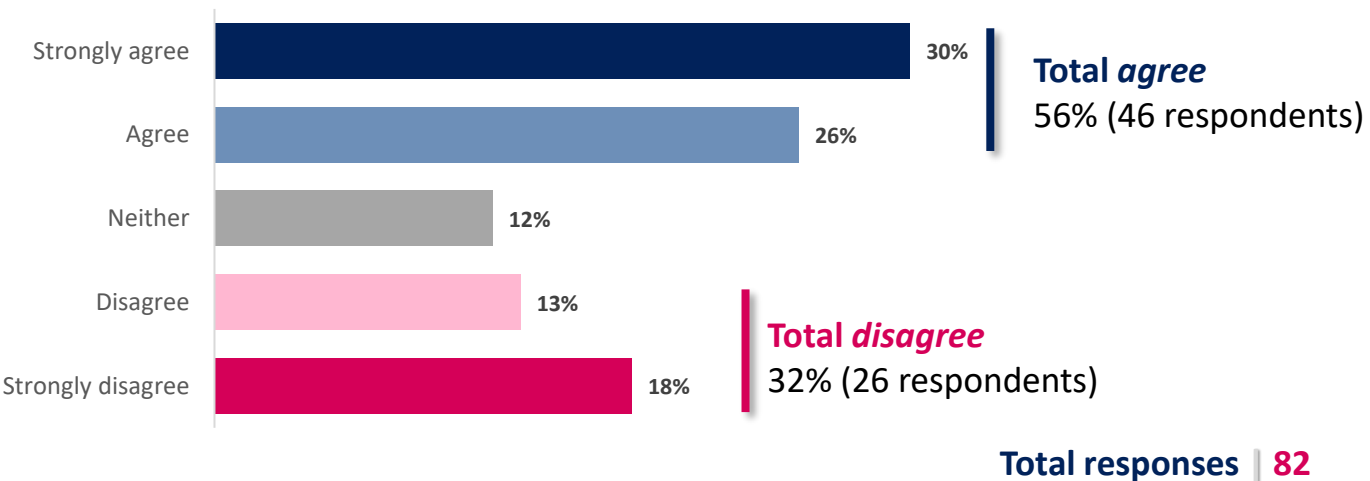
In addition to undertaking a medical examination, we are proposing that we may on occasion require evidence of satisfactory negative drug screening as part of their overall medical fitness to hold a licence. There will be times when a driver is asked to submit to a test if there is information to suggest the driver may have taken drugs, or random tests on the instruction of the licensing committee.



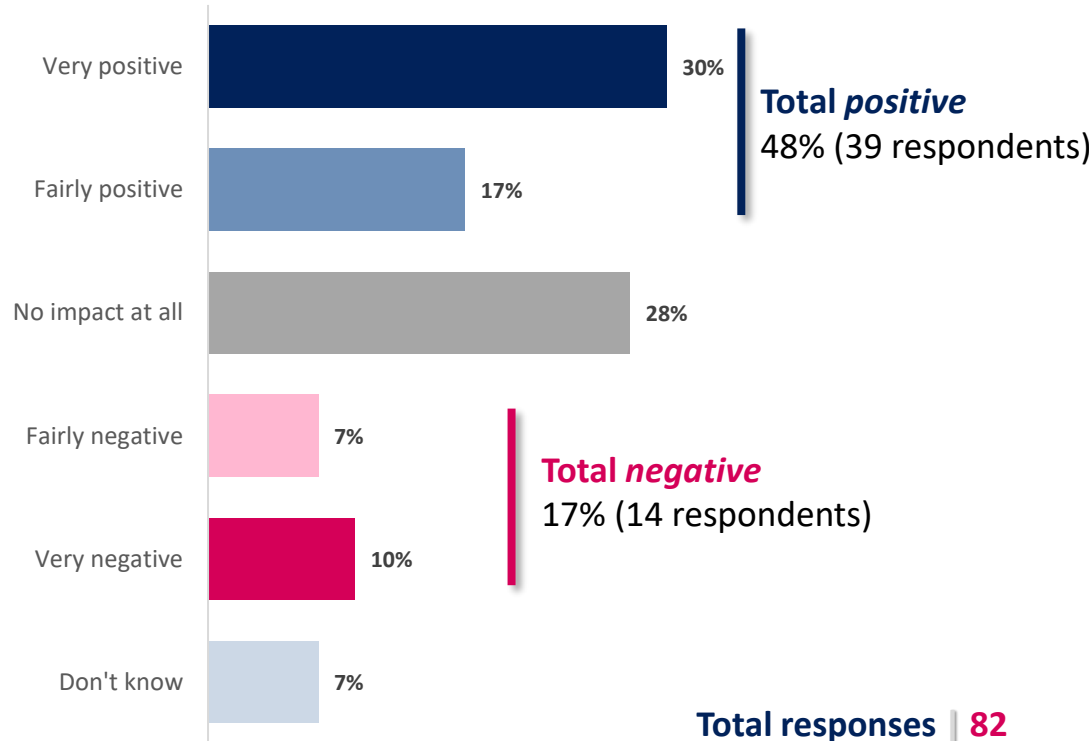
**Question 3** | To what extent do you agree or disagree with the proposed policy on drug testing for taxi drivers in Southampton?



**Question 4** | To what extent do you agree or disagree with the proposal that random drug testing only take place if instructed by the Licensing Committee?



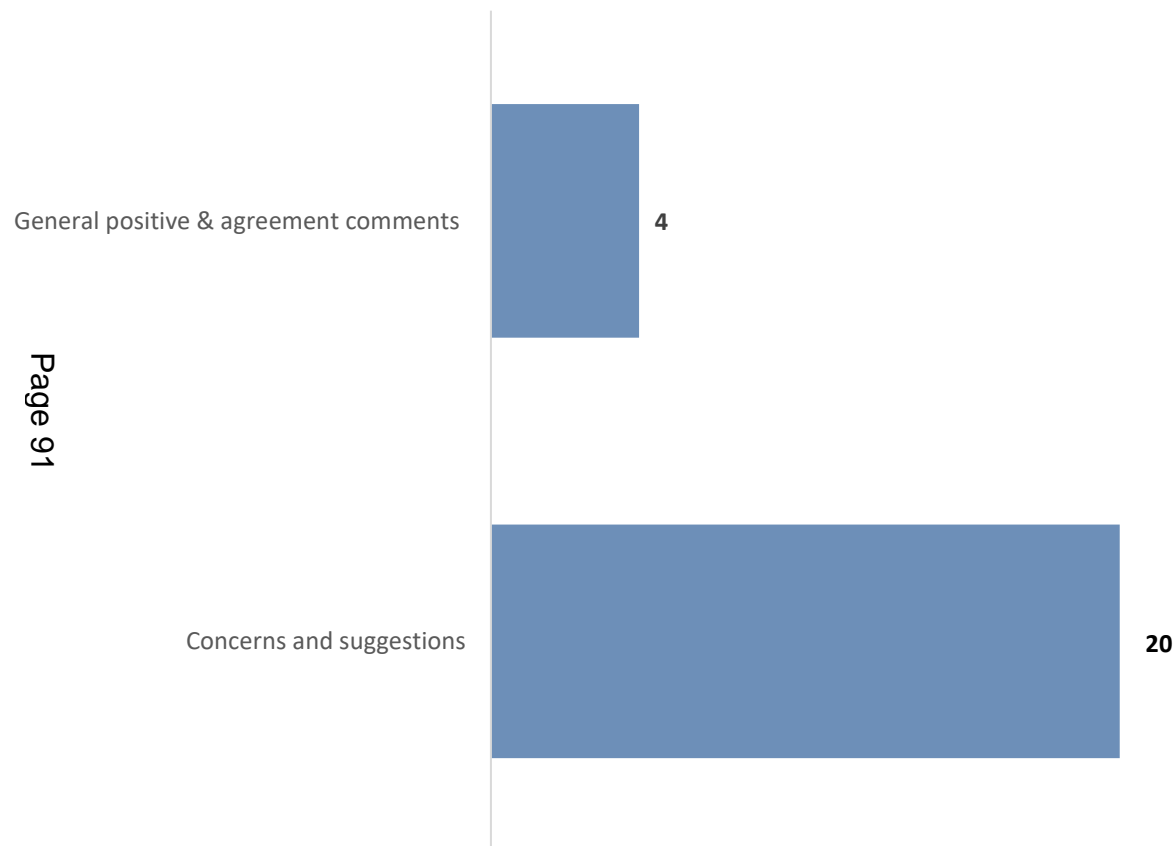
**Question 5** | What impact do you feel this proposal may have on you, your business, or the wider community?



### Key findings

- 64% of respondents agree with the proposal policy on drug testing for taxi drivers in Southampton, while 59% of the Taxi trade agree.
- 56% of respondents agree with the proposal for random drug testing to only take place if instructed by the Licensing Committee. While overall 32% disagreed, 57% of the Taxi trade agreed.
- Overall, 48% of respondents said this would have a positive impact, while 43% of the Taxi trade stated a positive impact.





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<b>General positive &amp; agreement comments (4)</b>
<i>"Regular drug and alcohol tests are crucial, given the reported concerns about certain drivers experiencing impairment while operating vehicles."</i>
<i>"Doing a drug test can be good."</i>
<i>"I agree to do the test if you pay for it."</i>
<i>"The use of Cannabis by taxi drivers is noticeable and needs to be eradicated for public safety. This random testing should be required without doubt and should be conducted regularly I feel."</i>



# Drug testing free text comments

## Concerns and suggestions (20)

- "However, it could be very inconvenient given if it is a busy time of the day, and the drivers need to work for it."*
- "Question is on who will finance this extra cost and the impact on drivers' earnings when the tests are taking place. School runs, cruise ships etc."*
- "require evidence of satisfactory negative test, this will be another cost to drivers, I agree to do the test if you pay for it."*
- "A Driver that is given fit by GP. It means Driver goes through record and test by GP. To add more random testing in Disrespectful to all hard-working Drivers. This is not licensing business to integer with Doctors jobs."*
- "I don't think so any drivers using drugs specifically when they are at work."*
- "I don't think so any drivers using drug when they work."*
- "Taxi driver not using drug when they working."*
- "Will this just be on recreational drugs ? There are a few different cultures that use drugs to act as a stimulant and to keep them awake all night.."*
- "And the drug testing policy when will u learn. Yet another point to be challenged on."*
- "If someone choses to drink or take drugs when not at work then that is their private personal affair. To take drugs or drink then at work however is wrong, of course! Surely there is a means to screen for safety during work? To expect complete sobriety at all hours is a way bigger ask, many statutory services don't demand it of their workers so why demand it of drivers who have distinct time off work and time working? What someone choses to do to their body when not working is their business and no one else's."*
- "We all know most drugs are out of the system after 72 hours . If you have a drug issue . You can just licence in a different area . In addition to that . The equalities act is quite clear that drug addiction and or use caused my medical intervention is a protected characteristic . My main concerns are that this would lead to discrimination."*
- "Random drug testing is overbearing. If you consider that drugs would endanger the general population through unfitness to drive, then you should perhaps do the same for all council employees (and not just drivers) to ensure their fitness to work and also councillors to ensure that their fitness to make prudent decisions is not impaired. There are plenty of poor council decisions...."*
- "Most of the people still not trusting taxi driver which you can realized when you picking up customers. When they are always trying to show some one is tracking them. If you keep doing these it will show you find something, that's why you start to doing this step, so they are not going to trust taxi driver at all."*
- "I feel that if the council or licensing have any suspicion of illegal drug taking, they should report it to the police's don't think it is the licencing dept. Job to act as police officers. If it is found that an individual is driving under the influence of drugs that is when licensing should be involved."*
- "Unless drivers are showing signs of drug misuse then drug tests should not be used. If a driver shows signs of being impaired while working, then an alcohol breath test should be the first port of call before instantly thinking drug use. Drug tests should ONLY be used when there is a justified reason and a significant suspicion with supporting information. Bearing in mind driver pick up MANY passengers who have used cannabis (some right before stepping into the vehicle) and it makes the car smell. This can linger on to the next passenger so reports of the car smelling of cannabis should only be acted on if they are repeated reports or accompanied by reports of the driver acting impaired. If licencing wants to pull drivers at random, it should be while they are working only, and as a complete check of their suitability to drive at that moment. This includes car condition and state and how the driver is. At this point alcohol or drug tests should only be administered if there is significant suspicion a driver is under the influence and not applied to drivers at random. Random drug tests for drivers is a breach of our rights and suggests SCC do not trust their drivers despite the lengths they go to get their licence including enhanced DBS.."*
- "If your new policy on drug testing is agreed, how are you going to implement it? Are you going to model the drug testing policy on Portsmouth City Council's taxi and private hire policy? If so, the drug testing policy in 2016 that was undertaken in Southampton by the Portsmouth licensing team, was a disaster. The sample was lost in the post and the driver had his licence taken away for nearly 2 weeks? So how are you going to put this into practice? Have you also considered (doubt it) the ingredients that chocolate bars, Ibuprofen tablets, and something I took in the form of a liquid medicine which I bought from my local One Stop store which was Corvonia for a chest infection, when you peel the back of the label off, it reads contains alcohol? The drug policy needs to be 100% Fit and Proper. If a sample is sent away for analysis and it proves to be negative, but the driver's licence has been suspended until results are available, do we receive compensation from your department?"*
- "2. Have not stated which Drugs. Will it be the same as what is on TFL's list ? Will it be drawn blood and where ? If not, how will it be done ? With or without legal representative ? What constitutes a suspicion. Will it only be from fully identified person to prevent random vendettas ? Will it be only the Licensing Team conducting random or regular checks ? 3. TFL also has alcohol tests which we do not have. Is this up for consideration ?"*
- "Further clarification should have been given in regard to the equalities act and drug testing."*
- "How will the drug test be done and who will be doing them ? If someone has been reported to you have been taking drugs why haven't you just informed the police?"*
- "Drug testing should be done on the Driver, by council individual because some Driver is not drinking, no smoking, nothing bring them up to the test, not fair for them. Thank you."*



## Consultation feedback

New proposal on a requirement for Card Machines in Taxis



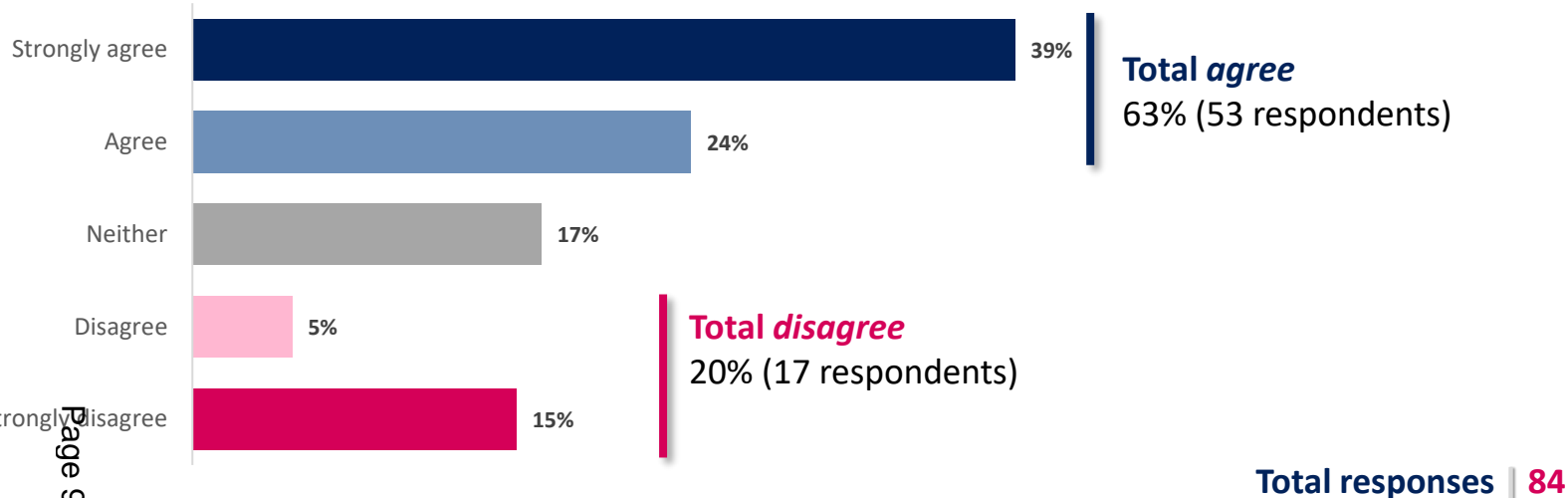


We are proposing to add this new element of our taxi policy to make sure all hackney carriages in the city have a working card machine, including contactless, so that customers can pay by card for any journey.

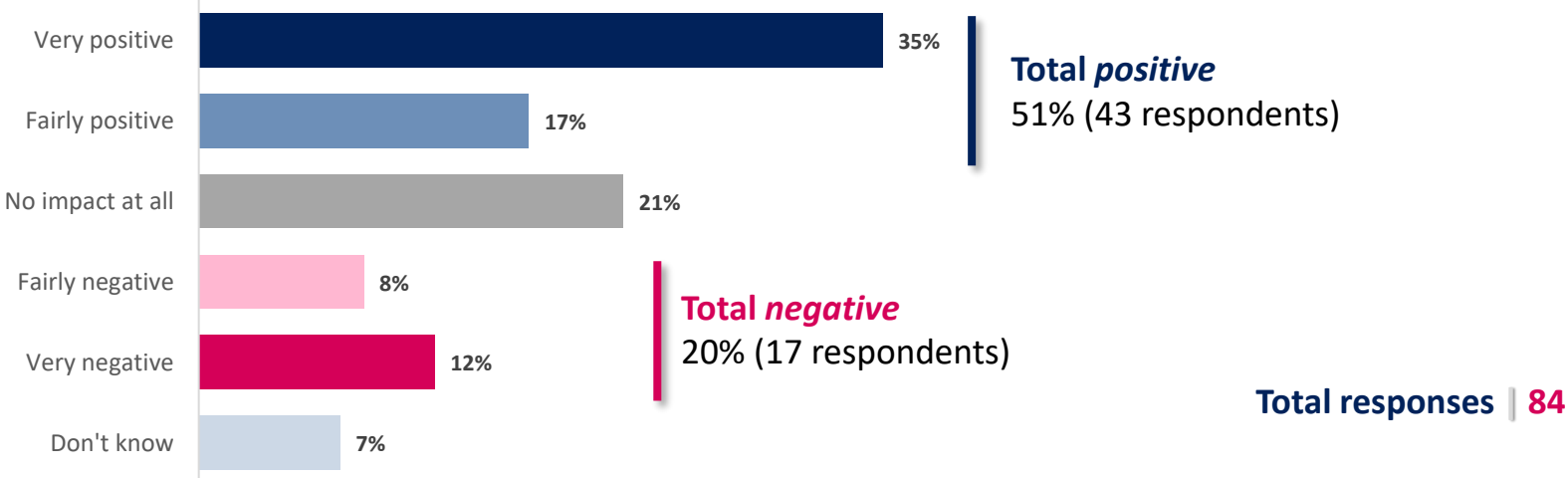
We propose requiring hackney carriage drivers ensure the device is connected, maintained, and working, and that receipts shall be issued upon request.



**Question 6** | To what extent do you agree or disagree with the proposal requiring card machines in all hackney carriages in Southampton?

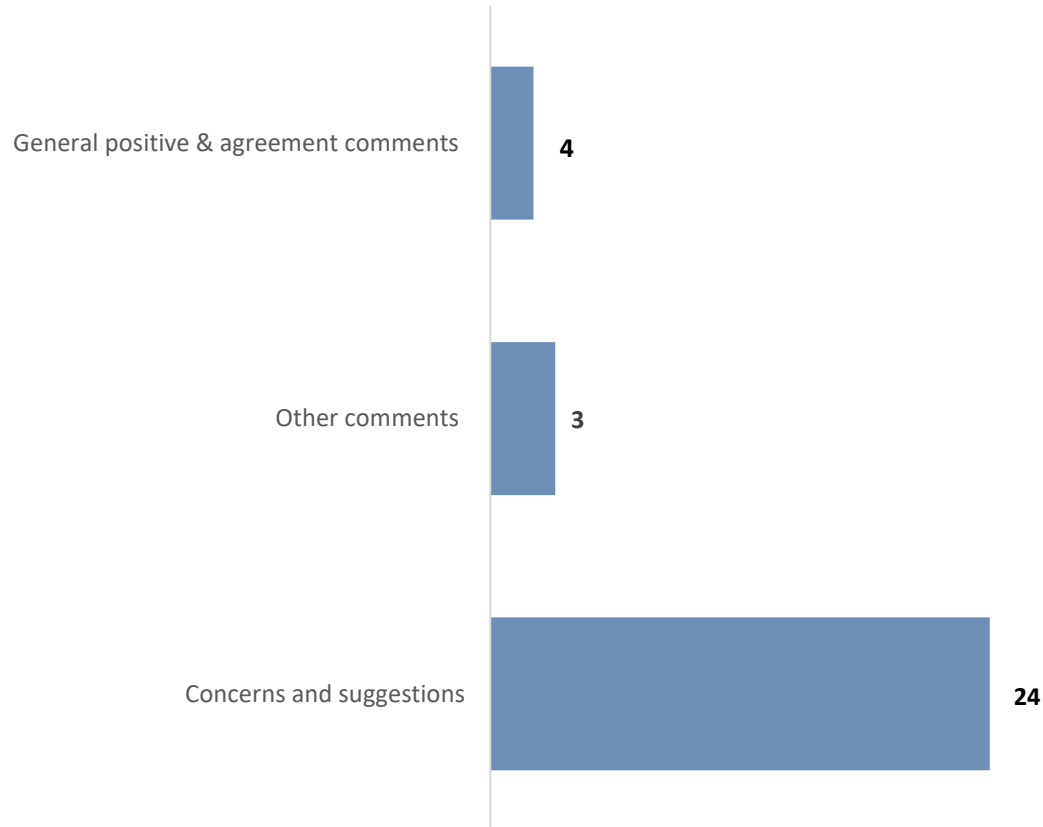


**Question 7** | What impact do you feel this proposal may have on you, your business, or the wider community?



## Key findings

- 63% of respondents **agree** with the new proposal requiring card machines in all hackney carriages. **24%** of those in the **Taxi trade disagree** with the proposal.
- Just over half of the respondents said **this proposal** would have a **positive impact (51%)** on them, their business and the wider community. While **12%** of respondents said the **impact** would be 'Very negative'. **Taxi trade positive impact is slightly lower** than the overall at **42%**.



<b>General positive &amp; agreement comments (4)</b>
<i>"Some drivers they refuse customers not taking card, but they do pick and choose. If card machines are compulsory, then driver will not have excuse to refuse the job. And it's not good for customer and not fair for to the other driver. Strongly believe card machines r way forward."</i>
<i>"Everyone should take card payment."</i>
<i>"No Hackney cars should not have the ability for customers to pay by card and there is no reason why drivers should not want this option, other than to hide money from paying taxes."</i>
<i>"Card payment agree."</i>
<b>Other comments (3)</b>
<i>"Does not make difference to me."</i>
<i>"I thought they anyways had a card machine?."</i>
<i>"In the summer, while returning by taxi at 1am from a private party, the taxi driver insisted on card payment up front which I've not heard of before."</i>

## Concerns and suggestions (24)

*"Drivers has the right to demand cash."*

*"Many times, we have signal issues."*

*"Taxi driver all self-employed they should decide to accept or not."*

*"Taxi drivers are self-employed they must decide to take card payments or not."*

*"Each time we take card, we are charged 1.69%. Legislation should be changed so that the customer has to pay that and not the driver."*

*"All of hockney drivers got their card machine after covid19, so this proposals not going to change anything."*

*"For every cards payment we must pay commission to the card supplier. Some area signal issues."*

*"I fail to see how it is your business to tell anybody they should take payment that is not legal tender unless they are willing to underwrite any losses for non-payments if the card does not work."*

*"Card machines are welcome but not instead of cash. Older people prefer to use cash and the choice should remain."*

*"We lose money, for example tips from the costumers and the other hand card machine charging us, the charge of the card machine that it is taking from us, could cover our bills."*

*"Would the council tender this idea to different card machine companies to get a better deal for the trade, as they do in London?"*

*"Details of card machines and 24-hour SUPPORT service level for card machines."*

*"If the driver refuses to take a card payment what will happen to him or her or they?"*

## Concerns and suggestions (24)

*"Both cash and card should be mandatory, I don't want to see the cash element replaced by card only."*

*"The machines should be affordable for taxi drivers to carry and use/manage. Ideally, they should rent them or have some of the cost covered by the taxi firm rather than be lumped with all the costs to have them in the cab."*

*"When customers use contactless payments if the card is stolen or not authorised the payment reverts to the card holder. As Hackney Carriage pick up everywhere, don't have fixed pickup & drop-off address."*

*"Sometimes they say I pay by card but the end the card show me decline and during the night they make lots of excuse to run away. So, I have cards machine they can pay by card but not by force."*

*"If a driver's card machine is not working. Then the driver must let the passenger ride for free, and that they must go home until such times as the machine is working. This will ensure that all drivers have a working machine."*

*"It is also very important that all drivers are also required to accept cash if offered as payment."*

*"Restricted 'Specialised' Private Hire vehicles to be exempt. Due to the nature of the client's payment is by invoice and can be pre-paid or post-paid by bank transfer. Occasionally card payment is taken but in the office via a secure website, never take card payments at the time of service and do not have a card machine."*

*"21. You can never guarantee to have a working card machine when you are mobile as it depends on having a signal where you are taking payment. 2.What would happen if the internet was to go down or if the server is down for maintenance. This would mean all taxis would be off the road as no taxi driver will work for no payment."*

*"I find it distasteful that this council which is nearly bankrupt, can order us to have card machines? It places far too much burden on drivers to ensure that there is a constant SIM card signal available, constant internet connection, absolutely zero failures on behalf of the customers online banking, or indeed the driver's own internet banking? How do we know that the customer's card is working and has money in their account? If you want to provide this facility, do not accept the burden of constantly working. Customers should have the facility to pay cash when required and if that means going to a cash machine to get money for the driver, that would be acceptable and should be written into your conditions. I have considered your three new policies and I speak as a sole trade not as the chair of the SHPHA and I hope that you will treat my valued time for completing this questionnaire and respect my comments?"*

*"Yet again u are trying to impose even more. Restrictions on us telling us we must take card payments I have a card machine and have had several times where I couldn't get a signal in one the customer had no cash, so I had to do job for free yet again u fell to understand the meaning of self-employed .U do not have the right to tell us how we take payments for journeys that's our choice I disagree with this policy. "*

*"1. The new proposed addition states - to always take electronic payments. This statement infers that when the card machine is not working the Taxi is then 'off the road. 'Would then incur loss of earnings. Reasons card machine may not work with no fault of the driver. Due to 'no signal'. Banks offline for a few hours. Technical fault with card machine. Fault with banks network or mobile network . I propose a good size sticker to say ' NO CARD MACHINE ' with city logo. So, a customer can efficiently ! go to the next Taxi. This then gives a good insensitive for drivers to buy a card machine. Also, a driver could not reject a small job using the excuse he has 'no card machine' when he has. Or maybe taking cash for selected journeys saying he does not have card machine. Stops the picking and choosing of jobs. We may prefer a card machine but remember to force other drivers to have a card machine. You are forcing a self-employed driver to take less profit for each journey. The card machines are not free and there is a high percentage taken off each fare for the cards use. "*





# Consultation feedback

## Reading the draft strategy





## Question 8 | Have you read the proposed draft strategy?

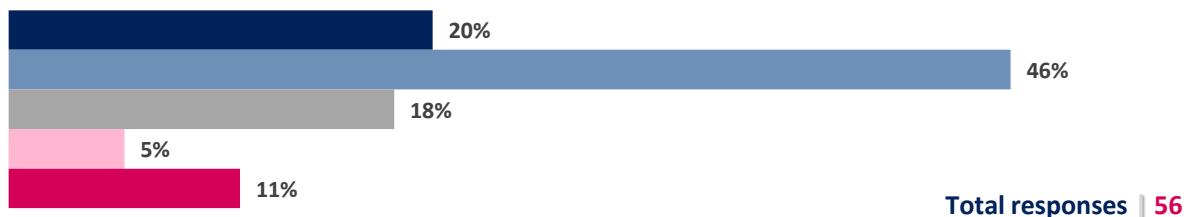


## Question 9 | If you have read the proposed draft strategy, to what extent do you agree or disagree with the following statements?

Asked if "Yes, all of it" or "Yes, some of it" response to question 8.

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"The draft strategy is easy to understand"



"The draft strategy provides sufficient information"



Strongly agree | Agree | Neither | Disagree | Strongly disagree

## Key findings

- Of the **80%** of respondents that said they'd read at least *some* of the draft strategy, **66% agreed that it was easy to understand**, and **64% agreed that it contained an appropriate amount of information**. Those in the **Taxi trade** had **corresponding results**.



## Comments (4)

*"No not."*

*"I read all the parts."*

*"There is not enough information on who is responsible if these policies are adopted and have a negative effect on the driver's mental health and any financial losses due to a negative impact on the trade."*

*"Not only have I read the Hackney Carriage and Private Hire Polity Statement 2021-2026, I have printed off the 53 pages. I disagree with the age policy, the colour white which was included in the 2000 Transport Package, the policy of private hire's parking on the street (they need to be out of the public view) I do not believe the council's regulatory structure is concurrent with the governments directive. I also do not agree with the taxi trade representatives code of conduct , item 6 representatives contact with the media, item 8 breeches of code of conduct and can you explain on item 7 political affiliation - what do you mean by paragraph 7.1?"*

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## Data Protection Impact Assessment

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### Project Details

<b>Name of Project</b>
Taxi Cameras
<b>Brief Summary of Project</b>
To require licensed hackney carriages and private hire vehicles to have fitted an approved taxi camera system.
<b>Estimated Completion Date</b>
On going
<b>Name of Project Lead</b>
Phil Bates

### Details of Person Conducting DPIA

<b>Name</b>
Phil Bates
<b>Position</b>
Service Manager Licensing
<b>Contact Email Address</b>
<a href="mailto:Phil.bates@southampton.gov.uk">Phil.bates@southampton.gov.uk</a>

## Step 1: Identifying the need for a DPIA

### Does your project involve the processing of personal data by or on behalf of Southampton City Council?

“Personal Data” means information that relates to an individual, who can be identified (either by the information alone, or when combined with other information).

“Processing” means collecting, recording, organising, structuring, storing, adapting, altering, retrieving, consulting, using, disclosing, combining, restricting, erasing or destroying.

It should be integral to the project, and not just incidental to it.

Yes

No

If your project does **not** involve the processing of personal data by or on behalf of Southampton City Council, tick the declaration at the end of this section.

If your project **does** involve the processing of personal data by or on behalf of Southampton City Council, proceed to the next set of screening questions below.

### Does your project involve any of the following? (Not all may apply, tick those that do)

- The collection of new information about individuals
- Compelling individuals to provide information about themselves
- The disclosure of information about individuals to organisations or people who have not previously had routine access to the information
- The use of existing information about individuals for a purpose it is not currently used for, or in a way it is not currently used
- Contacting individuals in ways which they may find intrusive
- Making changes to the way personal information is obtained, recorded, transmitted, deleted, or held

**Are you planning to carry out any of the following? (Not all may apply, tick those that do)**

- Evaluation or scoring
- Processing of sensitive data or data of a highly personal nature
- Processing on a large scale<sup>1</sup>
- Processing of data concerning vulnerable data subjects
- Processing that involves preventing data subjects from exercising a right or using a service or contract

**Do you plan to...? (Not all may apply, tick those that do)**

- Use systematic and extensive profiling or automated decision-making to make significant decisions about people
- Process special-category data<sup>2</sup> or criminal-offence data on a large scale
- Systematically monitor a publicly accessible place on a large scale
- Use innovative technological or organisational solutions
- Use profiling, automated decision-making or special category data to help make decisions on someone's access to a service, opportunity or benefit
- Carry out profiling on a large scale
- Process biometric or genetic data
- Combine, compare or match data from multiple sources
- Process personal data without providing a privacy notice directly to the individual
- Process personal data in a way that involves tracking individuals' online or offline location or behaviour
- Process children's personal data for profiling or automated decision-making or for marketing purposes, or offer online services directly to them
- Process personal data that could result in a risk of physical harm in the event of a security breach

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<sup>1</sup> "Large scale" can mean the number of individuals involved, the volume of data, the variety of data, the duration of processing, or geographical area.

<sup>2</sup> Special category data is personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, genetic data, biometric data, data concerning health or data concerning a natural person's sex life or sexual orientation.

**If you have ticked any of these, please proceed to Step 2.**

If **none** of these apply, please tick the below box, and return the form to the Information Lawyer (Data Protection Officer) at [dataprotection@southampton.gov.uk](mailto:dataprotection@southampton.gov.uk)

None of the screening statements in Step 1 of this document apply to the project, and I have determined that it is not necessary to conduct a Data Protection Impact Assessment



## Step 2: Describe the processing

### Details of the Personal Data

#### What type of personal data is being processed? Tick all that apply

- Education and training details
- Employment details
- Family, lifestyle and social circumstances
- Financial details
- Goods or services provided and related information
- Personal details issued as an identifier (e.g. NHS Number)
- Personal details, including any information that identifies the data subject and their personal characteristics

#### What is the nature of the data?

**INFO:** Detail the type of personal data being processed. List any fields that will be processed (e.g. name, address, data of birth, NHS number, video images)

Visual data (video) of individuals inside of a licensed hackney carriage or private hire vehicle. Audio data of conversations will also be collected on activation of a panic button by the driver.

#### What special category / sensitive data is being processed? Tick all that apply

- Physical or mental health
- Religious or philosophical beliefs
- Trade union membership
- Sexual orientation
- Criminal record
- Criminal proceedings
- Racial or ethnic origin
- Political opinions
- Biometric or Genetic data
- No special category / sensitive data

**What is the nature of the special category / sensitive data?** Please provide further information

Visual data of the subjects and conversations if the audio data is activated.  
The recording of audio data when triggered may collect data as to the commission of criminal offences.  
In very limited cases, the actions of the individuals may lead to special category data being captured but will normally be incidental and inferred by their actions or comments.  
Unless the criminal offence or special category data is relevant to the purpose of the disclosure, the data will not be used and in the vast majority of cases will not be accessed.

**Does the project involve the use of social care data?**

- Yes
- No

**Does the project utilise existing and established IT systems, or require the use / procurement of a new system?**

- Existing / established system
- New system

## The nature of the processing

### Briefly describe the flow of personal data

**INFO:** Describe “the journey” of the data, from the point of collection from the data subject, through the various parties and departments involved.

As per the [Taxi Camera Policy](#), visual data capture is triggered by the ignition of the vehicle being turned on and goes off 20 minutes after the ignition is turned off.

Audio data is triggered for five minutes by the driver pressing a button. All the data is held on an encrypted drive or solid-state card separate from the camera head in a secured position within the vehicle.

Should the criteria be met to download the data is transferred from the card / drive to a standalone laptop with the appropriate encryption software.

The data is then transferred to a hard drive and then either to a DVD or securely uploaded to the requester’s servers. Uploading data will only sent to enforcement agencies, such as the police or government departments entitled to the data. The card / drive is returned to the vehicle and data overwrites once the storage is full. The data on the laptop is deleted, the hard drive is kept in a locked safe and the DVD is kept in a secure cupboard within the office as a working copy or until handed to the requestor.

Except for holding data for the purposes of viewing at court or as a part of an investigation data is not held directly on the laptops but instead within SCC servers. Very little data is held in this manner and access is restricted to licensing staff and some IT staff for IT maintenance purposes.

The servers have either McAfee Drive Encryption or moving forward Microsoft Bitlocker. There is no encryption on the hard drive, but this is locked in a safe that is bolted to the ground and kept within the licensing office. Licensing do not share the office with any other department. Laptops are password protected.

### How will the data be collected? E.g. via form, system transfer, face to face etc.

Visual images of inside licensed vehicles will be recorded once the ignition is turned on and up to 20 minutes after the ignition is turned off. Generally, the images will show the front passenger and driver from the chest upwards, depending on the seating, images of passengers in the rear seats will show them from the waist upwards.

Audio recording will be triggered for a period of 5 minutes on the pressing of a button accessible to the driver. The audio recordings will capture any conversation within the vehicle, including driver and passengers. It does collect noise from outside of the vehicle when the windows are open and only conversations outside of the car that occur directly by an opened window will be heard.

The data is stored on either a hard drive or sim card which is separate from the camera head behind a lock and the data is encrypted to government recommended standards, 256-bit encryption. The storage component should be capable of storing a minimum of 168 hours of data and to overwrite data automatically once the memory is full.

### **How will the data be used?**

Vast majority of data will not be used or even seen / heard, whether by the driver, passengers, Council officers, or anyone else. This is because the data is stored in encrypted form in a recording device within the vehicle. The [taxi camera policy](#) contains the criteria when a data from a taxi camera can be downloaded ( which sets out when data will be decrypted, downloaded and used. This policy is regularly reviewed, with the last review taking place in August 2022.

The purpose of the scheme is to protect both public and drivers and to give the public confidence that using taxis is a safe option. The policy allows for downloads to occur to assist in the investigation of a crime, a complaint related to taxi licensing, legitimate requests from an authority with an investigation linked to a licensed vehicle or driver and subject access requests.

Only approved members of the licensing team can undertake the downloads and as such normally determine if such a request fits the criteria, any doubtful ones are either referred to the manager or the Data Protection Officer for guidance.

Once the data is retrieved from the hard drive it is kept secure within the office. The data is either handed to the requestor, normally a police officer, or the investigating officer for complaints.

Historically, public have complained of sexual assault and inappropriate behavior by drivers. There is often little to no corroboration for these incidents, the cameras and audio recordings assist in providing corroboration. This empowers victims to make statements as they know there will be a good chance of corroborating evidence from the camera, increases the chances of a successful prosecutions, provides key evidence for determining bodies assessing the fitness and propriety of drivers and act as a deterrent to would be offenders.

Drivers have been victims of serious assaults and abuse including racial abuse, again the cameras and audio recordings assist in providing the corroborative evidence required for relevant authorities to take action. They also protect innocent drivers from false allegations.

Since the implementation of the cameras, police investigating serious crimes such as murder, drugs and trafficking offences have sought data from the cameras as it is clear individuals involved in such activity often resort to licensed vehicles as a mode of transport. This evidence is assisting in linking individuals to phones linked to organized crime networks.

### **How will the data be stored?**

Data is stored on a secure and encrypted hard drive within the vehicle. Any data downloaded will be copied onto a DVD and kept in a secure cabinet locked within the licensing office, only the licensing team will have access to this cabinet.

The camera specification requires the storage device to be separate from the camera head and out of direct view. The encryption required has to meet FIPS 140(2) standard and more recently AES256 or equivalent.

These are the recommended levels of encryption for such data and would require a very high level of sophistication to breach.

A master copy of any downloaded material is retained for a period of one year on a standalone hard drive which is kept in a locked safe in the licensing office. This is in case the working copy gets corrupted.

Often the evidence recovered becomes evidence in proceedings, either a hearing by the local authority or a criminal trial. A master copy is retained for a period of one year in case the working copy becomes damaged or corrupted. The master copies are kept on a hard drive that is kept in a locked safe that is restricted to licensing staff only.

There is no encryption on the hard drive, but this is locked in a safe that is bolted to the ground and kept within the licensing office. Licensing do not share the office with any other department.

**How will the data be deleted?** E.g. Manually, via automated process etc.

Vehicle hard drives overwrite when storage is full, capacities are set so average time on the disc is 31 days.

Any downloaded data is then only kept in line with retention schedules which are dependent on the use of the download.

Data on the master copy hard drive is wiped annually and only data less than one year old is retained.

**What is the source of the data?** i.e. What is the flow of data into the Council?

Cameras/microphones in the vehicles, directly from data subjects.

**Will you be sharing data with anyone?**

**INFO:** If yes, please provide details

As per the [Taxi camera](#) Policy, data will only ever be shared on four occasions:

- (i) where a crime report has been made involving the specific vehicle and the Police have formally requested that data or,
- (ii) when the authority is notified in writing of a complaint in relation to a specific vehicle or driver and the matter cannot be resolved in any other way.
- (iii) where a Data request is received from an applicant e.g. police or social services, that has a legitimate requirement to have access to the data requested to assist them in an investigation that involves a licensed vehicle or driver or passenger.
- (iv) Subject Access Request compliant with the General Data Protection Regulation.

**If so, how will the data be transferred?**

Once it has been established it is appropriate to conduct a download arrangements are made for a licensing officer to access the data box in the vehicle.

This is usually by contacting the proprietor and arranging for the vehicle to be brought to the licensing office, occasionally because of circumstances a vehicle is in police possession in a secure compound and staff visit the compound and are provided access by the police to facilitate the download.

There are two styles of data box, one where the box is secreted within the vehicle behind panels but with a lead accessible to staff to plug the download laptop into or the data box is in a locked position out of clear view, usually under a seat or in the boot.

Licensing staff have a key for the lock to remove the data box and perform the download in the office away from the car and driver. Once the data is downloaded onto the laptop computer the data box is refitted if it had been removed. A copy of the data is either burnt onto a data disc for the requestor and stored securely in the office awaiting collection or is securely uploaded to the requester's servers. Additionally, a copy of the data is transferred onto a separate hard drive that is kept in a locked safe within licensing. This is purged of data annually. The laptop copy is then deleted.

**If the data is being shared, will this be governed by an agreement? e.g. contract, data sharing agreement, data processing agreement**

Requests for data come in on an ad hoc basis. The police use their DP2 form which identifies the legal basis for the request and brief circumstances to justify such a request. Other agencies use the same process but in a different format of letter/communication.

**Describe the scope of the processing**

**How often will the data be collected and used?**

Data will only ever be decrypted, downloaded and used or shared in four circumstances, as set out in the policy referred to above:

- (i) where a crime report has been made involving the specific vehicle and the Police have formally requested that data or,
- (ii) when a substantive complaint has been made to the Council regarding a specific vehicle / driver and that complaint is evidenced in writing (and cannot be resolved in any other way),
- (iii) where a Data request is received from an applicant e.g. police or social services, that has a legitimate requirement to have access to the data requested to assist them in an investigation that involves a licensed vehicle or driver.
- (iv) Subject Access Request compliant with Data Protection legislation.

The following tables shows the number of camera downloads conducted in each year.

2019	71
2020	47
2021	82
2022	58
2023	69

**How long will you keep the data, and how is this length of time justified?**

The hard drives in the vehicles overwrite when the memory is full. The memory size is set so with average use of a vehicle approximately 31 days recording is captured before being over written.

Any downloaded data is then kept for as long as is necessary for the purpose it was secured and is retained in line with the retention schedule appropriate to the purpose and no longer than is necessary. Generally, cases involving prosecution are kept for 10 years, otherwise data is kept for a period of three years.

Data will only ever be downloaded in accordance with the taxi camera policy and the corresponding retention period is set out below:

- (i) With the Police, where a crime report has been made involving the specific vehicle and they have formally requested that data – **the master copy will be held for 1 year**
  
- (ii) By a third party or internal Council department (e.g. police or social services) where a Data request is received from them and they have a legitimate requirement to have access to the data requested to assist them in an investigation that involves a licensed vehicle or driver – **10 years, if the case involves prosecution, otherwise 3 years**
  
- (iii) To a data subject after receiving a subject access request. – **6 years**

**Is the time period reflected in the Council’s Retention Schedule?**

<https://staffinfo.southampton.gov.uk/information-governance/records-management/retention.aspx>

**INFO:** Please specify the corresponding entry on the Council’s Retention Schedule. If unsure, contact the Information Officer (Data Management): [records.management@southampton.gov.uk](mailto:records.management@southampton.gov.uk)

The corresponding retention entry is set out below:

- With the Police, where a crime report has been made involving the specific vehicle and they have formally requested that data – **BD9e**
- (i) By a third party or internal Council department (e.g. police or social services) where a Data request is received from them and they have a

legitimate requirement to have access to the data requested to assist them in an investigation that involves a licensed vehicle or driver – **BD 9**

(ii) To a data subject after receiving a subject access request. – **A 4.27**

### **How many individuals are affected?**

All occupants of licensed vehicles. Currently we license 283 hackney carriages and approximately 1150 private hire vehicles.

Some vehicles, predominantly chauffeur and limousine contract vehicles that are deemed low risk are exempted from the requirement to have a camera fitted.

This means just over 1400 vehicles currently have a camera fitted.

The exemption in respect of chauffeur and limousine contract vehicles is not pre-determined, and has to be applied for, justified, and generally only applies to high end luxury vehicles undertaking contract work.

This is defined as not standard private hire work, but work with known clients on a contract for a number of journeys, and not just one, or one and a return journey. Airport runs for non-business purposes are not considered to be within this definition.

The exemption was sought when the taxi cameras were first introduced. A number of the licence holders were conveying senior officials and businessmen, some linked to defence contracts. The clients had advised they would not use vehicles with cameras quoting security reasons for their objection.

The risks associated with this specific type of work is significantly less than standard private hire, the individuals are not vulnerable, they are well known to the licence holders and will have built up a trusted relationship. Southampton City Council has not received a complaint or investigated an incident in one of these vehicles where taxi camera evidence would have assisted.

### **What geographical area does it cover?**

The cameras are designed to record the inside of licensed vehicles. Generally, vehicles licensed by Southampton operate within the city boundary or neighboring authorities, however there are a number of journeys that go much further.

The vehicles can operate anywhere within the UK. It should be noted Southampton City Council remain the licensing authority responsible for enforcement in relation to the vehicle and driver irrespective of their location (in relation to fitness and propriety).



## Describe the context of the processing

### What is the nature of your relationship with the individuals?

**INFO:** Detail who the data subjects will be (e.g. residents, carers, pupils, staff, professionals)

We are the licensing authority for the vehicle and driver being used. Data subjects will be drivers of licensed vehicles and their passengers (whether fare paying or not).

### How much control will they have over their data? Will they be able to change it, access it, delete it etc.?

Individuals will not have direct access to the data, and can only view or receive a copy if the Council is satisfied there is a legal basis for them to have access e.g. through a Subject Access Request.

Data subjects will also be able to exercise their right to object to the processing of their personal data. Service Area privacy notice updated with pathway to object. Any objection would result in a consideration of maintaining the policy and a decision by the authority on appropriate steps to take on a case-by-case basis.

With regard to drivers, before any vehicle is licensed checks are conducted to ensure they meet the policy and conditions. Applicants are informed of the requirement to have an approved camera system fitted when they first get a driving licence and again when they apply for a vehicle licence.

This is the likely trigger for any objections. This already occurs with executive vehicles used solely for contract hire, they seek an exemption at the application stage prior to the grant of a licence.

The applicant is required to clearly set out their proposal on how they will operate the vehicle and any other reason for requesting an exemption. This is then considered through the application process. We would apply the policy we already have regards executive hire.

Any objections received outside of that policy would be considered on a case-by-case basis, applying appropriate legislation as applicable to the case. An example was a Rolls Royce previously used by an international star that would only be used for novelty hire or in the production of films.

The vehicle was clearly never going to be used for traditional private hire work and the risk associated with its use was low, an exemption was applied.

Applicants for private hire vehicle licences have always had the option of licensing with other authorities as there are now a number of Operators that work using mobile phone apps which can allow drivers to licence in one authority area but work in another.

When we introduced engine emission standards we saw a number of vehicles licence elsewhere, similarly when our knowledge test was more difficult than neighbouring authorities. We have never seen a loss of numbers linked to the camera policy.

**Would they reasonably expect the Council to use their data in this way?**

**INFO:** Please provide details to support your answer

Yes. The data is kept secure and only used when necessary in accordance with the policy.

The vehicles are required to display appropriate notices/signs advising of the cameras. Regular checks are made to ensure these are in place.

A copy of the sticker used is below.



Vehicles are only licensed for a year resulting in them attending the office at least annually when the vehicles are inspected and a check is made to ensure the correct sticker is in place. This is in addition to any other ad hoc inspection undertaken by council licensing staff.

The signs direct individuals to the Council's online privacy policy, which contains specific information relating to the personal data captured by the cameras.

The licensing webpage of the council advises of the requirement to fit cameras and have copies of the taxpolicy that details when downloads can be conducted.

This provides protection to both the public and drivers. The drivers are in a position of power having control of the vehicle and where it goes so the public expect protection from an abuse of this position of power.

Drivers are also vulnerable as they are on their own so open to attack and false and malicious accusations.

In each case the cameras provide protection and the data used, when appropriate, to support any investigation linked to a licensed vehicle.

Unlike a normal private vehicle a licensed vehicle is able to travel at any time in almost any location without raising suspicion, this makes them ideal vehicles to convey contraband or for other unlawful purposes.

**Do they include children or other vulnerable groups?**

**INFO:** If yes, please provide details

Yes. A lot of drivers rely on school contract work so take children, sometimes these children are unescorted. The situation is similar with Social Services contracts with vulnerable adults but to a lesser extent.

The majority of taxi journeys do not involve children or vulnerable adults but most drivers will at some point take a child or vulnerable adult. Taxis are used more by the vulnerable in society proportionally compared to those that are not vulnerable.

A large proportion of journeys at night are with people vulnerable through intoxication and the degree of vulnerability is extreme from slightly to unconscious.

We acknowledge this may affect their ability to understand the cameras are in operation but we have addressed this with clear and simple signage.

**Are you aware of any prior concerns over this type of processing or security flaws?**

**INFO:** If yes, please provide details

We are aware of the concerns raised by the Information Commissioner's Office regarding the recording of non-fare paying journeys, however the practical experience of SCC is this concern has not been raised by taxi drivers or passengers with the exception of one incident where the issue was touched upon but not pursued.

In this case a driver was investigated for a public order offence where he was accused of threatening and abusing a juvenile who he believed had been bullying his son, the footage also showed him driving whilst using his mobile phone, he was given a written warning about his driving as a result of what was seen on the download. The driver was accepting of this but a taxi owner questioned the use.

There is general support for the scheme as it currently operates. Public surveys demonstrate support for the scheme.

When the permanent recording of audio was stopped a large number of drivers expressed their objection to the removal of this as it provided them with protection, especially from abuse and racial abuse.

The main complaint from the trade is the cost of the systems that is high because of the high level of encryption required.

**Is the processing novel in any way? E.g. do other local authorities have a similar process in place?**

**INFO:** If yes, please provide details

The Council are aware of 11 other local authorities that mandate cameras in their vehicles, but the Council is only aware of one other authority that requires the cameras to be operational whenever the vehicle is in use.

The Council are also of the opinion a large number of authorities would like to have a similar scheme.

It believes that a significant number of authorities are waiting for better clarity from the Information Commissioner's Office on the position of data controller and the provision of an off switch as most consider the provision of an off switch significantly undermines the purpose of the cameras.

Licensing authorities are also concerned that mandating taxi cameras may encourage licence holders to licence elsewhere.

**Are there any current issues of public concern that should be considered?**

**INFO:** If yes, please provide details

Right to privacy when the vehicle is not being used as a licensed vehicle. However the vehicle remains a licensed vehicle regardless of the use it is being put to.

This is a principle that is well-established in licensing law and cases considering the point have determined that a licensed vehicle can never be driven by anyone other than a licensed driver (i.e. it not being used for hire does not make it a private vehicle at that time).

Criminal offences are committed if the vehicle is driven by an unlicensed driver. Case law has established that it is the nature of the vehicle, not the use to which it is put at any given time that determines its status. It is, therefore, a widely accepted position in licensing law that once a vehicle is licensed, it remains a licensed vehicle.

For these reasons, matters of policy and conditions attached to the vehicle licence must be complied with at all times – not simply when the vehicle is available for hire or is actually being hired.

That is because the vehicle, once licensed, could be put to those uses at any given time.

The vehicles are predominantly working in order to recover the costs and provide earnings. The actions of a driver are equally important whether in private or as a licensed driver.

No technology exists that can differentiate between a vehicle being used for a licensed purpose and a non-licensed purpose

The vehicle is required to obey all of the conditions whilst licensed, so it must display the plate and signage as required by our conditions.

These conditions make it extremely obvious to anyone it is a licensed vehicle, these displays cannot be turned on or off or removed easily (or lawfully) so the appearance of the vehicle will remain that of a licensed vehicle and anyone approaching the vehicle will have little doubt it is a licensed vehicle.

Since the cameras have been installed we continue to receive complaints of wrong doing by drivers that without camera evidence would be difficult to determine one way or the other. Previous examples are:-

1. Camera evidence corroborated numerous complaints of drivers texting whilst driving.
2. Taxi camera data confirms complaint that driver had his penis out whilst waiting for his passenger.

3. Taxi camera footage supports allegation driver sexually assaulted a single vulnerable female.
4. Driver with excess of 20 years driving with no complaint history conveys a vulnerable passenger and gets her to touch him intimately. The victim also alleges he had sex with her later that evening after he had finished work. The driver denied the allegation. The taxi camera data confirmed he did place her hand on his groin and corroborated the timings of him finishing work, exiting the vehicle and then returning at the times given by the victim.
5. Taxi camera data supported passenger account of careless driving by licensed driver
6. Taxi camera data support allegation driver was drinking alcohol whilst driving.
7. Taxi camera footage shows assault on a driver whilst waiting at a rank.
8. Taxi camera footage support allegation driver was using mobile phone whilst driving
9. Taxi camera data provided key evidence resulting in conviction of assault by penetration resulting in substantial prison sentence. Driver was in licensed private hire vehicle, the audio activation button had a fault resulting in audio permanently recording. Driver heard attracting lone vulnerable female late at night into car by saying she was safe he was a licensed driver. He took her without a booking so 'off duty' and went to an isolated car park where he engaged in sexual activity with her for over 2 hours. Audio data was key in determining whether valid consent had been given. Without the taxi camera evidence the police would not have been able to secure a conviction.
10. Taxi camera data used to support allegation of inappropriate behaviour towards a lone female by obtaining her phone number before allowing her out of the car.
11. Taxi camera shows driver using mobile device whilst driving with fare paying passenger on board
12. Taxi camera footage confirming allegation driver was exposing himself in a public area.

This demonstrates drivers will pose a threat to vulnerable members of the public, commit crimes and some take direct steps to prevent the camera recording the data. The provision of an off switch, whether it has a delay or not will not counter this behavior. Example 9 provides evidence why an off switch should not be introduced and supports the call to permanently record audio as well.

As inappropriate behaviour, in particular, towards women is now being reported and acted upon we are seeing a significant increase in reports of drivers having inappropriate conversations or making inappropriate comments to lone vulnerable women. Evidence indicates the majority of these incidents occur at night. Currently we have to rely upon a corroborating incident or evidence in order for us to take firm action against a driver. Drivers are vulnerable to false allegations however passengers are at risk from drivers. We have revoked driver licences when we have the corroborating evidence. Permanent recording of audio is an option to address this risk, whether permanently or during specific hours.

## Describe the purposes of the processing

### What do you want to achieve?

Public confidence in the use of licensed vehicles and drivers feeling protected and safe when driving a licensed vehicle.

The promotion of public safety (including the safety of drivers).

### What is the intended effect on individuals?

Greater safety and protection from harm when travelling in or driving a licensed vehicle. A sense of feeling secure and safe.

### What are the benefits of the processing – for the Council, and more broadly?

**INFO:** Please confirm which of the Council's key outcomes this will support, and how

#### Outcome:

- Southampton has strong and sustainable economic growth
- Children and young people get a good start in life
- People in Southampton live safe, healthy, independent lives
- Southampton is an attractive modern city, where people are proud to live and work

### Please explain how the outcome is met

The Council upholds its obligations under the Local Government (Miscellaneous Provisions) Act 1976 (ensuring drivers of vehicles are fit and proper and promoting public safety through attaching conditions and adopting appropriate policies) and Section 7 Crime and disorder Act.

Public confidence in the hackney and private hire industry is maintained.  
Reduction in incidents of inappropriate behavior and crime by both drivers and public.

## Step 3: Consultation

### Consider how to consult with relevant stakeholders

#### Do you think it's necessary to consult with the public about the processing?

If not, why?

**INFO:** Please provide details to support your answer

Yes. This is recording of sensitive data in the public domain. The public need to understand the purpose of the scheme and to express their opinions whether

supportive or not and these need to be continually considered as the policy is reviewed.

The taxi policy is to be reviewed every 5 years and this will include a public consultation. The hackney carriage unmet demand survey is conducted every three years and we normally include questions in this on the taxi camera. Quarterly meetings are held with taxi trade representatives.

In the unmet demand survey conducted in 2022 we asked:-

*Southampton City Council has a policy of fitting video cameras in licensed vehicles to permanently record video and, upon activation of a panic button, to record audio. The purpose is to improve safety. Do you feel safer travelling in a Southampton licensed vehicle knowing that all vehicles are fitted with a camera system?*

*The responses were:-*

*Yes 82%*

*No 18%*

*The video cameras in licensed vehicles currently operate all the time the vehicle is in operation, whether or not it has been hired. If drivers were given an off switch for their camera system to address privacy concerns when the driver is using the licensed vehicle for their private use (for example, with members of their own family), would you feel less safe using Southampton licensed taxis?*

*The responses were:-*

*Yes 54%*

*No 46%*

**Who else do you need to involve, or have you already involved within the Council?**

**INFO:** e.g. IT services, records management

We liaise closely with the Data Protection team, however, on a day-to-day basis they only see the SAR details. No other team or department are involved and only approved officers within the team have access to the data. We liaise with legal, the Data Protection team and IT with the implementation of policy and its review.

**Do you plan to consult IT, external information security experts, or any other experts? If not, why?**

**INFO:** Please provide details to support your answer

IT services will be consulted with regards any ongoing security concerns. We keep in regular contact with the suppliers who understand the need for secure systems.

## Step 4: Assess necessity and proportionality

### Describe compliance and proportionality measures

**What do you consider your lawful basis for processing to be?** Please choose one of the following...

**INFO:** There should generally only be one legal basis for processing.

- The data subject has given consent
- The processing is necessary for the performance of a contract to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract
- The processing is necessary for compliance with a legal obligation to which the Council is subject
- The processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the Council
- The processing is necessary for the purposes of the legitimate interests pursued by the Council or by a third party

### Please provide further information to support this

**INFO:** For example, if the processing is necessary in order for the Council to perform a statutory function, detail the relevant legislation.

The Council relies on these various processing conditions, on the footing that the processing is necessary to enable the Council to discharge its functions under a wide range of legislation. These include the following:

- Functions in relation to licensing taxis and PHVs: see the Local Government (Miscellaneous Provisions) Act 1976 and 1982, and the Town Police Clauses Act 1847 and 1875.
- Requirements to have regard to safety, crime and disorder. See section 17 of the Crime and Disorder Act 2017: duty of local authority to exercise its functions with due regard to the need to prevent crime, disorder and anti-social behaviour.



**Why is the processing deemed necessary?**

**INFO:** e.g. Is the Council under an obligation to provide a service, or is there a particular problem that the project is trying to address?

The taxi profession has been identified as a position of trust and responsibility within the community that could be abused and as such is listed as an exception to the Rehabilitation of offenders Act 1974.

There are historical and continuing cases of taxi drivers abusing their position of trust and of taxi drivers being assaulted and abused by members of the public. Often these cases have no independent evidence to support either the accuser of the accused. A high proportion of taxi users are vulnerable at the time of use and the drivers are alone with passengers in remote areas making them vulnerable to attack. The taxi cameras provide independent reliable evidence of events and we have anecdotal evidence of it preventing crimes and improving behaviors.

SCC does have a more active Night-Time Economy than neighbouring authorities, and it is generally at night when members of the public and taxi-drivers are more at risk from violence, crime, abuse, and anti-social behaviour.

**Does the processing actually achieve your purpose?**

**INFO:** Please provide details to support your answer

It is not possible to compare data now with before the introduction of the camera policy in 2009. However, it is clear the cameras are extremely useful in providing independent corroborating evidence when such allegations are made. This protects both the drivers and the public. It also empowers the authorities to take appropriate action.

There continues to be allegations of sexual assault, kissing and groping, this is mainly when the victims are intoxicated. Please see examples above. The incident of the driver with a 20-year unblemished record have sexual contact with a vulnerable victim in the car followed by him visiting her after work and having sex with her clearly demonstrates the benefit and need of no off switch. Further the example of a driver using the fact he was in a licensed vehicle and a licensed driver to entice a lone, vulnerable female who was not a fee paying customer, into his vehicle before subjecting her to over 2 hours of sexual activity demonstrates the need for licensed vehicles to have cameras and with audio recordings.

There have been very few serious assaults reported by drivers since the cameras were introduced. We receive anecdotal evidence of better behavior by passengers when they notice the cameras.

When permanent audio recording was stopped, we had numerous drivers complaining, asking for the audio to remain as it protected them from racial abuse. The lack of audio recording is hampering investigations of inappropriate conversations where individuals are made to feel vulnerable and behaviour tantamount to grooming is described.

A survey asked if people agreed to the taxi camera policy, at the ranks the response was 67% agreed, on line 97% agreed. Security cameras was one of the reasons given by the public that made them feel safe using taxis.

**Is there another way to achieve the same outcome?**

**INFO:** Please details to support your answer

The Council considers that a requirement to have permanently recording data is the only way to keep the public safe. The vehicle remains licensed all of the time, regardless of the use it is put to at the time.

The behavior of the driver remains important in the assessment of being a fit and proper person all of the time, not just when acting as a licensed driver.

Any person entering the vehicle will see the signs and expect the protection the cameras provide. The drivers have a right to privacy but must acknowledge a lower expectation when driving a licensed vehicle.

As it is not possible to actively monitor the footage, it is not possible to determine when a driver is undertaking a private journey or a working journey.

There is no protocol or system that can currently differentiate the type of use the vehicle is being put to, however the driver and vehicle remain licensed at all the times the licence is in effect.

The alternative is to have a system for visual recording where the driver can choose whether or not to trigger recording; for the reasons set out below, the Council does not consider that this is a satisfactory approach.

The Council is aware that other licensing authorities adopt such systems, whereby the driver can manually turn off the cameras (e.g. the visual recording equipment automatically comes into operation when the ignition is turned on. In order to stop it, the driver needs to leave the ignition running, leave the vehicle, open the boot, and switch off the equipment using the switch in the boot).

This creates a risk that the Council are unwilling to accept, that can be illustrated by the following examples:

1. A driver is transporting a fee-paying passenger. They make an excuse to leave the vehicle briefly (e.g. they say that they needs to check if they have a puncture), leaving the engine running while they do so. They turn off the recording equipment using the switch in the boot of the vehicle, and then get back into the vehicle. They can now assault the passenger without anything being recorded. If the passenger subsequently complains, and there is no recording, the driver can say that the passenger got out at the point where they left the vehicle, and that they then turned off the recording equipment at that point as they no longer had a passenger. There will be no way of verifying whether the driver is telling the truth.

2. A driver switches off the recording equipment after dropping off a fee-paying passenger. They continue driving, and pick up fee-paying passengers, without turning the equipment on.

There would be no record available to the Council as to whether or not the driver was transporting fee-paying passengers while the engine was switched off.

3. A driver switches off the recording equipment and then provides individuals with lifts, for free. This is private use: i.e. the sort of use that could potentially give rise to an expectation of privacy. However, there is an elevated risk to passengers, and it is the livery and get-up of a licensed vehicle that creates this risk. Passengers are

more likely to trust a licensed vehicle (even when it is not operating for hire), than to trust an offer of a lift from a stranger in an ordinary unmarked vehicle.

4. A driver switches off the recording equipment and then uses the vehicle for an unlawful purpose not involving the transport of passengers (e.g. they use it to transport drugs). There is an elevated risk of this kind of use (as compared with the risks presented by an ordinary vehicle), because a vehicle that is visibly a licensed vehicle is less likely to be stopped or challenged (e.g. by the police).

The following alternatives have also been considered, and rejected for the reasons given below:

**A policy of continuous visual recording which does not need to be operational when the vehicle is not being used for licensed purposes**

Any such policy could only work if the driver was able to disable the recording system, and this would create a risk that the driver would do so while transporting a paying passenger.

**Combining a less intrusive use of visual recording with a parallel automated system (which could be audited) to record when a driver clocks on and off duty**

A driver who had “clocked off” under this system could not be prevented from carrying paying passengers after clocking off.

**A system to alert a driver during on-duty hours that the system is not operational**

This suggestion addresses the risk of accidental deactivation of the system when paying passengers are on board. It does not address the risk of deliberate deactivation.

**Electronic recording of when the system is deactivated and reactivated, for consistency checks**

The difficulty is that if the driver asserted that they had not carried paying passengers while the system was deactivated, then there would be no way for the Council to verify this.

**A recording system based on times of day when the driver would be on shift, and/or the use of panic buttons**

This suggestion seems to assume that if the visual system was not in operation then the passenger could use a panic button in order to trigger it. There are a number of difficulties here. The passenger would need to be able to locate the panic button, and would need the presence of mind to use it.

This would be challenging if the passenger was being subjected to physical or sexual assault, and/or concerned not to escalate a confrontational situation between themselves and the driver.

The use of a panic button would be particularly problematic for vulnerable passengers: e.g. children, the elderly, those with physical or mental impairments, or those temporarily affected by drink or drugs. These are precisely the categories that the Council is especially concerned to protect.

### **A more intensive use of existing licensing and control powers, including vetting**

This does not meet the concern that an ill-intentioned driver might deliberately turn off visual recording, even with a paid passenger on board, and then lie in order to cover their tracks if challenged.

### **Implementing a “cover system” to allow drivers to cover the camera with a sign (that would alert passengers that the camera is not in use), when the vehicle is being used for personal business**

Due to the nature of the camera design, there would be practical issues in implementing this system, and it would also not be possible to confirm that the approved cover was being used by the driver. It would also require the driver to remove the cover when the vehicle was being used for licensed activities, and would be easily open to abuse.

### **Suspending the vehicle licence and turning off the cameras when the vehicle is to be used for personal business**

Whilst this approach is currently taken where a vehicle is to be used for long, uninterrupted periods of personal use (e.g. a driver taking the vehicle on holiday), it would not be a practical approach if drivers wished to have the cameras turned off when “off shift”. Suspending and reinstating a licence is not a simple process, and turning the cameras on and off on this scale would require an increase in staff and resources, this in turn will lead to an increase in fees to recover the additional costs.

As stated above, the Council continues to engage with key stakeholders about the camera policy. There are two surveys due to take place; the unmet demand survey, which will aim to seek views from the public and drivers on the current system in place, and its operation, and a survey specifically for private hire drivers, which is due to take places over the next few months. The Council will use these surveys to seek views on alternative methods of operation, both from the trade and the members of public.

The Council continues to keep the matter under review, and will continue to consider: (a) evidence about any other technical solutions besides those identified so far; (b) evidence about the use that is made of information that is collected under the existing policy; and (c) evidence about the public’s view of its current policies.

There is limited flexibility, however, due to the nature of the law around taxis; a vehicle, once licensed, never ceases to be a licensed vehicle during the currency of the licence. Furthermore, a licensed vehicle can never be driven by anyone other than a licensed driver.

**How will you prevent function creep?**

**INFO:** Function creep is where data collected for one purpose is used for another purpose over time.

The acceptable use of the cameras is detailed in the Council’s Taxi Policy. This is reviewed regularly. The last change to the policy was in August 2022. The licensing authority has no desire to ‘monitor’ the behavior of drivers through the use of cameras. It is only when there is good cause to review data that we will wish to view the data. In a similar vein we have no desire to fit trackers to the vehicles to see where they have been.

**How will you ensure data quality and data minimisation?**

**INFO:** We should only use the minimum amount of personal data possible to achieve the purpose of the processing.

See generally the taxi policy, in relation to the use made of data.

Audio is only activated for 5 minutes via a button accessible to the driver, Cameras are specifically designed to operate inside the cabin of the vehicle, providing sufficient quality to identify suspects and activity within the cab but quality diminishes for activity outside of the vehicle.

Cameras are positioned high on the front windscreen and look down towards the occupants. The recording systems have to meet the specification set by SCC.

SCC were aware that some early model systems reported failures, but these are not present on the newer models, which have replaced these.

Whilst a fault may not be apparent in all cases until a download is required, vehicles are subject to inspections at least annually.

If a vehicle’s camera system is found to have a fault, that vehicle licence will be suspended until the fault has been fixed.

**What information will you give individuals about the processing?**

Any applicant for a vehicle licence will be advised of the requirement to have a camera fitted.

New drivers are personally briefed on the cameras, The Council is in the process of including the use of cameras in the safeguarding training that all drivers have to undertake and refresh every 3 years.

Various pages on the Council website on taxi licensing make reference to the taxi cameras, and the continuous recording.

The cameras are overtly fitted in the vehicle and all the cars are regularly checked to ensure appropriate signage The policy is available on the council website.

**Aside from existing corporate processes, will there be any additional measures in place to support individuals exercising their privacy rights?**

**INFO:** Data subject's rights include the right to access, rectify, erase, port, and restrict their data.

Additional measures could include self-service options to enable individuals to change / update their personal data, or download copies of their data

Policies are published on the Council website, which is linked to via the signage in the vehicle., Staff are aware of the processes and advise enquirers. Drivers are made aware of the cameras and camera policy during the licensing process.

Conditions attached to vehicle licences make the requirement clear. Save for the operation of the Taxi policy subject access requests and the data collected is subject to wider SCC policies on data protection.

**If a third party is carrying out the processing on our behalf, what measures will be in place to ensure they comply with the UK GDPR, and assist the Council in supporting individuals in exercising their rights?**

**INFO:** E.g. will there be a contract in place with the third party that contains data protection obligations?

The proprietors and drivers are considered to be processors, as they own the equipment that is used to capture, recorded, and store the Council's personal data.

The licence application forms will need to identify this and explain their responsibilities.

The Council enters into a Data Processing agreement with all proprietors when they apply for a new vehicle licence. Driver training is provided by the installer to the driver at that point, and when a driver is issued with a new driver licence, they are given training by an enforcement officer on appropriate use of the camera system. Also safeguarding training undertaken every three years by drivers includes camera usage

**How do you safeguard any international transfers of personal data?**

**INFO:** If there are no international transfers involved, please state this

There are no international transfers of data.

## Step 5: Send DPIA Form to the Data Protection Officer

After completing this part of the form, please send the document to the Information Lawyer (Data Protection Officer) at [dataprotection@southampton.gov.uk](mailto:dataprotection@southampton.gov.uk)  
The DPO will review the information provided, and identify and assess the privacy risks.

## Step 6: Identify and assess risks (DPO to complete)

Describe source of risk and nature of potential impact on individuals. Include associated compliance and corporate risks as necessary.	Likelihood of harm	Severity of harm	Overall risk
<p>1. As the CCTV systems are activated whenever the vehicle is running, they operate continuously, including when the taxi is being used privately by the driver.</p> <p>Where a taxi is being used by a driver for their own private or domestic purpose, there is a risk that continuous recording will capture information that is irrelevant and unnecessary for its purpose.</p> <p>Whilst it is probable that private data will be captured by the cameras, the severity of harm caused by this is minimal for the following reasons:</p> <ul style="list-style-type: none"> <li>• The footage is stored in the vehicle in encrypted form</li> <li>• The Council has a system that includes an exceptional level of security, and only staff within the Licensing team can download the footage; is not accessible to the driver or anyone else.</li> <li>• Downloads can only take place under limited circumstances, and must adhere to the Council's Taxi policy</li> <li>• A vehicle, once licensed, never ceases to be a licensed (and therefore commercial) vehicle during the currency of the licence, and a licensed vehicle can never be driven by anyone other than a licensed driver. It is the Council's view, therefore, that licensed drivers have a lower expectation of privacy when driving licensed vehicles, and will be aware of their ongoing duty as to behaviour and professional standards whilst doing so.</li> <li>• A licensing authority has a legitimate interest in how a licensed vehicle is being used and how the driver is behaving at all times, whether or not the vehicle is being used to transport fee-paying passengers.</li> </ul> <p>Given the extensive controls over access to and use of the visual images recorded in licensed vehicles, it cannot be said that the</p>	Probable	Minimal	Medium

<p>approach taken by the Council reduces drivers' or passengers' private social life to zero. Moreover, even assuming that Article 8 of the Human Rights Act 1998 is engaged, the level of intrusion is very limited and is justified by the considerations set out in the DPIA.</p>			
<p>2. There are concerns regarding the adequacy of the security measures in place to protect the personal data captured by the systems, in particular the hard drive on which the videos are stored; whilst this is stored in a safe within a locked room, the drive itself is not encrypted.</p> <p>If a motivated intruder were able to access this drive, they would have access to video (and potentially audio) information relating to drivers (acting in a professional capacity), and their passengers.</p> <p>The footage may contain information relating to criminal offences, due to the reasons why it may have been deemed necessary to retain a copy of the footage.</p>	Remote	Minimal	Low
<p>3. Whilst there are clear retention periods set out in the Council's retention schedule for copies of the footage used for investigations, prosecutions, and subject access requests, retention relating to third party requests is not detailed.</p> <p>This may lead to the data being held for longer than is necessary, also increasing the security risks associated with this data.</p>	Remote	Minimal	Low
<p>4. Whilst this is addressed in the Council's privacy notice, which is linked to via the stickers in the vehicles, the specific process to enable data subjects to exercise their right to object to the processing is unclear. As such, data subjects may not be aware that they have that right in relation to this processing, or the steps they need to take to exercise this right.</p> <p>Individuals must be able to exercise both their right to object to the process, and their right to restrict that processing whilst an objection is being considered, especially where they feel that their interests, rights, and freedoms are being overridden by the processing.</p>	Remote	Minimal	Low



<p>5. Whilst fair processing notices are placed inside vehicles, and inspected regularly, it is not clear what requirements are imposed on the drivers / proprietors in relation to these stickers, and how those requirements are enforced.</p> <p>As such, there is a risk that drivers and passengers will not have received fair notice in respect of the processing, or be provided with important information about the processing.</p>	Remote	Minimal	Low
<p>6. Whilst the relationship between the Council and the vehicle owners (and to an extent, the drivers), is that of data controller / data processor, it is unclear as to what measures are in place to govern that relationship, or what training is in place around the use of the cameras.</p> <p>This lack of governance could lead to increased security risks, lack of assurance, and barriers to data subjects being able to exercise their privacy rights.</p>	Remote	Minimal	Low
<p>7. Although surveys were undertaken to ascertain driver and passenger opinion on the cameras and their usage, subsequent surveys were either delayed or postponed due to the Covid-19 pandemic.</p> <p>Not having up-to-date opinions on the processing hinders an informed decision about its necessity, proportionality, and adequacy being made.</p>	Remote	Minimal	Low

## Step 7: Identify legal basis and measures to reduce risk (DPO to complete)

### Condition(s) for Processing

#### Personal Data

- The data subject has given consent
- The processing is necessary for the performance of a contract to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract
- The processing is necessary for compliance with a legal obligation to which the Council is subject
- The processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the Council
- The processing is necessary for the purposes of the legitimate interests pursued by the Council or by a third party

#### Further Information

The Council relies on these various processing conditions, on the footing that the processing is necessary to enable the Council to discharge its functions under a wide range of legislation. These include the following:

Functions in relation to licensing taxis and PHVs: see the Local Government (Miscellaneous Provisions) Act 1976 and 1982, and the Town Police Clauses Act 1847 and 1875.

Requirements to have regard to safety, crime and disorder. See section 17 of the Crime and Disorder Act 2017: duty of local authority to exercise its functions with due regard to the need to prevent crime, disorder and anti-social behaviour.

The Council recognises that the question of whether processing is necessary for the purpose of the various conditions relied upon involves an assessment as to proportionality, comparable to the assessment that would arise in the context of a qualified right under the ECHR: see *South Lanarkshire Council v Scottish Information Commissioner* [2013] UKSC 55. By reason of the matters set out above, as to the justification for operation of the system, the Council considers that this requirement is satisfied.

When making the proportionality assessment it is essential to consider, not only the benefits secured by system, but also the extent of its impact on individuals. In reality, the impact is very modest indeed: the images that are recorded are kept secure, cannot be viewed by the driver, are decrypted and downloaded only if needed, and otherwise are automatically overwritten within a short period of time. By contrast, the system delivers real and substantial benefits for the protection of both drivers and passengers.

### Special Categories of Personal Data

- The data subject has given explicit consent
- The processing is necessary for the purposes of carrying out the obligations and exercising specific rights of the controller or of the data subject in the field of employment and social security and social protection law
- The processing is necessary for reasons of substantial public interest
- The processing is necessary for the purposes of preventive or occupational medicine, for the assessment of the working capacity of the employee, medical diagnosis, the provision of health or social care or treatment or the management of health or social care systems
- The processing is necessary for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes
- No special category data being processed

### Further Information

The Council contends that the processing is in the substantial public interest, given the importance of the objectives pursued by the system, and given that a less intrusive system would not meet those objectives.

In accordance with Department for Transport issued Best Practice Guidance, the aim of local authority licensing of the taxi and PHV trades is to protect the public. As such, public protection must be at the forefront of decisions regarding the discharge of the Council's licensing functions.

The licensing process places a duty on the local authority to protect the public. Given the nature of the role, it is paramount that those seeking a living in the trades meet the required standards, and there is public trust and confidence in the overall safety and integrity of the process.

The use of the cameras provides the public with that trust and confidence, as can be demonstrated by the most recent unmet demand survey responses referred to in this DPIA, where the vast majority of respondents agreed with the Council's taxi camera policy, citing security cameras as one of the reasons that made them feel safe using taxis.

### Data Protection Act 2018 Schedule 1 Condition

Schedule 1, Part 2, Paragraph 6 - Statutory etc. and government purposes.

## Further Information

As stated, the Council relies on these various processing conditions, on the footing that the processing is necessary to enable the Council to discharge its functions under a wide range of legislation. These include the following:

- Functions in relation to licensing taxis and PHVs: see the Local Government (Miscellaneous Provisions) Act 1976 and 1982, and the Town Police Clauses Act 1847 and 1875.
- Requirements to have regard to safety, crime and disorder. See section 17 of the Crime and Disorder Act 2017: duty of local authority to exercise its functions with due regard to the need to prevent crime, disorder and anti-social behaviour

## Identify additional measures you could take to reduce or eliminate risks identified as medium or high risk in step 5

Risk	Options to reduce or eliminate risk	Effect on risk	Residual risk
1.	<p>It is not possible for the cameras to automatically distinguish private use from commercial use, and the only way to avoid continuous recording would be to give drivers the ability to manually turn the cameras on and off.</p> <p>The Council has considered this option and rejected it, for the following reasons.</p> <p>A vehicle, once licensed, never ceases to be a licensed vehicle during the currency of the licence. Furthermore, a licensed vehicle can never be driven by anyone other than a licensed driver.</p> <p>For these reasons, matters of policy and conditions attached to the vehicle licence must be complied with at all times – not simply when the vehicle is available for hire or is actually being hired.</p> <p>A mandatory system is not mandatory if it can be turned off at will, and this would defeat the purpose of the cameras, which is to protect both the passengers and drivers of the vehicles.</p> <p>The Council has a strong view that handing control of the system to the driver in this way will allow the most determined and dangerous drivers to abuse their position and will be most damaging for the safety of the most vulnerable passengers</p> <p>As such, this risk cannot be eliminated or reduced, and needs to be accepted by the IAO and SIRO.</p>	Accepted	Medium

2.	<p>The service area needs to review its current information security policies and procedures regarding the process.</p> <p>The Data Protection Officer should be notified of the outcome of the review, so that the DPIA can be updated, and a further assessment of the associated risks can be made.</p> <p><i>[UPDATE 07/02/23] Service area have reviewed security measures, and are satisfied that they are appropriate (i.e. the likelihood of an individual breaching the security measures is low) [/UPDATE]</i></p>	<p>If review does not lead to measures that eliminate or reduce the risk, this will have to be accepted</p>	<p>Low or Eliminated</p> <p><i>[UPDATE 07/02/23] Low risk accepted [/UPDATE]</i></p>
3.	<p>The service area must liaise with the Senior Records Officer to ensure that all retention periods relating to the processing are detailed in the Council's retention schedule.</p> <p><i>[UPDATE 18/04/23] Retention schedule being updated. DPIA amended with entry information [/UPDATE]</i></p>	<p>Eliminated</p>	<p>N/A</p>
4.	<p>The service area needs to review its current process in relation to the right to object to this processing, in particular confirming:</p> <ul style="list-style-type: none"> <li>• What steps are taken by the service area to inform individuals of their right to object?</li> <li>• What steps would the service area take if an individual made an objection?</li> <li>• Who would decide whether the objection should be upheld?</li> </ul> <p>The Data Protection Officer should be included in the review and the DPIA updated, so a further assessment of the associated risks can be made.</p> <p><i>[UPDATE 07/02/23] Service Area privacy notice updated with pathway to object. Any objection would result in a consideration of maintaining the policy and a decision by the authority on appropriate steps to take on a case-by-case basis [/UPDATE]</i></p>	<p>If review does not lead to measures that eliminate or reduce the risk, this will have to be accepted</p>	<p>Low or Eliminated</p> <p><i>[UPDATE 07/02/23] Risk eliminated [/UPDATE]</i></p>
5.	<p>The service area needs to review its current arrangements in relation fair notice stickers placed inside and outside of the vehicles, including</p> <ul style="list-style-type: none"> <li>• What requirements are imposed on drivers/proprietors in relation to these stickers</li> <li>• How those requirements are enforced</li> <li>• What steps are taken to ensure that the stickers are correctly placed</li> </ul> <p>The Data Protection Officer should be notified of the outcome of the review, so that the DPIA can be</p>	<p>If review does not lead to measures that eliminate or reduce the risk, this will have to</p>	<p>Low or Eliminated</p> <p><i>[UPDATE 07/02/23] Risk Eliminated [/UPDATE]</i></p>

	<p>updated, and a further assessment of the associated risks can be made.</p> <p><i>[UPDATE 07/02/23] The service area has now mandated it for approved fair notice stickers to be displayed in vehicles [UPDATE]</i></p>	be accepted	
6.	<p>The service area needs to review its current governance arrangements regarding the processing relationship between the Council, as data controller, and the vehicle owners / drivers, as data processors.</p> <p>The review should include:</p> <ul style="list-style-type: none"> <li>• How compliance with Article 28 of the GDPR can be assured</li> <li>• A review of its existing relevant policy documents</li> <li>• Its current approach to driver training</li> </ul> <p>The Data Protection Officer should be included in the review and the DPIA updated, so a further assessment of the associated risks can be made.</p> <p><i>[UPDATE 07/02/23] The Council now enters into a Data Processing agreement with all proprietors when they apply for a new vehicle licence. Driver training is provided by the installer to the driver at that point, and when a driver is issued with a new driver licence, they are given training by an enforcement officer on appropriate use of the camera system. Also safeguarding training undertaken every three years by drivers includes camera usage. [UPDATE]</i></p>	If review does not lead to measures that eliminate or reduce the risk, this will have to be accepted	Low or Eliminated <i>[UPDATE 07/02/23] Risk Eliminated [UPDATE]</i>
7.	<p>The service area should ensure that the DPIA is updated with the most recent survey results in relation to the use of cameras, and ensure that opinions of drivers and the public are sought where possible in all future surveys.</p> <p>The DPIA should be kept updated with the most recent survey results.</p> <p><i>[UPDATE 18/04/23] DPIA updated with the most recent survey results. [UPDATE]</i></p>	Eliminated	N/A
<b>Comments from the Data Protection Officer</b>			
<p>Aside from those identified in section 6, the DPO is satisfied that all reasonable privacy risks have been identified and addressed.</p> <p>Whilst no high residual risks remain, SIRO sign-off is recommended, due to the high-profile nature of this project.</p>			

**Comments from the Information Officer (Data Management)**

No additional comments.

**Comments from the Head of IT**

Not consulted, due to the use of existing / established systems.

## Step 8: Sign off

Item	Date	Notes
DPO reviewed DPIA and provided advice on:	14 <sup>th</sup> October 2022	DPO should advise on compliance, step 7 measures and whether processing can proceed
Information Officer (Data Management) reviewed DPIA on:	17 <sup>th</sup> October 2022	SRO should advise on records management matters
Head of IT reviewed DPIA on:	N/A	Head of IT should advise on IT security matters
Measures approved by Project Lead on:	27 <sup>th</sup> October 2022	Integrate actions back into project plan, with date and responsibility for completion
Comments from Project Lead:	No comments.	
Residual risks approved by Information Asset Owner / Administrator on:	25 <sup>th</sup> November 2022	The relevant IAO or IAA is required to accept any residual risks associated with the processing.
Comments from IAO / IAA:	No comments.	
Project approved by Caldicott Guardian (CG) on:	N/A	The relevant Caldicott Guardian is required to approve any project involving the processing of social care data.
Comments from CG:	N/A	
Residual high risks approved by the Senior Information Risk Owner (SIRO) on:	28 <sup>th</sup> November 2022	If accepting any residual high risk, consult the ICO before going ahead
Comments from SIRO:	No comments.	



## Step 9: Review

Item	Date	Comments
DPO reviewed DPIA on:	18/04/23	All actions completed
Date of next review:	18/07/23	
DPO reviewed DPIA on:	05/01/24	No new privacy risks introduced
Date of next review:	05/04/24	

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## Equality and Safety Impact Assessment

The **Public Sector Equality Duty** (Section 149 of the Equality 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 assessment 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.

<p><b>Name or Brief Description of Proposal</b></p>	<p>Amend Taxi policy to include the taxi camera policy in the overarching policy document, add a drug testing policy for drivers of both hackney carriages and private hire vehicles and to add a requirement for hackney carriages to have a working credit card machine.</p>
<p><b>Brief Service Profile (including number of customers)</b></p>	
<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>	

<b>Summary of Impact and Issues</b>	
<p><b>Taxi camera</b> This continues to provide protection for both drivers and the travelling public. Including this in the main taxi policy makes it more accessible and visible.</p> <p><b>Drug Testing</b> This is to provide a regime to protect both officers and drivers in instances where drug use by drivers is suspected and as a deterrent to the use of drugs that place the public and driver at risk.</p> <p><b>Credit Card machines</b> A number of drivers do not like short trips as they do not provide a lot of income. The requirement to have a working card machine removes one of the most frequently offered reasons to refuse a short fare. This policy change removes that option.</p>	
<b>Potential Positive Impacts</b>	
<p>More transparent approach to policy. Better public protection from drivers using drugs to the detriment of their driving. Protection of drivers from abuse of powers by officers. Better service to the public.</p>	
<b>Responsible Service Manager</b>	Phil Bates
<b>Date</b>	21 <sup>st</sup> May 2024
<b>Approved by Senior Manager</b>	
<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 impact	
<b>Disability</b>	No impact	
<b>Gender Reassignment</b>	No impact	
<b>Care Experienced</b>	No impact	
<b>Marriage and Civil Partnership</b>	No impact	
<b>Pregnancy and Maternity</b>	No impact	
<b>Race</b>	No impact	
<b>Religion or Belief</b>	No impact	

<b>Impact Assessment</b>	<b>Details of Impact</b>	<b>Possible Solutions &amp; Mitigating Actions</b>
<b>Sex</b>	No impact	
<b>Sexual Orientation</b>	No impact	
<b>Community Safety</b>	No impact	
<b>Poverty</b>	No impact	
<b>Health &amp; Wellbeing</b>	Individuals on medication will be concerned they may inadvertently fail any drug testing.	Drug screening is followed up with a laboratory test. Each case will be dealt with on its own merits. The consent form asks if on medication so that is taken into consideration
<b>Other Significant Impacts</b>	Somew cultures have a practice of chewing root matter that can provides psychotic effect.	The testing is for illegal substances. Any matter can be considered for determining if an individual is fit and proper. This policy is likely to have no impact on such use if the product is not illegal..

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# Officer responses to consultation comments

### Taxi camera policy section

No.	Concerns or Suggestions	Officers response
1.	No agree with this decision	No comment
2.	<p>“Because sometimes I use for my family.”</p> <p>“When we use our car for family, like going on holiday, travel, shopping. This is not right to keep my camera on.”</p> <p>“Should be switched off Driver is not working.”</p> <p>“It shouldn’t be a requirement to always have the camera on as the vehicle can sometimes be a personal used when not on working shift.”</p> <p>“The camera should be recording at all the time only when the vehicle is operating as a taxi but NOT in that period of which is for the personal use.”</p> <p>“I like having the taxi camera but having it on constant recording is that I don’t agree on. If whenever we are working or having customers in the vehicle, it should start recording. If there are no customer or we are with family, I prefer it not to record as it personal and not in danger of anything.”</p> <p>“To have permanently operating cameras when a vehicle is not being used as a taxi impinges upon the drivers right to privacy. To not have permanent recording would make it incumbent upon the driver to enable recording during work periods, so presumably the permanent operation is in place to ensure video availability. <b>I believe that the personal privacy of the driver always outweighs the safeguarding of passengers/drivers.</b> You could have reminders in the taxi for the passengers to request that the camera is on if need be and an indicator lamp to confirm that it is so. Why would audio be at the discretion of the driver? Illogical.”</p>	<p>This is covered in the DPIA for the taxi camera policy. Safeguards are in place to ensure downloads only occur when necessary and only by a small number of trained staff. There is no monitoring of the camera. There is no means of detecting when a vehicle is being used by family members that will stop the recording. Giving control of the activation to a person undermines the whole purpose of the policy. There is evidence of the drivers committing serious offences in the vehicle when not working. The vehicle remains a commercial vehicle all the time it is licensed. The unique nature of taxi and private hire work makes it an ideal industry for those with mal intent.</p> <p>There is a balance to be had with this conflict, however there is ample evidence to support that public safety in this case does outweigh the drivers right to privacy. It is the vulnerable passenger that is offered the most protection by this policy. That vulnerability often means they do not recognise the risk or dangers they are in or are unaware of what is happening.</p>
3.	I think it’s not fair for drivers to push by licensing	No comment

4.	Recording of data should only take place if there has an incident or in the event of crime	<p>The system needs to be recording to capture these incidents. The download policy element clearly defines the restricted times a download will occur.</p> <p><i>4.Data will only ever be downloaded on four occasions</i></p> <p><i>(i) where a crime report has been made involving the specific vehicle and the Police have formally requested that data or,</i></p> <p><i>(ii) when the authority is notified in writing of a complaint in relation to a specific vehicle or driver and the matter cannot be resolved in any other way.</i></p> <p><i>(iii) where a Data request is received from an applicant e.g. police or social services, that has a legitimate requirement to have access to the data requested to assist them in an investigation that involves a licensed vehicle or driver or passenger.</i></p> <p><i>(iv) Subject Access Request compliant with the General Data Protection Regulation.</i></p>
5.	But this rule should be for one to all who working as a taxi in Southampton surrounding area should have safety cameras like Eastleigh cab new, Forrest, Winchesters, Fareham and more	Officers agree but it is up to each licensing authority to set their own policy for the vehicles they licence.
6.	Without any complaint from drivers or customer not need to check the cameras.	Download element of policy is clear when downloads can be done. See 4 above.
7.	<p>“However, the cost is quite steep given the pricing. One can get an even better camera for half the price , which not only looks on the inside but also on the outside !.”</p> <p>“I only disagree how is fitting the cameras they over charged to set up a camera £500 is way too much to set up a camera we can save £400 plus with purchases a camera for example in Amazon that will costs us £50 and setting up cheapest.”</p> <p>“Also, we should be allowed to go elsewhere to get our cameras fitted to probably get better cameras at a cheaper cost.”</p>	The increased cost is due to the level of encryption required to protect the integrity and security of the data recorded. The purpose of the cameras is to protect the driver and public. The risks identified to support mandating the cameras is from incidents within the car not outside of it.
8.	When you have Southampton registered operators bringing in out of town cars as employees to circumvent the requirement of a camera in a car (different Licencing departments ) it means that those that want to commit	Officers agree it is frustrating that operators are licensing elsewhere. There is no evidence we are aware of that they do this to get around the camera policy, it is usually to do with vehicle and driver numbers or expansion of the business into another area.



	sec acts on people do so . And let's be honest Southampton has had more taxi / phv rapists than the neighbouring departments.	
9.	I find these surveys a waste of time, because you have already decided what course of action you are going to take. It is a bit like being in a dictatorship? At the recent trade consultation meeting in December 2023, according to the notes that I took, you had 1290 complaints against drivers for one reason or another. How many of those complaints have been identified from using CCTV footage? Let us have some proper figures on this. You have got an encrypted CCTV camera device which can only be downloaded by somebody from the licensing office using a special key but you still allow drivers to have dashcams in their vehicles despite knowing they are not legal to use. They can record pictures and voice 24 hours a day, 7 days a week and these can be posted on one of the social media sites. Because your CCTV policy does not include dashcam footage, a dashcam footage considered to be 'private', you are not only bypassing the ICO regulations, but your CCTV policy can now be rendered as useless.	<p>The purpose of the consultation is to seek views on a proposal. We then consider those comments and consider any changes to the proposal in light of the consultation responses. None of the complaints will have emanated from the camera. The complaints generate a download when it is applicable to assist with the investigation.</p> <p>If a driver wishes to have an additional camera that is their prerogative. We remind them of the need to comply with the ICO and Data Protection requirements, those that fail to do will be assessed to see if they are fit and proper.</p>
10.	3. TAXI CAMERA SPECIFICATION 3.1 To manage the administration of the scheme Southampton City Council will approve no more than 5 systems at any one time. Each system will have to meet the specifications set by Southampton City Council. We support the provision of choice for drivers but would encourage the council not to limit the number of systems and instead prioritise the affordability and availability of systems as a factor in their approval process. Drivers should not be overburdened with the cost of installing CCTV and equally the systems should be easily available for purchase by drivers so they can obtain the one they choose. Additionally, the systems should be reviewed regularly to take into consideration any new technology or more affordable products	<p>Each system uses different software to encrypt the data and requires different software with different processes. Limiting the number to 5 achieves a balance of choice and retains the knowledge and expertise needed to perform the downloads.</p> <p>The cost is a legitimate business expense that can be claimed on tax returns. Officers do and will continue to look for funding streams that will assist with the financing of taxi cameras. Officers would work with the trade if there was a need for a transition period.</p>

<p>that may come to market. We would be keen to understand what the transition period would be for drivers as time would be needed to be able to install the systems into their cars once the options are made available. 5. AUDIO RECORDING STRICTLY CONFIDENTIAL - CONTAINS COMMERCIAL SENSITIVE INFORMATION 5.3 To be properly prepared drivers should consider various potential scenarios and think of options on how they will deal with it in the safest manner. We would encourage the council to provide clearer guidance to drivers on the scenarios in question as the condition 5.4 lays out certain situations. The wording 'various potential scenarios' does not give enough information for drivers to follow. 6. DOWNLOADS 6.4 Data will only ever be downloaded on four occasions. It is unclear how operators can request data from drivers or councils. As an operator, we have the responsibility and requirement to investigate complaints and access to any CCTV footage would enable us to investigate complaints thoroughly. We would encourage the council to include a provision for operators to be given footage as part of 6.4 (iii) where a Data request is received from an applicant e.g. police or social services, that has a legitimate requirement to have access to the data requested to assist them in an investigation that involves a licensed vehicle or driver or passenger.</p>	<p>The drivers are best placed to understand the risks and dangers they face and are better placed to think of scenarios.</p> <p>An operator would need to ask the council for the download and demonstrate justification for this. Officers feel it is highly unlikely that operators will be able to meet that justification on a complaint they are not passing to the licensing authority to deal with.</p>
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**Drug Testing policy**

1.	However, it could be very inconvenient given if it is a busy time of the day, and the drivers need to work for it.	Public safety will outweigh the need for a driver to work. The timing of any testing will be part of any pre planned operation.
2.	Question is on who will finance this extra cost and the impact on drivers' earnings when the tests are taking place. School runs, cruise ships etc	The policy details the costs, namely from fees if agree to screening test or own expense if they refuse. The screening test will take a matter of minutes. Any further testing can be arranged at the convenience of the driver within a stated time frame.

3.	require evidence of satisfactory negative test, this will be another cost to drivers, I agree to do the test if you pay for it	Generally the cost will be covered by licensing, however drivers who refuse a screening test without good cause will be required to undertake a screening test at their own expense. Failure to do so will be considered in assessing fitness and propriety to continue to hold a licence.
4.	A Driver that is given fit by GP. It means Driver goes through record and test by GP. To add more random testing in Disrespectful to all hard-working Drivers. This is not licensing business to integer with Doctors jobs	See point 3 above
5.	<p>“I don't think so any drivers using drugs specifically when they are at work”</p> <p>“I don't think so any drivers using drug when they work.”</p> <p>“Taxi driver not using drug when they working.”</p>	We hope that is the case but need to have a policy in place to deal with incidents when it is suspected. The policy gives protection to all parties.
6.	Will this just be on recreational drugs? There are a few different cultures that use drugs to act as a stimulant and to keep them awake all night.	The policy lists the drugs it will normally look for. The purpose is to ensure drivers remain fit.
7.	And the drug testing policy when will u learn. Yet another point to be challenged on	The purpose of the consultation is to invite challenge to allow the policy to be fit for purpose. Officers feel this reaches a compromise between no testing and mandatory testing to promote public safety.
8.	If someone choses to drink or take drugs when not at work then that is their private personal affair. To take drugs or drink then at work however is wrong, of course! Surely there is a means to screen for safety during work? To expect complete sobriety at all hours is a way bigger ask, many statutory services don't demand it of their workers so why demand it of drivers who have distinct time off work and time working? What someone choses to do to their body when not working is their business and no one else's.	The effects continue long after the act of consumption. This policy is about ensuring licence holders remain safe and suitable.
9.	“We all know most drugs are out of the system after 72 hours. If you have	The lack of checks in another area is not a reason to fail to carry out checks in our

	<p>a drug issue . You can just licence in a different area . In addition to that . The equalities act is quite clear that drug addiction and or use caused my medical intervention is a protected characteristic . My main concerns are that this would lead to discrimination.”</p> <p>“Further clarification should have been given in regard to the equalities act and drug testing.”</p>	<p>area. The Equalities Act specifically excludes addiction or dependency on alcohol or drugs unless the addiction was originally the result of medically prescribed drugs or other medical treatment. Each case is dealt with on its own merits but ultimately a driver needs to demonstrate they are fit and proper.</p>
10.	<p>Random drug testing is overbearing. If you consider that drugs would endanger the general population through unfitness to drive, then you should perhaps do the same for all council employees (and not just drivers) to ensure their fitness to work and also councillors to ensure that their fitness to make prudent decisions is not impaired. There are plenty of poor council decisions...</p>	<p>The Council is consulting on introducing such a scheme for employees.</p>
11.	<p>Most of the people still not trusting taxi driver which you can realized when you picking up customers. When they are always trying to show some one is tracking them. If you keep doing these it will show you find something, that's why you start to doing this step, so they are not going to trust taxi driver at all.</p>	<p>By having measures in place to ensure licence holders are fit and proper should build trust. This can easily be eroded if any drivers consistently fail to reach the standards required.</p>
12.	<p>“I feel that if the council or licensing have any suspicion of illegal drug taking, they should report it to the police's don't think it is the licencing dept. Job to act as police officers. If it is found that an individual is driving under the influence of drugs that is when licensing should be involved.”</p> <p>“How will the drug test be done and who will be doing them ? If someone has been reported to you have been taking drugs why haven't you just informed the police?.”</p>	<p>The police role is to bring people to justice, the role of the licensing authority is to protect the public. We achieve this by ensuring licence holders are fit and proper.</p> <p>The Police do not have the resources to assist with this. We will work with the Police when we find evidence of drug abuse.</p>

13.	<p>Unless drivers are showing signs of drug misuse then drug tests should not be used. If a driver shows signs of being impaired while working, then an alcohol breath test should be the first port of call before instantly thinking drug use. Drug tests should ONLY be used when there is a justified reason and a significant suspicion with supporting information. Bearing in mind driver pick up MANY passengers who have used cannabis (some right before stepping into the vehicle) and it makes the car smell. This can linger on to the next passenger so reports of the car smelling of cannabis should only be acted on if they are repeated reports or accompanied by reports of the driver acting impaired. If licencing wants to pull drivers at random, it should be while they are working only, and as a complete check of their suitability to drive at that moment. This includes car condition and state and how the driver is. At this point alcohol or drug tests should only be administered if there is significant suspicion a driver is under the influence and not applied to drivers at random. Random drug tests for drivers is a breach of our rights and suggests SCC do not trust their drivers despite the lengths they go to get their licence including enhanced DBS.</p>	<p>Proportionate random testing assists in encouraging licence holders to remain fit and proper.</p> <p>Officers do trust the vast majority of licence holders, sadly there is a number of licence holders that fall short of the standards required despite the checks undertaken.</p>
14.	<p>If your new policy on drug testing is agreed, how are you going to implement it? Are you going to model the drug testing policy on Portsmouth City Council's taxi and private hire policy? If so, the drug testing policy in 2016 that was undertaken in Southampton by the Portsmouth licensing team, was a disaster. The sample was lost in the post and the driver had his licence taken away for nearly 2 weeks? So how are you going to put this into practice? Have you</p>	<p>Any decision to suspend or revoke is considered on the merits of each case. As long as the authority has acted reasonably there will be no reason to compensate licence holders.</p> <p>Portsmouth carry out compulsory drug testing at the time of renewal. This is not our intention. We believe that a less intrusive and cost effective method would be to have the ability to require a screening test upon the request of a Licensing Enforcement Officer. This can be</p>

	also considered (doubt it) the ingredients that chocolate bars, Ibuprofen tablets, and something I took in the form of a liquid medicine which I bought from my local One Stop store which was Corvonia for a chest infection, when you peel the back of the label off, it reads contains alcohol? The drug policy needs to be 100% Fit and Proper. If a sample is sent away for analysis and it proves to be negative, but the driver's licence has been suspended until results are available, do we receive compensation from your department?	<p>incorporated with other proactive operations or carried out as a stand alone test or operation depending on operational need and resources. We do not want to rely on other authorities to carry out the procedure.</p> <p>We will not rely on a screening test to take action against a driver. It would be a drug test that will be properly administered and can stand up to the standards required for a criminal prosecution. This will ensure that it detects a level that indicates drug abuse, and not a trace detection that could be left by a lawful substance or food.</p>
15.	Have not stated which Drugs. Will it be the same as what is on TFL's list ? Will it be drawn blood and where ? If not, how will it be done ? With or without legal representative ? What constitutes a suspicion. Will it only be from fully identified person to prevent random vendettas ? Will it be only the Licensing Team conducting random or regular checks ? 3.TFL also has alcohol tests which we do not have. Is this up for consideration ?	<p>The document lists the type of drugs it will screen for.</p> <p>Each case will be decided upon its own merits. We have not considered alcohol testing at this time. Alcohol use is normally easier to identify.</p>
16.	Drug testing should be done on the Driver, by council individual because some Driver is not drinking, no smoking, nothing bring them up to the test, not fair for them. Thank you	No comment

### **Card Machines requirement**

1.	Drivers has the right to demand cash.	There is no right in law to demand cash. Refusing a card payment is not a valid reason to refuse a journey.
2.	Many times, we have signal issues.	Drivers have to take journeys in the city where coverage is good and unlikely to be an issue. They can refuse journeys outside of the city where this may be an issue. Passengers can pay by bank transfer.
3.	“Taxi driver all self-employed they should decide to accept or not. “	Which they can but refusing a fare because the customer wishes to pay by card is not

	“Taxi drivers are self-employed they must decide to take card payments or not.”	acceptable and is in breach of the legislation if the journey is wholly in the city.
4.	“Each time we take card, we are charged 1.69%. Legislation should be changed so that the customer has to pay that and not the driver.” “For every cards payment we must pay commission to the card supplier. Some area signal issues.”	This is currently the legislation.
5.	All of hackney drivers got their card machine after covid19, so this proposals not going to change anything.	There are some resistant to this change, however it has been a docks rule since 2023 and there have been no issues brought to our attention.
6.	I fail to see how it is your business to tell anybody they should take payment that is not legal tender unless they are willing to underwrite any losses for non-payments if the card does not work	Purpose is to stop ‘cherry picking’ of fares. Banks will normally cover any loses unless the user has been negligent.
7.	“Card machines are welcome but not instead of cash. Older people prefer to use cash and the choice should remain.” “It is also very important that all drivers are also required to accept cash if offered as payment.”	The choice remains. The requirement is to have a card machine, not that it must be used, however refusing a card paying customer for a journey in the boundary is likely to be illegal.
8.	We lose money, for example tips from the costumers and the other hand card machine charging us, the charge of the card machine that it is taking from us, could cover our bills.	Fares set in Southampton are amongst the highest in the country and will continue to be reviewed regularly.
9.	Would the council tender this idea to different card machine companies to get a better deal for the trade, as they do in London?	This is beyond the remit of administering the licences and any officer time spent would need to come from council funds. Also the numbers in Southampton are considerably less than London so unlikely to attract interest from the card companies.
10.	Details of card machines and 24-hour SUPPORT service level for card machines	This will be for proprietors to organise.
11.	If the driver refuses to take a card payment what will happen to him or her or they?	Each case is dealt with on its own merits. Depending on the circumstances it may be an offence that can be prosecuted and current policy will support not licensing an individual for such a conviction for a period of 5 years.

12.	Both cash and card should be mandatory, I don't want to see the cash element replaced by card only.	There is no intention to only allow card payments. By requiring vehicles to have a card machine it will stop drivers refusing journeys in the city if they wish to pay by card.
13.	The machines should be affordable for taxi drivers to carry and use/manage. Ideally, they should rent them or have some of the cost covered by the taxi firm rather than be lumped with all the costs to have them in the cab.	The costs and management of the card paying schemes is overseen by FCA.
14.	When customers use contactless payments if the card is stolen or not authorised the payment reverts to the card holder. As Hackney Carriage pick up everywhere, don't have fixed pickup & drop-off address.	Less than 1% of bank card fraud is as a result of contactless payments. The risks are minimal and no doubt can be recovered with appropriate insurance.
15.	Sometimes they say I pay by card but the end the card show me decline and during the night they make lots of excuse to run away. So, I have cards machine they can pay by card but not by force.	This is sensible
16.	If a driver's card machine is not working. Then the driver must let the passenger ride for free, and that they must go home until such times as the machine is working. This will ensure that all drivers have a working machine.	No comment
17.	Restricted' 'Specialised' Private Hire vehicles to be exempt. Due to the nature of the client's payment is by invoice and can be pre-paid or post-paid by bank transfer. Occasionally card payment is taken but in the office via a secure website. I never take card payments at the time of service and do not have a card machine	This condition will only apply to hackney carriages
18.	You can never guarantee to have a working card machine when you are mobile as it depends on having a signal where you are taking payment. 2.What would happen if the internet was to go down or if the	You can still take cash and the banks system are fairly resilient and all on different servers etc.



	server is down for maintenance. This would mean all taxis would be off the road as no taxi driver will work for no payment.	
19.	I find it distasteful that this council which is nearly bankrupt, can order us to have card machines? It places far too much burden on drivers to ensure that there is a constant SIM card signal available, constant internet connection, absolutely zero failures on behalf of the customers online banking, or indeed the driver's own internet banking? How do we know that the customer's card is working and has money in their account? If you want to provide this facility, do not accept the burden of constantly working. Customers should have the facility to pay cash when required and if that means going to a cash machine to get money for the driver, that would be acceptable and should be written into your conditions. I have considered your three new policies and I speak as a sole trade not as the chair of the SHPHA and I hope that you will treat my valued time for completing this questionnaire and respect my comments?."	The city has excellent coverage. Cash can be accepted but a card machine has to be available for use.
20.	Yet again u are trying to impose even more. Restrictions on us telling us we must take card payments I have a card machine and have had several times where I couldn't get a signal in one the customer had no cash, so I had to do job for free yet again u fell to understand the meaning of self-employed .U do not have the right to tell us how we take payments for journeys that's our choice I disagree with this policy. " "1. The new proposed addition states - to always take electronic payments. This statement infers that	This has been asked for by trade reps at taxi forums to prevent cherry picking of work. The proposed condition is <i>Ensure the vehicle is equipped with a card payment terminal which can accept payment by credit/debit card, including contactless. Ensure the device is connected, maintained, and working to ensure customers can pay by card for any journey. Receipts shall be issued upon request.</i> There is no requirement to only accept card payments. Other points raised covered above.,

	<p>when the card machine is not working the Taxi is then 'off the road. 'Would then incur loss of earnings. Reasons card machine may not work with no fault of the driver. Due to 'no signal'. Banks offline for a few hours. Technical fault with card machine. Fault with banks network or mobile network . I propose a good size sticker to say ' NO CARD MACHINE ' with city logo. So, a customer can efficiently ! go to the next Taxi. This then gives a good insensitive for drivers to buy a card machine. Also, a driver could not reject a small job using the excuse he has 'no card machine' when he has. Or maybe taking cash for selected journeys saying he does not have card machine. Stops the picking and choosing of jobs. We may prefer a card machine but remember to force other drivers to have a card machine. You are forcing a selfemployed driver to take less profit for each journey. The card machines are not free and there is a high percentage taken off each fare for the cards use.</p>	
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# Agenda Item 7

<b>DECISION-MAKER:</b>	LICENSING COMMITTEE
<b>SUBJECT:</b>	TRIENNIAL REVIEW OF THE GAMBLING ACT 2005 STATEMENT OF LICENSING PRINCIPLES
<b>DATE OF DECISION:</b>	26 <sup>th</sup> June 2024
<b>REPORT OF:</b>	<b>Service Manager: Licensing</b>

<b><u>CONTACT DETAILS</u></b>			
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<b>STATEMENT OF CONFIDENTIALITY</b>	
N/A	
<b>BRIEF SUMMARY</b>	
Approval is sought to consult on the council's statement of licensing principles (SLP) for the Gambling Act 2005. Section 349 of the Gambling Act 2005 requires the City Council, as licensing authority, to prepare and publish a SLP that it proposes to apply in exercising its functions under the Act. The Council adopted its first policy from January 2007. This policy must be reviewed at least every three years. The Gambling Commission require SLPs to be adopted by 31st January 2025.	
<b>RECOMMENDATIONS:</b>	
(i)	That the committee considers the proposed SLP (Appendix 1) and approves it to be used to go out to consultation for a period of three months.
<b>REASONS FOR REPORT RECOMMENDATIONS</b>	
1.	The Council has a statutory obligation to adopt, review and maintain a Statement of Licensing Principles (policy) in relation to the functions allocated to it under the Act.
<b>ALTERNATIVE OPTIONS CONSIDERED AND REJECTED</b>	
2.	Not applicable, the Council is required to have a SLP by law.
<b>DETAIL (Including consultation carried out)</b>	
3.	Section 349 of the Act requires each licensing authority to prepare and publish a statement of principles that they propose to apply in exercising their functions under the Act.
	The Act provides for three categories of licence:- (a) Operating licences;

	(b) Personal licences; and (c) Premises licences
	The Gambling Commission issues operating licences and personal licences; and licensing authorities issue premises licences. This has the effect of placing on line gambling under the remit of the Gambling Commission, not the local authority.
	The main functions of licensing authorities under the Act are as follows: - <ul style="list-style-type: none"> <li>• Licensing premises for gambling activities □</li> <li>• Considering notices given for the temporary use of premises for gambling □</li> <li>• Granting permits for gaming and gaming machines in clubs and miners' welfare institutes</li> <li>• Regulating gaming and gaming machines in alcohol licensed premises</li> <li>• Granting permits to family entertainment centres for the use of certain lower stake gaming machines</li> <li>• Granting permits for prize gaming</li> <li>• Considering occasional use notices for betting at tracks</li> <li>• Registering small societies' lotteries</li> </ul>
	In April 2021 the Gambling Commission issued revised detailed guidance to licensing authorities on the manner in which they are to exercise their functions under the Act, and in particular, the principles they should apply in exercising their functions. The Gambling Commission intends to update this guidance later this year but accept it will be too late to allow licensing authorities to include in their statement of licensing principles. Licensing authorities will have to consider both their local statement of licensing principles and any revised guidance from the Gambling Commission when determining applications. If necessary the adoption process will be repeated to include any amendments in light of future guidance
	The vast majority of the SLP is prescriptive or flows from statutory guidance which is expected to be included in the document unless there is very good reason not to do so. The Council has also had the benefit of Leading Counsel's opinion on the draft SLP in order to ensure it meets all statutory requirements
	The changes to the policy are mainly very minor and are shown as tracked changes in appendix 1. There is significant change in the Casino section in Section 15. This shows the process that will be adopted should the council decide to invite applications. IT DOES NOT ADDRESS THE DECISION OF THE COUNCIL WHETHER TO PROGRES WITH INVITES OR NOT FOR A LARGE CASINO. This question will be dealt with separately to the adoption of the SLPs.
<b>RESOURCE IMPLICATIONS</b>	
<b><u>Capital/Revenue</u></b>	
	N/A
<b><u>Property/Other</u></b>	
	N/A

<b>LEGAL IMPLICATIONS</b>	
<b><u>Statutory power to undertake proposals in the report:</u></b>	
	Section 349 of the Gambling Act 2005.
<b><u>Other Legal Implications:</u></b>	
	The SLP sets out the factors which the Licensing Authority shall take into account, along with relevant statutory guidance, the Gambling Act 2005 and Regulations made thereunder when performing its licensing functions. It is important to note and reiterate that the Licensing Authority is unable to consider issues relating to morality or demand when determining premises licence applications.
	<p>Equality Act 2010</p> <p>Public authorities, under the Equality Act 2010, have a legal obligation to have due regard to the need to eliminate unlawful discrimination, harassment and victimisation; to advance equality of opportunity; and to foster good relations, between persons with different protected characteristics. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation. An Equality Impact Assessment has not been carried out in this instance as the risks associated with the publication of this document on this duty are considered to be low.</p>
	<p>Human Rights Act 1998</p> <p>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.</p>
	<p>Crime and Disorder Act 1998</p> <p>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.</p>
<b>RISK MANAGEMENT IMPLICATIONS</b>	
	Failure to properly consult or adopt such a policy will leave decisions by the authority at risk of challenge. Failure to adopt the SLP leaves the authority unable to perform its statutory functions and therefore the risk is high in this regard.
<b>POLICY FRAMEWORK IMPLICATIONS</b>	
	The Gambling Act policy is one of the policy framework documents that is required to be considered and adopted by full Council on a triennial basis.

<b>KEY DECISION?</b>	<b>No</b>
<b>WARDS/COMMUNITIES AFFECTED:</b>	All
<u>SUPPORTING DOCUMENTATION</u>	
<b>Appendices</b>	
1.	Proposed Gambling Act 2005 SLP
<b>Documents In Members' Rooms</b>	
1.	
2.	
<b>Equality Impact Assessment</b>	
<b>Do the implications/subject of the report require an Equality and Safety Impact Assessment (ESIA) to be carried out.</b>	<b>No</b>
<b>Data Protection Impact Assessment</b>	
<b>Do the implications/subject of the report require a Data Protection Impact Assessment (DPIA) to be carried out.</b>	<b>No</b>
<b>Other Background Documents</b>	
<b>Other Background documents available for inspection at:</b>	
<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.	



## GAMBLING ACT 2005 SECTION 349

### STATEMENT OF PRINCIPLES

This Statement of Principles, unless otherwise amended, will remain in force from 31st January 202~~5~~ until 31st January 202~~8~~.

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Appendix B - Local Profile.....	<del>43</del>	Deleted: 40

## Part A – General

### Part A - General

#### 1.0 Licensing Objectives

1.1 In exercising most of its functions under the Gambling Act 2005, the Licensing Authority must have regard to the licensing objectives as set out in Section 1 of the Act. The licensing objectives are:

- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;
- Ensuring that gambling is conducted in a fair and open way; and
- Protecting children and other vulnerable persons from being harmed or exploited by gambling

1.2 The Licensing Authority is aware ~~the~~ the Gambling Commission has stated ~~the~~ requirement in relation to children is explicitly to protect them from being harmed or exploited by gambling.

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1.3 Various reports identify an increase in online gambling and the impact this has on our communities. The Licensing Authority recognises this but understands the remit for local authorities does not include online gambling but will take the impacts into consideration.

1.4 This Licensing Authority is aware that in accordance with Section 153 of the Act, in making its decisions about premises licences and temporary use notices it should aim to permit the use of the premises for gambling in so far as it thinks it:

- (a) in accordance with any relevant code of practice under section 24,
- (b) in accordance with any relevant guidance issued by the Commission under section 25,
- (c) reasonably consistent with the licensing objectives (subject to paragraphs (a) and (b)), and
- (d) in accordance with the statement published by the authority under section 349 (subject to paragraphs (a) to (c)).

#### 2.0 Introduction

2.1 Southampton City is the south coast's regional capital with a population of over 263,700 in an area of 50 square km. Southampton City is the gateway to a wide range of world-class features from the Solent with its marine leisure opportunities to the New Forest National Park. The city is home to two universities, the University of Southampton and Southampton Solent University, with around 37,800 higher education students.

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2.2 Southampton has a rich heritage, with a famous seafaring history as an important Roman port. The Old Town is surrounded by a stretch of medieval walls. Southampton's sixty scheduled monuments include the town walls, numerous medieval vaults and cellars, the Tudor House Museum and the Roman remains at Bitterne Manor.

Commented [VM2]: From pop size and structure [Population size and structure \(southampton.gov.uk\)](#)

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## Part A – General

2.3 Southampton is the cruise capital of northern Europe with 2m passengers passing through the port annually. The Port of Southampton is the UK's number one export port and is the country's leading port for automotive trade.

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Southampton City Council is developing a masterplan for the Mayflower Quarter, which sets out development from the north of Southampton Central train station to the waterfront. The development will provide facilities for businesses, alongside city centre homes and leisure opportunities. Engagement on Mayflower Quarter with key stakeholders across Southampton has taken place. Southampton City Council is now reaching out to the wider community for suggestions for the Mayflower Quarter area.

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2.4 The Southampton Economic & Green Growth Strategy sets out plans to restore and renew Southampton as a greener, fairer and healthier city. The plans will be delivered over a 10-year period, from 2020-2030. Significant opportunities for funding have already been identified, including a £250 million development at Leisureworld, estimated to create 1,000 jobs. The development is planned to include a cinema, casino, leisure and wellbeing facilities, 650 new homes, two 150-room hotels, 80 serviced hotel apartments and a modern workspace.

2.5 Southampton City Centre is working with developer Tellon Capital to rejuvenate the Bargate Quarter in Southampton, the development is planned to include New Bargate to Queensway 'linear park' to showcase city's historic walls. Approximately 519 residential units. Approximately 2,515 square metres of retail. Hotel plans withdrawn in favour of new homes for local people. The developer is due to start during 2021 with a planned completion date of 2025.

2.6 Southampton City Council's is planning the regeneration of Bitterne District Centre through investment in public services in the Bitterne Hub. The Bitterne Hub development is planned to include a library, healthcare centre and leisure centre. The Hub development also creates the opportunity for new homes including extra care facilities through the release of some of the land currently occupied by these facilities.

2.7 In June 2024 gambling facilities in the city included three casinos, four bingo clubs, 31 betting offices, 15 amusement centres, one betting track, and 115 premises licensed for the supply of alcohol for consumption on the premises which have gaming machines installed.

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2.8 A map of the Southampton area is attached as Appendix A.

### 3.0 Consultation on the Statement of Principles

3.1 Licensing Authorities are required by the Gambling Act 2005 to publish a statement of the principles they propose to apply when exercising their functions. This statement must be published at least every three years. The statement must also be reviewed from "time to time" and any amended parts re-consulted upon. The statement must then be re-published.

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3.2 The Licensing Authority has consulted widely on this statement before finalising and publishing it. It should be noted unsolicited comments may have been received from other persons but all of these have not been listed.

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3.3 The Gambling Act requires the following parties be consulted by licensing authorities:

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## Part A – General

- The Chief Officer of Police for Hampshire;
- One or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the Southampton area;
- One or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Act.

**3.4** This policy has been drafted after consultation with the following organisations and individuals.

- Adult Social Care
- Betting & Gaming Council
- British Amusement Catering Trade Association
- Bingo Association
- British Beer & Pub Association
- British Holiday & Home Parks Association
- Citizens Advice
- Community Safety
- Environmental Health
- Federation of licensed victuallers
- Gamblers Anonymous
- BeGambleAware
- Gambling Commission
- Gamcare
- Gamestec
- Gamstop
- Hampshire Constabulary
- Hampshire Fire and Rescue Service
- HM Revenue & Customs
- Licence holders including all the permit holders
- Local courts
- Mencap
- Planning and Sustainability
- Public Health Southampton
- Racecourse Association Ltd
- Safeguarding Children

## Part A – General

- Trading Standards

Additionally it was available for the general public through the Consultation web page of Southampton City Council

- 3.5 The full list of comments made and the consideration by the Council can be obtained from the Licensing Team, Southampton City Council, Civic Centre, Southampton SO14 7LY. The first policy was approved at a meeting of the Full Council on 15th November 2006 and has been subsequently revised and published via the Council's website ([www.southampton.gov.uk/gamblingslp](http://www.southampton.gov.uk/gamblingslp)). Copies are placed in all the city's public libraries as well as being available from the Licensing Team at the Civic Centre.
- 3.6 The Licensing Authority will also consult the above and any other relevant persons as may be appropriate for any subsequent revision of the statement.

- 3.7 Any comments as regards this statement should be sent to:

The Licensing Manager

Southampton City Council  
Civic Centre  
Southampton  
SO14 7LY  
Tel: 023 8083 3002  
Email: [licensing.policy@southampton.gov.uk](mailto:licensing.policy@southampton.gov.uk)

- 3.8 It should be noted this Statement of Principles will not override the right of any person to make an application, make representations about an application, or apply for a review of a licence as each will be considered on its own merits and according to the statutory requirements of the Gambling Act 2005.

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### 4.0 Declaration

- 4.1 In publishing this document, the Licensing Authority declares it has had regard to the licensing objectives of the Act, guidance issued by both the Government and the Gambling Commission and any responses from those consulted on the statement.

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### 5.0 Responsible authorities and interested parties

- 5.1 When dealing with applications for and reviews of premises licences, the Licensing Authority is obliged to consider representations from two categories of persons, referred to as "responsible authorities" and "interested parties." (It should be noted these are defined differently to those defined in the Licensing Act 2003). Representations made by persons other than responsible authorities or interested parties will be inadmissible.

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- 5.2 "Responsible authorities" are public bodies that must be notified of applications by the applicant. They are as follows:

- the Licensing Authority in whose area the premises are wholly or partly situated;
- the Gambling Commission;

## Part A – General

- the Chief Officer of Police;
- the Fire and Rescue Authority;
- the Local Planning Authority;
- the Public Protection Service;
- the Southampton Local Safeguarding Children Board;
- HM Revenue and Customs; and
- Any other person prescribed by the Secretary of State

**5.3** A full list and contact details of all the Responsible Authorities under the Act are contained on the Council’s website ([www.southampton.gov.uk/licensing](http://www.southampton.gov.uk/licensing)).

**5.4** The Licensing Authority is required by the regulations to state the principles it will apply in exercising its powers under Section 157(h) of the Act when designating in writing, a body which is competent to advise the authority about the protection of children from harm. The principles are:

- The need for the body to be responsible for an area covering the whole of the Licensing Authority’s area; and
- The need for the body to be answerable to democratically elected persons, rather than any particular vested interest group.

**5.5** In accordance with the suggestion in the Gambling Commission’s Guidance to Local Authorities, this authority has approached the Local Children’s Safeguarding Board who in turn have designated Southampton Children Services as the body that is competent to advise the authority about the protection of children from harm.

**5.6** “Interested parties” are persons who may make representations about licence applications or apply for a review of an existing licence. These parties are defined in the Act as follows:

“A person is an interested party in relation to an application for or in respect of a premises licence if, in the opinion of the Licensing Authority which issues the licence or to which the application is made, the person -

- lives sufficiently close to the premises to be likely to be affected by the authorised activities; or
- has business interests that might be affected by the authorised activities; or
- represents persons in either of those two groups referred to above”.

**5.7** Each case will be considered on its merits. This authority will not apply a rigid rule to its decision making. It will consider the examples of considerations provided in the Gambling Commission’s Guidance to Local Authorities.

**5.8** It will also consider the Gambling Commission’s Guidance that “has business interests” should be given the widest possible interpretation and include partnerships, charities, faith groups and medical practices.

**5.9** The Gambling Commission has recommended, the Licensing Authority states interested parties include trade associations, and trade unions, and residents and tenants’ associations (paragraph 6.21 of the Gambling Commission

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## Part A – General

Guidance to Local Authorities). This authority will not, however, generally view these bodies as interested parties unless they have a member who can be classed as an interested person under the terms of the Act, i.e. lives sufficiently close to the premises to be likely affected by the activities being applied for or has business interests that might be affected.

- 5.10** Interested parties can be persons who are democratically elected such as local councillors and MPs. No specific evidence of being asked to represent an interested person will be required as long as the councillor / MP represent the ward likely to be affected.
- 5.11** If interested parties wish to approach councillors to ask them to represent their views then care should be taken that the councillors are not part of the Licensing Committee dealing with that particular licence application. If there are any doubts then please contact
- Democratic Services  
Southampton City Council  
Civic Centre  
Southampton  
SO14 7LY
- 5.12** Other than these however, this authority will generally require written evidence that a person/body (e.g. an advocate / relative) 'represents' someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or has business interests that might be affected by the authorised activities. A letter from one of these persons, requesting the representation is sufficient.

### **6.0 Exchange of Information**

- 6.1** Licensing Authorities are required to include in their statements the principles to be applied by the authority in exercising the functions under sections 29 and 30 of the Act with respect to the exchange of information between it and the Gambling Commission, and the functions under section 350 of the Act with respect to the exchange of information between it and the other persons listed in Schedule 6 to the Act.
- 6.2** The Licensing Authority will act in accordance with the provisions of the Act in its exchange of information which includes the provision that the Data Protection Act 2018, UK General Data Protection Regulations and other associated legislation will not be contravened. The Licensing Authority will also have regard to the Gambling Commission's Guidance to licensing authorities, in particular part 13 or any other part of the guidance that is applicable as and when amended.

### **7.0 Compliance and Enforcement**

- 7.1** Licensing Authorities are required by regulation under the Act to state the principles to be applied by the authority in exercising the functions under Part 15 of the Act with respect to the inspection of premises; and the powers under section 346 of the Act to institute criminal proceedings in respect of the offences specified.

## Part A – General

7.2 This Licensing Authority's principles are that It will be guided by the Gambling Commission's "Guidance to Local Authorities", will adopt a risk-based inspection programme in accordance with the Regulators' Compliance Code and will endeavour to be:

- **Proportionate:** intervention only when necessary; remedies should be appropriate to the risk posed, and costs identified and minimised;
- **Accountable:** decisions must be justified, and subject to public scrutiny;
- **Consistent:** rules and standards must be joined up and implemented fairly;
- **Transparent:** regulators should be open, and keep regulations simple and user friendly; and
- **Targeted:** focused on the problem and minimise side effects.

7.3 The Licensing Authority will endeavour to avoid duplication with other regulatory regimes so far as possible.

7.4 The main enforcement and compliance role for the Licensing Authority is to ensure compliance with the premises licences and other authorisations. The Gambling Commission will be the enforcement body for the operator and personal licences it issues. It should also be noted concerns about the manufacture, supply or repair of gaming machines will not be dealt with by the Licensing Authority but will be notified to the Gambling Commission.

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7.5 In particular, the Gambling Act 2005 (Mandatory and Default Conditions) (England and Wales) Regulations 2007 (SI 2007 no. 1409) make provision for conditions to be attached to premises licences under section 167 and 168 of the Gambling Act 2005

7.6 The Licensing Authority will keep itself informed of developments as regards the work of the Better Regulation Executive in its consideration of the regulatory functions of local authorities.

7.7 Having regard to the principle of transparency, the Licensing Authority enforcement policy will be available on request to the Licensing Team.

7.8 Southampton City Council has an adopted Enforcement Policy which will be adhered to when considering enforcement activity.

### 8.0 The Licensing Authority Functions

8.1 The Licensing Authority will:

- Be responsible for the licensing of premises where gambling activities are to take place by issuing Premises Licences
- Issue Provisional Statements
- Regulate members' clubs and miners' welfare institutes who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits



## Part A – General

- Issue Club Machine Permits to Commercial Clubs
- Grant permits for the use of certain lower stake gaming machines at unlicensed Family Entertainment Centres
- Receive notifications from alcohol licensed premises (under the Licensing Act 2003) of the use of two or fewer gaming machines
- Issue Licensed Premises Gaming Machine Permits for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where more than two machines are required
- Register small society lotteries below prescribed thresholds
- Issue Prize Gaming Permits
- Receive and endorse Temporary Use Notices
- Receive Occasional Use Notices
- Provide information to the Gambling Commission regarding details of licences issued (see section above on information exchange)
- Maintain registers of the permits and licences issued under these functions

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**8.2** The Licensing Authority will not be involved in licensing remote gambling. This will fall to the Gambling Commission via Operator Licences.

## Part B – Premises Licences

### Part B – Premises Licences

#### 9.0 Premises Licences – What Standards the Licensing Authority Expects from Applicants

9.1 The Licensing Authority is required to take into account the following when taking decisions in respect of premises licences:

- (a) Relevant Gambling Commission Codes of Practice
- (b) Relevant Gambling Commission Guidance
- (c) Reasonable consistency with the Licensing Objectives (subject to a and b)
- (d) This is our gambling statement of principles (subject to a – c)

9.2 It is important for there to be clear guidelines as to how we will make decisions about premises licence applications. In this way we can be consistent and ensure the committee have clear reasons for decisions taken. It is also important to be transparent about this process so those who apply for licences and those who may have opinions about gambling premises know how the process works.

9.3 In light of this we have set out below what we are looking for from applicants looking to offer gambling in Southampton.

9.4 Each application for a premises licence will be considered on its merits; applicants are expected to show how they will meet licensing objective concerns, in order to be granted a licence. Where applicants fail to show how they will meet licensing objective concerns, licence conditions can be imposed or the application rejected.

#### 9.5 Licensing objectives: minimum standards for all premises

9.5.1. We expect high standards from all gambling premises. These standards are in line with the three licensing objectives of the Gambling Act.

9.5.2. The Commission's Licence Conditions and Codes of Practice (LCCP) which were revised and published in October 2020, formalise the need for operators to consider local risks.

9.5.3. All premises licensees are to assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises, and have policies, procedures and control measures to mitigate those risks. It will be expected that operators will factor in the levels of deprivation in their local area and exercise greater vigilance, where appropriate, in matters such as monitoring, intervention, self-exclusion and display of information. In undertaking their risk assessments, they must take into account relevant matters identified in the licensing authority's statement of policy. Appendix B provides details on local profiles in the city. This appendix is to be considered as a separate document from this policy to allow it to be easily updated if necessary.

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## Part B – Premises Licences

### 9.5.4. Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime:

Generally this objective will be addressed through operating licences issued by the Gambling Commission. However we will require that premises have protocols in place to prevent staff or customers becoming a victim of robbery and identify those persons who may be at risk and the existence of these protocols is well-publicised. We will also outline control measures for tracks, as track operators do not need to hold an operating licence. The Gambling Commission highlights “disorder is intended to mean activity that is more serious and disruptive than mere nuisance.” For example, was police assistance required? How threatening was the behaviour to those who could see or hear it?

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### 9.5.5. Ensuring gambling is conducted in a fair and open way

Generally this objective will be addressed by:

- The management of the gambling business (in conjunction with the Gambling Commission, who are responsible for issuing and enforcement of the operating licence).
- The personal licence holders proving their suitability and actions (which again is the responsibility of the Gambling Commission)

In the case of those premises that do not hold an operating licence such as tracks, additional conditions may be required dependent on the risks outlined in the application.

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### 9.5.6. Protecting children and other vulnerable persons from being harmed or exploited by gambling

The Gambling Act defines “children” as those persons under 16 years of age and “young persons” as those persons aged 16 or 17 years of age.

The term “vulnerable persons” is not defined, however the following offers some guidance:

- People who gamble more than they want to
- People who gamble beyond their means
- People who may not be able to make informed or balanced decisions about gambling due to a lack of mental capacity, potentially due to cognitive or mental health conditions, alcohol, drugs or even some pharmaceutical treatments.

The governments ‘Gambling-related harms evidence review’ updated on 30<sup>th</sup> September 2021 estimates 0.5% of the population reached the threshold to be considered problem gamblers and 3.8% of the population were considered as ‘at risk gamblers’. People identified as problem gamblers are more typically male and in younger age groups. The socio-demographic profile of gamblers appears to change as gambling risk increases, with harmful gambling associated with people who are unemployed and among people living in more deprived areas.

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In Southampton we will also consider the following people to be vulnerable to the risks of gambling:

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## Part B – Premises Licences

- Those who are dependent for a source of income on somebody who gambles more than they want to or beyond their means
- Those who are employed by gambling operators and have regular contact with gambling
- Those aged 16-29.
- Habitual players of gaming machines.

Additionally research by City of Westminster Council, Manchester City Council and the Local government Association identified the groups as at greater risk of harm from gambling. This list is not exhaustive but includes the following:

- Young people
- People from Asian or Oriental ethnic groups,
- People who are unemployed
- People in deprived areas
- People who are homeless
- People who are migrants
- People on probation
- People under the influence of drugs and/or alcohol
- People with some mental health, cognitive or neurodiverse conditions
- People with a history of problematic gambling

These factors need to be addressed by applicants and licence holders when completing their risk assessments, further information on these subjects are contained appendix B.

What constitutes harm or exploitation will have to be considered on a case-by-case basis.

We expect all premises licence holders to have suitable safeguarding policies in respect of children, young persons and vulnerable persons. We expect premises licence holders to ensure all staff are trained to recognise safeguarding issues when they arise and act appropriately. Such policies must be kept updated and staff training refreshed at frequent intervals.

Further we expect premises to display information on mental health, alcohol and drug services on-site where it is accessible by customers and staff.

### 9.5.7. General considerations for all gambling premises

We expect high standards from premises licence applicants in order to promote the licensing objectives. We will therefore look to apply licence conditions where appropriate to ensure these standards are met. The types of conditions we may look to apply in respect of all types of premises are listed below with more premises specific conditions listed in 10 to 19 below.

### 9.5.8. Data gathering and sharing

Keeping track of the incidence and handling of problem gambling in Southampton is a key part of promoting the licensing objectives. We

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Deleted: <#> with an inclination to gamble more than they want to or beyond their means¶

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Deleted: <#>Large Casino Premises contribution towards research, education and treatment ¶  
We expect any large casino operator to contribute towards any national and local problem gambling initiatives as deemed appropriate by the Licensing Authority from time to time. This may include the Responsible Gambling Trust and any projects within the City of Southampton.¶

## Part B – Premises Licences

expect all Southampton-based gambling premises to maintain a log and share this and other information with the Licensing Team upon request.

Data we consider should be recorded and shared includes (but is not exclusive to):

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- (a) Number of interventions in a calendar month along with a short description of the cause and effect
- (b) Number of cases in a calendar month where persons who have decided to voluntarily exclude themselves from the premises have tried to gain entry
- (c) Number of mandatory exclusions needing enforcement in a calendar month along with a short description of the cause and effect
- (d) Attempts to enter by those under age in a calendar month along with short description of incident and action
- (e) Attempts to enter by those under age in the company of adults in a calendar month along with short description of incident and action
- (f) Attempts to enter by those under age with complicit adults in a calendar month along with short description of incident and action
- (g) Incidents of 'at risk behaviour' (to be defined when a data request is made) in a calendar month along with short description of incident and action
- (h) Incidents of 'behaviour requiring immediate intervention' (to be defined when a data request is made) in a calendar month along with short description of incident and action.

We will look to work with the trade to ensure inconvenience is minimised while we build up a picture of gambling risks and progress in risk management. Before any publication, information shared with the Licensing Team would be redacted as appropriate, so as to prevent dissemination of clearly sensitive personal data.

### 9.5.9. Knowledge

We expect all customer-facing and management staff in premises licensed under the Gambling Act 2005 to have sufficient knowledge to tackle risks associated with gambling and know how to promote responsible gambling. Amongst other elements, staff knowledge should include (where appropriate):

- (a) The importance of social responsibility (Premises may wish to seek an audit from GamCare or such other appropriate body in order to obtain a Certificate of Social Responsibility)
- (b) Causes and consequences of problem gambling
- (c) Identifying and communicating with vulnerable persons: primary intervention and escalation

## Part B – Premises Licences

- (d) Dealing with problem gamblers: exclusion (mandatory and voluntary) and escalating for advice/treatment
- (e) Refusal of entry (alcohol and drugs)
- (f) Age verification procedures and need to return stakes/withdraw winnings if under age persons found gambling
- (g) Importance and enforcement of time/spend limits
- (h) The conditions of the licence
- (i) Maintaining an incident log
- (j) Offences under the Gambling Act
- (k) Categories of gaming machines and the stakes and odds associated with each machine
- (l) Types of gaming and the stakes and odds associated with each
- (m) Staff exclusion from gambling at the premises where they are employed and reasons for restriction
- (n) The "no tipping" rule, unless a common fund into which tips and service charges are paid for distribution to the staff (a "tronc") is established and conducted in accordance with current H.M. Revenue and Customs advice.
- (o) Ability to signpost customers to support services with respect to problem gambling, financial management, debt advice etc.
- (p) Safe cash-handling/payment of winnings
- (q) Identify forged ID and bar those using forged ID from the premises
- (r) Knowledge of a problem gambling helpline number (for their own use as well as customers)
- (s) The importance of not encouraging customers to:
  - Increase the amount of money they have decided to gamble
  - Enter into continuous gambling for a prolonged period
  - Continue gambling when they have expressed a wish to stop
  - Re-gamble winnings
  - Chase losses.

Above and beyond this we expect managers to have an in-depth knowledge of all of the above and be able to support staff in ensuring the highest standards with regard to protecting children and other vulnerable persons from being harmed or exploited by gambling.

In so far as training, we do not intend to duplicate any existing training requirement, such as may be required by the Gambling Commission's Code of Practice.

For premises that supply alcohol by retail under the authority of a premises licence granted under the Licensing Act 2003 staff to receive alcohol intervention training.

### 9.5.10. A self-exclusion scheme

## Part B – Premises Licences

We expect all premises to operate a voluntary exclusion scheme. This means wherever customers request to be excluded from the premises, they are excluded for an agreed timeframe. A self-exclusion facility should be supported by a written agreement drawn up in accordance with the relevant code of practice and trade association advice. The premises take responsibility for ensuring the person who requests voluntary exclusion is not readmitted during the agreed period unless a counselling session has first been held and re-admittance agreed.

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### 9.5.11. Intervention to protect vulnerable persons from being harmed or exploited by gambling

We expect all premises offering gambling to have a mechanism in place to identify vulnerable persons and to monitor and intervene where customers may be gambling beyond their means or more than they would like or otherwise in a way that is harmful, or it is suspected it may be harmful to others who are dependent on them. Intervention may include raising the customer's awareness of the existence of support services and the availability of a voluntary exclusion scheme. However intervention may also include directing a counselling session and following that session potentially mandatory exclusion.

To reduce the impact of harmful gambling on associates of participants premises to have in place interventions for individuals who are displaying anger or aggressive behaviour linked to their gambling prior to leaving the premises.

Beyond this we do not wish to be overly prescriptive in how intervention shall proceed. This is a developing area and we feel there are benefits with different operators trying out different approaches; the best of which can then be taken forward on a wider scale.

### 9.5.12. The location of gambling premises

Locations for gambling premises, which may pose problems, include those in close proximity to premises frequented by children or other vulnerable persons e.g. schools or parks. Each case will be considered on its merits and if adequate measures are put in place in accordance with this policy to restrict access to children, protect vulnerable persons and prevent crime and disorder, there is no reason why one location poses substantively more risk than another. We recognise the presence of gambling premises with a constant stream of trade in what may have formerly been an underused area may serve to reduce crime and disorder, however this will only be the case where necessary safeguards are put in place either by the operator or by the licensing authority in the form of licence conditions.

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### 9.5.13. Layout and Access

Premises should ensure appropriate systems and procedures are in place to ensure the exclusion of those persons who have requested to be excluded as well as under 18s (where appropriate). This should include, at minimum, a "Think 21" scheme with acceptable ID limited to either a photo driving licence, passport or PASS accredited proof-of-age scheme. Prominent signage at all entrances should indicate this requirement. We would encourage easily visible exit signs and large clock faces to be placed so visitors do not lose track of time

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## Part B – Premises Licences

Whilst under 18s CANNOT enter the vast majority of licensed gambling premises, there are exceptions. Under 18s CAN enter:

- The gambling areas of a bingo club other than areas containing category C and above gaming machines
- The gambling areas of a track (on race days) other than off-course betting and areas containing category C gaming machines
- Licensed Family Entertainment Centres (FEC)  
(See the prescribed mandatory and default conditions and Gambling Commission guidance and codes of practice for details of under 18s rights of access and participation.)

In the case of premises that are able to allow under 18s to access some gambling areas, due attention should be given to layout and access to ensure under 18s do not participate in gambling or gain access to areas where access is restricted, and the areas are suitably monitored.

Where category C or above gaming machines are available in premises to which under 18s are admitted, we expect:

- All such machines are located in an area of the premises separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance
- Only over 18s are admitted to the area where these machines are located
- Access to the area where the machines are located is supervised
- The area where the machines are located is arranged so it can be observed by staff of the operator or the licence holder
- At the entrance to, and inside any such area there are prominently displayed notices indicating access to the area is prohibited to persons under 18.

Where under 18s are loitering outside the premises, steps should be taken by the premises licence holder to discourage them from loitering there and consideration should be made to reporting this to the police or education welfare officer as appropriate.

Furthermore, premises should ensure vulnerable persons are either excluded from gambling (in the case of those who are under the influence of alcohol or drugs, under voluntary exclusion or have been excluded for whatever other reason) or are under supervision with the possibility of intervention. Such exclusions should not discriminate against people who may be wrongly judged to be vulnerable e.g. people with a protected characteristic under the Equality Act 2010; we recognise this may be a difficult judgement to make at times and premises should ensure staff are trained to make reasonable and non-discriminatory judgements.

Whilst supervisors of entrances and exits may need to be registered with the Security Industry Authority, we expect all customer-facing and managerial staff in Southampton to show a due level of competence and

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## Part B – Premises Licences

understanding of responsible gambling. This may, for example, involve undergoing training and sitting an examination.

Sometimes several licences may be in place for just one premises or one licence may cover only part of the premises. In light of this operators must carefully consider the premises layout to ensure children and young persons (as appropriate) neither gain access to areas used for gambling nor are brought into close proximity to gambling.

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### 9.5.14. Access

Premises should take such steps as are reasonably practicable to ensure entrances and exits to the premises will enable persons using the premises (including disabled persons) and the facilities to be safe and free from risks to health and while such persons are present on the premises every exit provided for their use shall be unsecured and free from obstruction.

### 9.5.15. Staff restrictions on access to gambling

Gambling premises staff are brought into close proximity with gaming and/or gaming machines on a regular basis and therefore may have a heightened vulnerability to problem gambling. There is also a risk of off duty staff colluding with their colleagues. For these reasons we feel staff must be excluded from gaming or gambling on the premises at which they work at all times. Larger operators may also want to consider offering an Employee Assistance Programme. Smaller operators may simply wish to refer staff with gambling problems to a local counselling service.

### 9.5.16. Staff to customer ratio

To ensure the safety of both customers and staff, sufficient staffing numbers should be in place at all times the premises is open. All premises will be expected to demonstrate they will have in place a suitable staff to customer ratio as appropriate to the premises. A suitable ratio should take into account the protection of staff and customers with respect to the crime and disorder objective as well as the objective of protecting children and other vulnerable persons from being harmed or exploited by gambling.

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When deciding their ratio we would advise premises to seek the advice of the Crime Reduction Officer prior to application.

### 9.5.17. Inducements to gamble

To further ensure the safety of both customers and staff and protect vulnerable persons from being harmed or exploited by gambling, premises should not use inducements to gamble such as free or cut price alcohol or food.

### 9.5.18. Advertising

Applicants will be required to demonstrate how they will comply with the relevant Gambling Commission code of practice and Advertising Standards Authority regulations in respect of advertisements. Advertising should not target 'vulnerable persons'.

### 9.5.19. On-premises provision of gambling advice

## Part B – Premises Licences

A risk-aware and gambling literate customer base with recourse to advice and assistance is likely to have a lesser chance of being harmed or exploited by gambling. Where people gamble we want them to do so for entertainment rather than in the expectation of a big win or to chase losses.

In light of this, we will expect all gambling premises:

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- (a) Provide leaflets and posters, free telephone helpline and GamCare/BeGambleAware contact details aimed at customers and their families/friends, which will include how to identify signs of problem gambling and pathways to advice and assistance e.g. helpline number and online counselling facility. For every 100m<sup>2</sup> of gambling/gaming and/or gaming machines at least one prominent leaflet display must be provided along with a neighbouring poster to reinforce the message. Leaflets and posters should also be available in more discreet locations e.g. toilets.
- (b) Prominently display details of odds with each gaming machine

Premises should liaise with the BeGambleAware to gain approval for leaflet and poster content and ensure pointers to local sources of help and guidance are up to date and relevant.

Whenever a customer expresses concern about their gambling, unless prevented from doing so by staff safety concerns, staff should provide them with a responsible gambling leaflet, suggest they contact the helpline number and make them aware of their self-exclusion facilities and local counselling services available.

### 9.5.20. Exclusion of those who appear to be under the influence of alcohol or drugs etc.

In order to protect both staff and those who are under the influence of alcohol or drugs (thereby potentially distorting their ability to make rational decisions), those persons who appear to be in such a state must be immediately excluded from the premises. Signage should be prominently displayed to indicate this. Please note with reference to those persons with mental impairment or mental health difficulties, premises would be well-advised to consult a suitable Mental Health Advisor and formulate a policy to protect this category of vulnerable person from being harmed or exploited by gambling, while allowing people with mental capacity to enjoy gambling as other customers do.

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### 9.5.21. Safe Cash-handling

In the interest of preventing crime and disorder, we require all gambling premises in Southampton to have a minimum provision for safe cash-handling and thereby prevent against theft/robbery etc. We will expect minimum standards in terms of:

- The frequency of banking cash (to avoid large sums being involved)
- Use of security personnel for transport
- No. of staff handling cash at any one time

## Part B – Premises Licences

- A fully up to date CCTV system with records kept for an appropriate length of time (including signage to indicate the presence of such a system)
- Local and emergency contact details for the emergency services clearly displayed in office areas
- Consultation with a Crime Reduction Officer and regular security reviews

For security reasons, while we will not expect premises to tell us the precise details of the protocols they have in place, the licensing authority will need to be satisfied effective procedures exist. It should be prominently publicised on-site that robust security measures are in place.

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### 9.5.22. Safe payment of winnings

In the interest of preventing aggravated robbery etc. gambling premises should consider offering their customers a choice of methods by which their winnings may be paid. This could include either cheque or BACS payment. These options should be well publicised.

### 9.5.23. Adequate lighting inside and out

We expect all premises to have adequate lighting inside and out (appropriate to the premises in question) to ensure against robbery and other covert activity.

### 9.5.24. Engagement with the police

In addition to the need to consult a local Crime Reduction Officer, the operators of new premises/premises undergoing a refurbishment should also engage with the police's architectural liaison unit at the design stage to ensure crime prevention and detection.

### 9.5.25. Specific types of premises and what we are looking for in respect of each

While we have outlined minimum standards we expect from all gambling premises in the previous section, any areas we need to stress, due to differences between premises types, are outlined below.

The Council will pay particular attention to any Codes of Practice, issued by the Gambling Commission in respect of specific types of premises.

## 10.0 General Principles

**10.1** Premises licences are subject to the requirements set out in the Act and regulations, as well as specific mandatory and default conditions which will be detailed in regulations issued by the Secretary of State. Licensing Authorities are able to exclude default conditions and also attach others, where it is believed to be appropriate.

**10.2** The Licensing Authority will aim to permit the use of premises for gambling in so far as it thinks it:

- (a) in accordance with any relevant code of practice under section 24,

## Part B – Premises Licences

- (b) in accordance with any relevant guidance issued by the Commission under section 25,
- (c) reasonably consistent with the licensing objectives (subject to paragraphs (a) and (b)), and
- (d) in accordance with the statement published by the authority under section 349 (subject to paragraphs (a) to (c))

**10.3** The Licensing Authority appreciates that in accordance with the Gambling Commission's Guidance "moral objections to gambling are not a valid reason to reject applications for premises licences" (except as regards any "no casino" resolution – see section on Casinos below – paragraph 15 below) and also unmet demand is not a criterion for the Licensing Authority.

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### 10.4 Definition of "premises"

"Premises" is defined in the Act as "at any place". Different premises licences cannot apply in respect of a single premises at different times. However, it is possible for a single building to be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can be reasonably regarded as being different premises. Whether different parts of a building can properly be regarded as being separate premises will always be a question of fact in the circumstances. However, the Gambling Commission does not consider areas of a building that are artificially or temporarily separate can be properly regarded as different premises.

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**10.5** This Licensing Authority takes particular note of the Gambling Commission's Guidance to Local Authorities which states (paragraphs 7.26 and 7.27):

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"Licensing authorities should take particular care in considering applications for multiple licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes. In particular they should be aware that entrances and exits from parts of a building covered by one or more licences should be separate and identifiable so that the separation of different premises is not compromised and that people do not 'drift' into a gambling area. The plan of the premises should clearly denote entrances and exits."

For bingo and Family Entertainment Centres premises, it is a mandatory condition under-18s should not have access to areas where category B and C gaming machines are located and this is achieved through further mandatory conditions that require the area to be:

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- separated from the rest of the premises by a physical barrier which is effective to prevent access other than by an entrance designed for that purpose
- supervised at all times to ensure under-18s do not enter the area, and supervised by either:
  - one or more persons whose responsibilities include ensuring under-18s do not enter the areas
  - CCTV monitored by one or more persons whose responsibilities include ensuring under-18s do not enter the areas
- arranged in a way that ensures all parts of the area can be observed.

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## Part B – Premises Licences

A notice must be displayed in a prominent place at the entrance to the area stating, no person under the age of 18 is permitted to enter the area. ”

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### 10.6 Duplication with other regulatory regimes

The Licensing Authority will seek to avoid any duplication with other statutory or regulatory systems where possible, including planning. This authority will not consider whether a licence application is likely to be granted planning permission or building regulations approval, in its consideration of it. It will though, listen to, and consider carefully, any concerns about conditions that are not able to be met by licensees due to planning restrictions, should such a situation arise.

### 11.0 Conditions on premises licences

11.1 The mandatory and default conditions are designed to be sufficient to ensure an operation is reasonably consistent with the licensing objectives.

Accordingly, additional conditions will only be imposed where, in the circumstances of the case, there is evidence of a risk to the licensing objectives that is not adequately addressed by the mandatory and default conditions or policies, procedures and mitigation measure outlined in the local area risk assessment.

11.2 The Licensing Authority will ensure any conditions imposed are proportionate to the circumstances which they are seeking to address, and will ensure any premises licence conditions are:

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- relevant to the need to make the proposed building suitable as a gambling facility (i.e. relate only to gambling, as appropriate under s.153);
- directly related to the premises and the type of licence applied for;
- fairly and reasonably related to the scale and type of premises;
- not replicating requirements set out elsewhere (e.g. the Commission's Licence conditions and codes of practice (LCCP) or other legislation),
- not seeking to address a matter already dealt with by mandatory conditions and;
- reasonable in all other respects

11.3 Decisions upon individual conditions will be made on a case by case basis. The authority recognises conditions can only be imposed when necessary and any conditions imposed must be proportionate to the aim. There will be a number of measures this Licensing Authority will consider utilising, such as the use of supervisors, appropriate signage for adult only areas etc. There are specific comments made in this regard under some of the licence types below. This Licensing Authority will also expect the licence applicant to offer his/her own suggestions as to ways in which the licensing objectives can be met effectively.

11.4 The Licensing Authority will also consider specific measures which may be required for buildings which are subject to multiple premises licences. Such measures may include:

## Part B – Premises Licences

- supervision of entrances;
- segregation of gambling from non-gambling areas frequented by children;
- supervision of gaming machines in non-adult gambling specific premises in order to pursue the licensing objectives.

These matters are in accordance with the Gambling Commission's Guidance.

**11.5** The Licensing Authority will also ensure where category C or above machines are on offer in premises to which children are admitted:

- all such machines are located in an area of the premises which is separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
- only adults are admitted to the area where these machines are located;
- access to the area where the machines are located is supervised;
- the area where these machines are located is arranged so it can be observed by the staff or the licence holder; and
- at the entrance to and inside any such areas there are prominently displayed notices indicating access to the area is prohibited to persons under 18.

These considerations will apply to premises including buildings where multiple premises licences are applicable.

**11.6** The Licensing Authority is aware tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. As per the Gambling Commission's Guidance, this Licensing Authority will consider the impact upon the third licensing objective and the need to ensure entrances to each type of premises are distinct and children are excluded from gambling areas where they are not permitted to enter.

**11.7** It is noted there are conditions which the Licensing Authority cannot attach to premises licence which are:

- any condition on the premises licence which makes it impossible to comply with an operating licence condition;
- conditions relating to gaming machine categories, numbers, or methods of operation;
- conditions which provide membership of a club or body be required (the Gambling Act 2005 specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated); and
- conditions in relation to stakes, fees, winnings or prizes

**11.8** Door Supervisors

The Gambling Commission advises in its Guidance to Local Authorities that licensing authorities may consider whether there is a need for door supervisors

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## Part B – Premises Licences

in terms of the licensing objectives of protection of children and vulnerable persons from being harmed or exploited by gambling, and also in terms of preventing premises becoming a source of crime. ↓

- 11.9 For premises other than casinos and bingo premises, operators and licensing authorities may decide supervision of entrances/machines is necessary for particular cases.

**Deleted:** It is noted though that the door supervisors at casinos or bingo premises may/may not be licensed by the Security Industry Authority (SIA). This Licensing Authority therefore will take into consideration relevant criminal convictions, cautions or formal reprimands, if any, and training requirements that meet SIA standards. This is in recognition of the nature of the work in terms of searching individuals, dealing with potentially aggressive persons, etc

### 12.0 Other Legislation

- 12.1 The Licensing Authority will not take into account matters not related to gambling and the licensing objectives when considering an application for a premises licence. However, it is for the operator to ensure premises comply with all other relevant legislation such as fire safety, food safety and health & safety. It should be noted these examples are not exhaustive, and applicants must ensure they comply with all other regulatory regimes in respect of their employees and the public.

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- 12.2 So far as is possible, this statement of principles will avoid duplicating those other regulatory regimes.

### 13.0 Adult Gaming Centres (AGCs)

- 13.1 The Licensing Authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority there will be sufficient measures to ensure, for example, persons under the age of 18 do not have access to the premises.

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- 13.2 The Licensing Authority will expect applicants to offer their own measures to meet the licensing objectives however, appropriate measures / licence conditions may cover issues such as:

- Proof of age schemes
- CCTV
- Supervision of entrances/machine areas
- Physical separation of areas
- Location of entry
- Notices/signage
- Specific opening hours
- Self-barring schemes
- Provision of information leaflets/helpline numbers for organisations such as GamCare.
- Staff training

This list is neither mandatory nor exhaustive and is merely indicative of reasonable measures which might be in place.

## Part B – Premises Licences

### 14.0 Licensed Family Entertainment Centres

14.1 The Licensing Authority will specifically have regard to the need to protect children and children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority there will be sufficient measures to ensure persons under the age of 18 do not have access to the adult only gaming machine areas.

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14.2 The Licensing Authority will expect applicants to offer their own measures to meet the licensing objectives however appropriate measures/licence conditions may cover issues such as:

- CCTV
- Supervision of entrances/machine areas
- Physical separation of areas
- Location of entry
- Notices/signage
- Specific opening hours
- Self-barring schemes
- Provision of information leaflets/helpline numbers for organisations such as GamCare/BeGambleAware
- Measures/training for staff on how to deal with suspected truant school children on the premises
- Ensuring there are no inducements to remain in the gaming areas longer than anyone can reasonably afford to
- [Staff training](#)

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

14.3 The Licensing Authority will refer to any conditions applied by the Gambling Commission to operating licences covering the way in which the area containing the category C machines should be delineated. The Licensing Authority is also aware of mandatory and default conditions on these premises licences.

### 15.0 Casinos

#### 15.1 “No Casino” resolution

The Licensing Authority has not passed a “no casino” resolution under Section 166 of the Gambling Act 2005, but is aware it has the power to do so. Should the Licensing Authority decide in the future to pass such a resolution, it will update this policy statement with details of that resolution.

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15.2 Such a resolution would be reviewed at three yearly intervals or sooner should the circumstances warrant a revision of the resolution. Any such decision will be made by Full Council. Such a resolution would not affect pre-existing licensed casinos.

#### Casinos and competing applications



## Part B – Premises Licences

**15.3** On 26 February 2008 the Secretary of State issued the Code of Practice on Determinations relating to large and small Casinos. The Licensing Authority will comply with this Code which sets out:

- (a) the procedure to be followed in making any determinations required under paragraphs 4 and 5 of Schedule 9 to the Gambling Act 2005; and
- (b) matters to which the Licensing Authority should have regard in making those determinations.

**15.4** On 15 May 2008 the Categories of Casino Regulations 2008 and the Gambling (Geographical Distribution of Large and Small Casino Premises Licences) Order 2008 were approved and Southampton City Council was authorised to issue a Large Casino Premises Licence.

**15.5** On 22<sup>nd</sup> March 2016 the Licensing Authority granted a Provisional Statement for a Large Casino to Aspers. That provisional statement lasted for a period of three years to 22<sup>nd</sup> March 2019. After an application to extend the provisional statement the Licensing Authority granted an extension until 22<sup>nd</sup> March 2022. This was further extended to 28<sup>th</sup> November 2023 and has not been extended further.

**15.6** At this stage the licensing authority is considering its options with regards to the large casino licence. The options currently available to the authority are:-

- (a) Invite applications for a large casino.
- (b) Hold onto the licence but not invite applications.
- (c) Return the licence to the government for redistribution.

**15.7** Should the Licensing Authority decide to invite applications it will follow the process under Schedule 9 of the Gambling Act 2005 and have regard to The Gambling (Inviting Competing Applications for Large and Small Casino Premises Licences) Regulations 2008 and the Code of Practice issued by the Secretary of State.

**15.8** In accordance with the above regulations the Licensing Authority will publish an invitation calling for applications for the Large Casino Premises Licence. In addition, consideration of all applications will be deferred until the published closing date for applications.

**15.9** Where the Licensing Authority receives multiple applications for the Large Casino Premises Licence, there will be a two-stage application process in accordance with the Code of Practice issued by the Secretary of State.

### **General Principles**

**15.10** In the Code of Practice published on 26 February 2008 by the Secretary of State, it states that a Council should pay particular attention to the following in determining the principles or criteria they propose to apply:

- (a) protection of children
- (b) crime and disorder
- (c) fair gambling
- (d) employment and regeneration
- (e) design and location

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## Part B – Premises Licences

(f) non-gambling facilities

(g) financial and other contributions

15.11 The Licensing Authority recognises that applicants may either apply for a full Large Casino Premises Licence or alternatively a Provisional Statement. Applicants for full Large Casino Premises Licences however must fulfil certain criteria, in that they must:

(a) hold or have applied for an Operating Licence; and

(b) have the right to occupy

In making any decision in respect of an application, the Licensing Authority shall not take into account the likelihood of the applicant's obtaining planning permission or building regulation approval and any decision shall not constrain any later decision by the Authority under the law relating to planning or building. The Licensing Authority does, however, strongly recommend that planning permission is sought prior to submitting an application.

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15.12 In determining whether to grant a premises licence a licensing authority may not have regard to the expected demand for the facilities which it is proposed to provide.

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15.13 In making a decision on both stages of the procedure, the Licensing Authority will have regard to any Regulations, Guidance or Code of Practice issued by the Secretary of State, DCMS or Gambling Commission.

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### Casino Application Stage 1

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15.14 The Licensing Authority will provide an application pack that will include a Statement of the procedure that the Licensing Authority proposes to follow in assessing applications for Large Casino Premises Licence.

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15.15 With regard to Stage 1, the General Principles as stated in Part B of this Gambling Licensing Policy shall apply to all casino applications.

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15.16 Stage 1 – 'The Regulatory Test' will be implemented where the Licensing Authority receives a Premises Licence application or a Provisional Statement application. The Licensing Authority will consider each application separately on its own merit and with no reference being made to the other applications received.

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15.17 At this stage the Licensing Authority cannot accept any additional information other than the prescribed application form laid down in The Gambling Act 2005 (Premises Licences and Provisional Statements) (England and Wales) Regulations 2007. All such additional information will be disregarded and returned to the applicant.

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15.18 The Licensing Authority recognises that each of the other competing applicants is considered an 'interested party' and as a result may make representations. Such applicants are however reminded that an interested party is defined in Part A of this Policy and each representation will be considered carefully to ensure it meets the principles set within this Gambling Licensing Policy.

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15.19 Representations will be treated in the same manner as for a Premises Licence and in accordance with paragraphs relating to Representations in this Policy and the Principles for deciding on interested parties as stated in this Gambling Licensing Policy. It is recognised that the Licensing Authority's decision may

## Part B – Premises Licences

be appealed against, in which case the Licensing Authority will not proceed to Stage 2 until all appeals have been dealt with.

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**15.20** If this process results in more than one provisional decision to grant a Premises Licence, Stage 2 – the “Greatest Benefit” test, will be implemented.

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**15.21** Where a Provisional Statement application is successful, the Licensing Authority may limit the period of time for which the Provisional Statement will have effect. This period may be extended if the applicant so applies.

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### **Casino Application Stage 2**

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**15.22** The Licensing Authority will not consider any Stage 2 applications until the closing date for applications in the competition.

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**15.23** At Stage 2, the applicant will be required to state what benefit they can bring to the residents of Southampton and how they can contribute to the wellbeing of the area.

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**15.24** Details of the Licensing Authority’s evaluation criteria and an explanation of the proposed process will be part of the Application Pack that will be sent to applicants.

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**15.25** Where an applicant presents proposals for consideration by the Licensing Authority, they will be requested to prepare a draft Legal Agreement committing themselves to the proposals being made in advance of consideration by the Licensing Committee. The Licensing Authority regards the completion of a legal agreement as being of great importance in securing the delivery of the benefits proposed. A decision by the Licensing Authority to approve an application will provide the requisite authority for the Council to enter into the Agreement, subject to any legal challenge to the Authority’s decision. The form of such Legal Agreement will be provided in the application pack. In the event that the successful applicant fails to carry out the proposal in accordance with the Legal Agreement, the Licensing Authority may receive liquidated damages. Adherence to the Agreement will also be a condition on the Premises Licence so that a breach of the Agreement may result in a review of the Licence.

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**15.26** In the event that the successful operator does not open a casino within the agreed timescale, then the Licensing Authority has the power to revoke and in doing so the Licensing Authority may elect to run a new competition.

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**15.27** The decision on the successful applicant will be made public and the reasons published on the Council’s web site, with any necessary redaction to preserve commercial confidentiality.

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**15.28** The Licensing Committee members will be able to consider all the applications and award their own scoring as considered appropriate using the competition principles and weighting document in the application pack. The Casino Licence or Provisional Statement will be offered to the highest ranked applicant at Stage 2, subject to completion of the Legal Agreement being accepted. If the Agreement is not completed then the Licensing Authority reserves the right to make the award for the next ranked applicant.

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**15.29** The unsuccessful applicant(s) will be informed of the result and reasons for rejection as soon as is reasonably practicable. Once a decision has been made by the Licensing Committee there will be no right of appeal against this decision.

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## Part B – Premises Licences

15.30 In accordance with the Code of Practice issued by the Secretary of State, the Licensing Authority shall ensure that there is a Register of Interests in place disclosing interest in any contract, arrangement or other relationship with an applicant or a person connected or associated with an applicant. The Register will be published on the Council's web site; alternatively a hard copy will be made available upon request free of charge. However, applicants should note that this does not apply to any agreement between the Licensing Authority and applicant entered into during the second stage of the competition. The Register will be update as required during the application process.

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### 15.31 Betting Machines

The Licensing Authority will, in accordance with the Gambling Commission's Guidance, take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer.

### 16.0 Bingo Premises

16.1 The Licensing Authority has noted ~~if~~ children are allowed to enter premises licensed for bingo, ~~they~~ must not participate in gambling, other than on category D machines. Where category C or above machines are available in premises to which children are admitted the Licensing Authority will ensure:

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- all such machines are located in an area of the premises separate from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
- only adults are admitted to the area where the machines are located;
- access to the area where the machines are located is supervised;
- the area where the machines are located is arranged so ~~it~~ can be observed by staff of the operator or the licence holder; and
- at the entrance to, and inside any such area there are prominently displayed notices indicating ~~access~~ to the area is prohibited to persons under 18.

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16.2 This Licensing Authority will follow the guidance about the particular issues ~~Licensing authorities~~ should take into account in relation to the suitability and layout of bingo premises.

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### 17.0 Betting Premises

17.1 **Betting machines** – The Licensing Authority will, in accordance with the Gambling Commission's Guidance, take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of **betting** machines an operator wants to offer. This is in addition to the four **gaming** machines permitted with a premises licence.

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## Part B – Premises Licences

### 18.0 Tracks

**18.1** Tracks are sites (including horse racecourses and dog tracks) where races or other sporting events take place. Betting is a major gambling activity on tracks, both in the form of pool betting (often known as the “totalisator” or “tote”), and also general betting, often known as “fixed-odds” betting.

**18.2** The Licensing Authority is aware tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. The Licensing Authority will especially consider the impact upon the third licensing objective (i.e. the protection of children and vulnerable persons from being harmed or exploited by gambling) and the need to ensure entrances to each type of premises are distinct and children are excluded from gambling areas where they are not permitted to enter.

**18.3** The Licensing Authority will therefore expect the premises licence applicant to demonstrate suitable measures to ensure children do not have access to adult only gaming facilities. It is noted children and young persons will be permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing takes place, but they are still prevented from entering areas where gaming machines (other than category D machines) are provided.

**18.4** This Licensing Authority will expect applicants to offer their own measures to meet the licensing objectives however appropriate measures / licence conditions may cover issues such as:

- Proof of age schemes
- CCTV
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry
- Notices / signage
- Specific opening hours
- Self-barring schemes
- Provision of information leaflets / helpline numbers for organisations such as GamCare
- Staff training

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

### 18.5 Gaming machines

The Licensing Authority will consider the location of gaming machines at tracks, and applicants for track premises licences will need to demonstrate, where the applicant holds a pool betting operating licence and is going to use his entitlement to four gaming machines, these machines are located in areas from which children are excluded. Children and young persons are not prohibited from playing category D gaming machines on a track.

### 18.6 Betting machines

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## Part B – Premises Licences

The Licensing Authority will take into account the size of the premises and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer. It will also take note of the Gambling Commission's suggestion licensing authorities will want to consider restricting the number and location of such machines in respect of applications for track betting premises licences.

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### 18.7 Condition on rules being displayed

The Gambling Commission has advised in its Guidance to Local Authorities that "...licensing authorities should attach a condition to track premises licences requiring the track operator to ensure that the rules are prominently displayed in or near the betting areas, or that other measures are taken to ensure that they are made available to the public. For example, the rules could be printed in the race-card or made available in leaflet form from the track office."

### 18.8 Applications and plans

This Licensing Authority note the guidance states the following with regard to defining the premises:

**18.9** S.151 of the Act requires applicants for premises licences to submit plans of the premises with their application. This ensures licensing authorities have the necessary information to make an informed judgement about whether the premises are fit for gambling. The plan also informs future premises inspection activity.

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**18.10** Plans for tracks need not be in a particular scale, but should be drawn to scale and should be sufficiently detailed to include the information required by regulations.

**18.11** In the majority of cases, such as greyhound tracks, racecourses, football stadia and cricket grounds, defining the extent of boundaries may be assisted by reference to existing plans already submitted to obtain other permissions. These could include:

- the obtaining of a safety certificate under 'Safety at Sports Ground' legislation (this applies in respect of sports grounds with capacity to accommodate more than 10,000 spectators)
- the historic boundaries under previous legislation such as, the approval of tracks under Schedule 3 of the Betting, Gaming and Lotteries Act 1963.

**18.12** It is sometimes difficult to define the precise location of betting areas on tracks. The precise location of where betting facilities are provided is not required to be shown on track plans, both by virtue of the fact betting is permitted anywhere on the premises and because of the difficulties associated with pinpointing exact locations for some types of track. Licensing authorities should satisfy themselves the plan provides sufficient information to enable them to assess an application.

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**18.13** As the plan forms part of the licence document, it also needs to be sufficiently flexible to ensure a relatively small change in the premises layout would not require an operator to submit an application to vary the track premises licence.

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## Part B – Premises Licences

Only a significant change to the track layout would require a licence variation. For example, moving a category C gaming machine from one end of a bar that had been marked on the plan as a gaming machine area to another may not necessitate a full variation to a tracks premises licence, nor would the establishment of a new betting area at a racetrack, as neither of these events have any impact on the purpose of the licence or the conditions attached to it. However, relocating category C machines to entirely different parts of a track would generally need to be the subject of an application to vary the premises licence.

### 19.0 Travelling Fairs

**19.1** It will fall to the Licensing Authority to decide whether, where category D machines and / or equal chance prize gaming without a permit is to be made available for use at travelling fairs, the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair is met.

**19.2** The Licensing Authority will also consider whether the applicant falls within the statutory definition of a travelling fair.

**19.3** It has been noted the 27-day statutory maximum for the land being used as a fair, is per calendar year, and it applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. This licensing authority will work with its neighbouring authorities to ensure land which crosses our boundaries is monitored so the statutory limits are not exceeded.

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### 20.0 Provisional Statements

**20.1** The Licensing Authority notes at 11.11 of the Guidance for the Gambling Commission it states "S.210 of the Act, which applies to both premises licences and provisional statements, makes it clear that a licensing authority must not have regard to whether or not a proposal by the applicant is likely to be permitted in accordance with planning or building law."

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**20.2** In terms of representations about premises licence applications, following the grant of a provisional statement, no further representations from responsible authorities or interested parties can be taken into account unless they concern matters which could not have been addressed at the provisional statement stage, or they reflect a change in the applicant's circumstances. In addition, the authority may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:

- (a) which could not have been raised by objectors at the provisional stage; or
- (b) which, in the authority's opinion, reflect a change in the operator's circumstances.

### 21.0 Reviews of premises licences

**21.1** Requests for a review of a premises licence can be made by interested parties or responsible authorities, however, it is for the Licensing Authority to decide whether the review is to be carried out. This will be on the basis of whether the request for the review is relevant to the matters listed below, as well as consideration as to whether the request is frivolous, vexatious, will certainly

## Part B – Premises Licences

not cause the authority to wish would alter/revoke/suspend the licence, or whether it is substantially the same as previous representations or requests for review:

- In accordance with any relevant code of practice issued by the Gambling Commission;
- In accordance with any relevant guidance issued by the Gambling Commission;
- Reasonably consistent with the licensing objectives; and
- In accordance with the Licensing Authority's statement of principles.

**21.2** The Licensing Authority can also initiate a review of a licence on the basis of any reason which it thinks is appropriate.



## Part C – Permits / Temporary & Occasional Use Notices

### Part C – Permits, Temporary and Occasional Use Notices

#### 22.0 Unlicensed Family Entertainment Centre Gaming Machine Permits

22.1 Where a premises does not hold a premises licence but wishes to provide gaming machines, it may apply to the Licensing Authority for this permit. It should be noted the applicant must show the premises will be wholly or mainly used for making gaming machines available for use (Section 238).

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22.2 The Gambling Act 2005 states a Licensing Authority may prepare a statement of principles they propose to consider in determining the suitability of an applicant for a permit and in preparing this statement, and/or considering applications, it need not (but may) have regard to the licensing objectives and shall have regard to any relevant guidance issued by the Gambling Commission under Section 25.

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22.3 The Guidance also states: "...An application for a permit may be granted only if the Licensing Authority is satisfied the premises will be used as an unlicensed FEC, and if the Chief Officer of Police has been consulted on the application."

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22.4 The Licensing Authority cannot attach conditions to this type of permit.

22.5 The Licensing Authority will expect the applicant to show there are policies and procedures in place to protect children from harm. Harm in this context is not necessarily limited to harm from gambling but includes wider child protection considerations. The efficiency of such policies and procedures will each be considered on their merits; however, they may include the following:

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- appropriate measures / training for staff as regards suspected truant school children on the premises,
- measures / training covering how staff would deal with unsupervised very young children being on the premises, or children causing perceived problems on / around the premises.

22.6 The Licensing Authority will also expect

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- applicants demonstrate a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs;
- the applicant shall disclose relevant convictions (those that are set out in Schedule 7 of the Act) in order that the Licensing Authority may consider whether it would be contrary to the licensing objectives to grant a permit; and
- staff are trained to have a full understanding of the maximum stakes and prizes.

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#### 23.0 Alcohol Licensed Premises Gaming Machine Permits

23.1 There is provision in the Act for premises licensed to sell alcohol for consumption on the premises, to automatically have two gaming machines, of categories C and/or D. The premises merely need to notify the Licensing Authority. The Licensing Authority can remove the automatic authorisation in respect of any particular premises if:

## Part C – Permits / Temporary & Occasional Use Notices

- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;
- gaming has taken place on the premises that breaches a condition of section 282 of the Gambling Act (i.e. written notice has been provided to the licensing authority, that a fee has been provided and any relevant code of practice issued by the Gambling Commission about the location and operation of the machine has been complied with)
- the premises are mainly used for gaming; or
- an offence under the Gambling Act has been committed on the premises

**23.2** If a premises wishes to have more than 2 machines, then it needs to apply for a permit and the Licensing Authority must consider that application based upon the licensing objectives, any guidance issued by the Gambling Commission, and “such matters as they think relevant.”

**23.3** The Licensing Authority considers “such matters” will be decided on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from being harmed or being exploited by gambling and will expect the applicant to satisfy the authority there will be sufficient measures to ensure persons under the age of 18 do not have access to the adult only gaming machines. Measures which will satisfy the authority may include:

- The adult machines being in sight of the bar, or in the sight of staff who will monitor the machines are not being used by persons under the age of 18;
- Notices and signage; and
- Provision of information leaflets/helpline numbers for organisations such as GamCare.

**23.4** The Licensing Authority recognises some alcohol licensed premises may apply for a premises licence for their non-alcohol licensed areas. Any such application would most likely need to be applied for, and dealt with as an Adult Gaming Centre premises licence.

**23.5** The Licensing Authority can decide to grant the application with a smaller number of machines and/or a different category of machines than applied for. Conditions (other than these) cannot be attached.

**23.6** It should also be noted the holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machine.

### **24.0 Prize Gaming Permits**

**24.1** In making its decision on an application for this permit the Licensing Authority does not need to have regard to the licensing objectives but must have regard to any Gambling Commission guidance.

**24.2** The applicant should set out the types of gaming he or she is intending to offer and should be able to demonstrate:

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## Part C – Permits / Temporary & Occasional Use Notices

- they understand the limits to stakes and prizes that are set out in Regulations; and
- the gaming offered is within the law

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**24.3** It should be noted there are conditions in the Gambling Act 2005 with which the permit holder must comply, but the Licensing Authority cannot attach conditions. The conditions in the Act are:

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- the limits on participation fees, as set out in regulations, must be complied with;
- all chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day; the game must be played and completed on the day the chances are allocated; and the result of the game must be made public in the premises on the day it is played;
- the prize for which the game is played must not exceed the amount set out in regulations (if a money prize), or the prescribed value (if non-monetary prize); and
- participation in the gaming must not entitle the player to take part in any other gambling.

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### **25.0 Club Gaming and Club Machine Permits**

**25.1** Members Clubs and Miners' Welfare Institutes may apply for a Club Gaming Permit or a Clubs Gaming machines permit. The Club Gaming Permit will enable the premises to provide gaming machines (3 machines of categories B, C or D), equal chance gaming and games of chance as set-out in regulations. A Club Gaming Machine permit will enable the premises to provide gaming machines (3 machines of categories B, C or D).

**25.2** Members clubs must have at least 25 members and be established and conducted "wholly or mainly" for purposes other than gaming, unless the gaming is permitted by separate regulations. A members' club must be permanent in nature, not established to make commercial profit, and controlled by its members equally. Examples include working men's clubs, branches of Royal British Legion and clubs with political affiliations.

**25.3** The Licensing Authority may only refuse an application on the grounds:

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- (a) the applicant does not fulfil the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which it has applied;
- (b) the applicant's premises are used wholly or mainly by children and/or young persons;
- (c) an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;
- (d) a permit held by the applicant has been cancelled in the previous ten years; or
- (e) an objection has been lodged by the Commission or the police

## Part C – Permits / Temporary & Occasional Use Notices

**25.4** There is a “fast-track” procedure available under the Act for premises which hold a Club Premises Certificate under the Licensing Act 2003. Under the fast-track procedure there is no opportunity for objections to be made by the Gambling Commission or the police, and the ground upon which an authority can refuse a permit are reduced and the grounds on which an application under the process may be refused are:

- (a) the club is established primarily for gaming, other than gaming prescribed under schedule 12;
- (b) in addition to the prescribed gaming, the applicant provides facilities for other gaming; or
- (c) a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled.”

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**25.5** There are statutory conditions on club gaming permits that no child uses a category B or C machine on the premises and the holder complies with any relevant provision of a code of practice about the location and operation of gaming machines.

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### 26.0 Temporary Use Notices

**26.1** There are a number of statutory limits as regards Temporary Use Notices. It is noted it falls to the Licensing Authority to decide what constitutes a ‘set of premises’ where Temporary Use Notices are received relating to the same building/site.

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**26.2** As with “premises” the definition of “a set of premises” will be a question of fact in the particular circumstances of each notice that is given. In the Act “premises” is defined as including “any place”. In considering whether a place falls within the definition of a set of premises the Licensing Authority will look at, amongst other things, the ownership/occupation and control of the premises.

**26.3** The Licensing Authority will consider objecting to Temporary Use Notices where it appears their effect would be to permit regular gambling in a place that could be described as one set of premises

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### 27.0 Occasional Use Notices

**27.1** The Licensing Authority has very little discretion as regards these notices aside from ensuring the statutory limit of 8 days in a calendar year is not exceeded. The Licensing Authority will need, though, to consider the definition of a “track” and whether the applicant is permitted to avail him/herself of the notice.

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## Part D – Other Information

### Part D – Other Information

#### 28.0 Rights of Appeal and Judicial Review

28.1 The Licensing Authority is aware its decisions may be subject to an appeal in accordance with the provisions of the Act and judicial review. To ensure a transparent decision making process the Licensing Authority will:

- give clear and comprehensive reasons for a rejection of an application where there is a requirement in the Act to do so; and
- wherever practicable, as best practice, give clear and comprehensive reasons for all decisions connected to its functions under the Act, regardless of whether there is a requirement under the Act to do so.

28.2 An appeal may be commenced by the giving of a notice of appeal by the appellant to the local magistrates' court within a period of 21 days beginning with the day on which the appellant was notified by the Licensing Authority of the decision to be appealed against.

28.3 Any person who wishes to pursue an appeal is strongly advised to seek independent professional legal advice from a legal advisor who specialises in the law on gambling.

#### 29.0 Other Matters

29.1 In order to ensure applicants and persons who make representations have the necessary information to be able to do so, the information below will be available on the Council's website ([www.southampton.gov.uk/licensing](http://www.southampton.gov.uk/licensing)) or by contacting the Licensing Team:

- Register of premises licences issued by the Licensing Authority
- Fees
- Guidance on how to make an application
- List of responsible authorities and contact details
- Application forms, where appropriate
- Making representations
- Applying for a review of a licence

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## Part D – Other Information

### 30.0 The Licensing Authority Delegations

Matter to be dealt with	Full Council	Licensing Committee or Sub-Committee	Officers
Three year licensing statement of principles	X		
Policy not to permit casinos	X		
Fee setting (when appropriate)		Full Licensing Committee	
Application for premises licence		Where representations have been received and not withdrawn (save in respect of any application for a Large Casino which will be heard by the full Licensing Committee)	Where no representations received/ representations have been withdrawn
Application for a variation to a premises licence		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Application for a transfer of a premises licence		Where representations have been received from the Commission	Where no representations received from the Commission
Application for a provisional transfer		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Review of a premises licence		X	
Application for club gaming/ club machine permits		Where objections have been made (and not withdrawn)	Where no objections made/ objections have been withdrawn
Cancellation of club gaming/ club machine permits		X	
Applications for other permits			X
Cancellation of licensed premises gaming machine permits			X

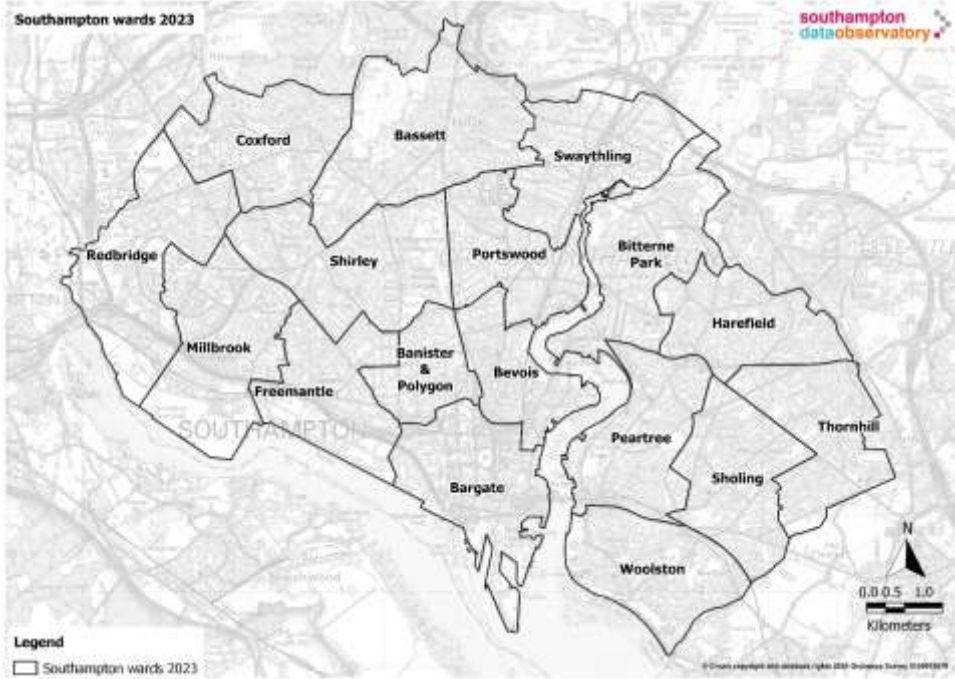
**Part D – Other Information**

<b>Matter to be dealt with</b>	<b>Full Council</b>	<b>Licensing Committee or Sub-Committee</b>	<b>Officers</b>
Consideration of temporary use notice			<b>X</b>
Decision to give a counter notice to a temporary use notice		<b>X</b>	
Decision to determine an application without holding a hearing on grounds contained within S.162 (3)			<b>X</b>
Decision to reject an application for review made under S.197 based on grounds contained within S.198			<b>X</b>
Take “action” (under S.202) following review		Where application heard by Sub-Committee	Where no hearing and all parties agree in advance to relevant “action”.

# Appendix

## 31.0 Appendix A – Map of Southampton

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## Appendix

### Appendix B Local Profile

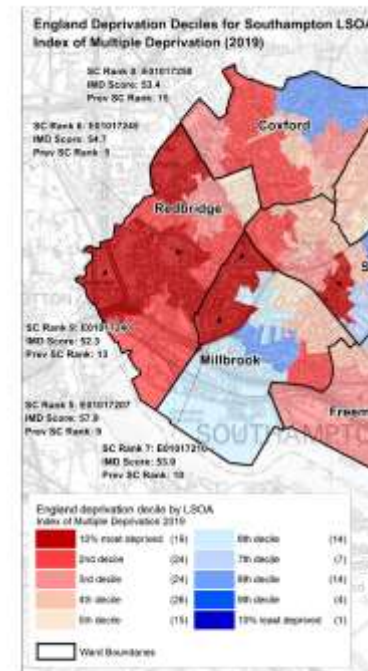
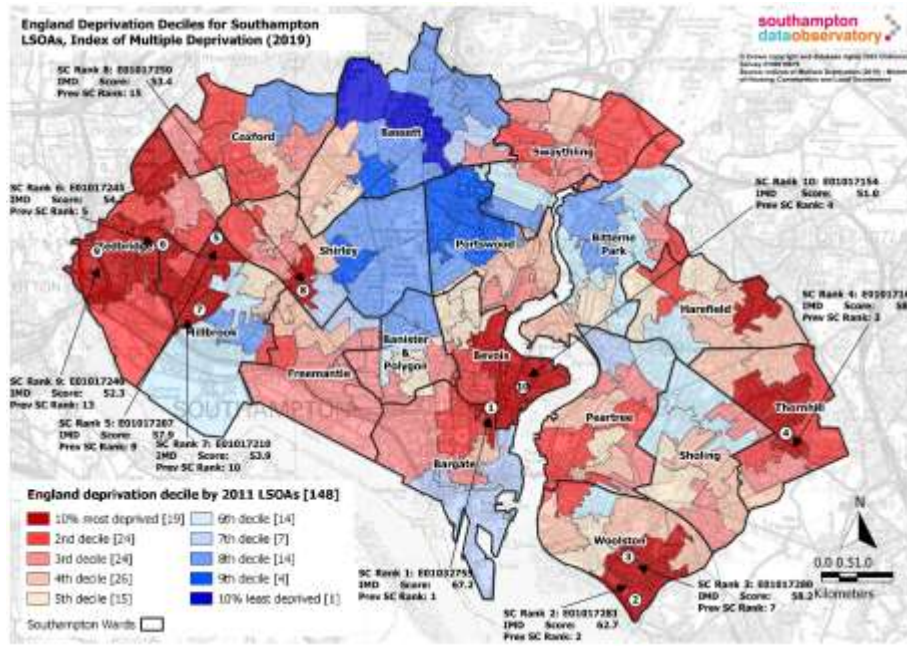
Southampton has a young demographic compared to the England average. There are an estimated 64,600 children aged between 0 and 19 years in 2024 living in Southampton. Ethnic diversity is increasing and about a quarter of children and young people live in poverty. (From Joint Strategic Needs assessment)

The following maps are broken down into LSOAs (Lower-layer Super Output Areas), which are small areas designed to be of a similar population size, with an average of approximately 1,500 residents or 650 households. There are 32,844 Lower-layer Super Output Areas (LSOAs) in England and 158 in Southampton.

The below information can also be found here. This link will provide current information rather than the below which was current at time of drafting.

### Deprivation

The following map provides details on the scale of deprivation across the city in 2019, the deeper the red the more deprived an area is whereas a deeper blue indicates the least deprived.



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## Appendix

Overall, there has been very little change in relative deprivation levels in Southampton compared to other local authorities in England since the last IMD in 2015, with the Southampton remaining a relatively deprived city.

Three LSOAs have remained in top five for this city...

- Bargate (Golden Grove): 1st in IMD(2019); 1st in IMD(2015)
- Weston (International Way): 2nd in IMD(2019); 2nd in IMD(2015)
- Thornhill (Lydgate Road): 4th in IMD(2019); 3rd in IMD(2015)

Two LSOAs that were in the top ten previously are now in the top five.....

Weston (Kingsclere Avenue): 3rd in IMD(2019); 7th in IMD(2015)  
Millbrook (Lockerley Cres): 5th in IMD(2019); 9th IMD(2015)

The two LSOAs have been replaced in the top five for IMD 2015, remain in the top ten for the IMD 2019.....

- Redbridge (Mansel Park): 6th in IMD(2019); 5th in IMD(2015)
- Northam (Stadium): 10th in IMD(2019); 4th in IMD(2015)

Some of the five most deprived LSOAs are featured in the top five in the following domains.....

Employment (4/5); Income (4/5); Education (3/5); Health (2/5); Crime (2/5)

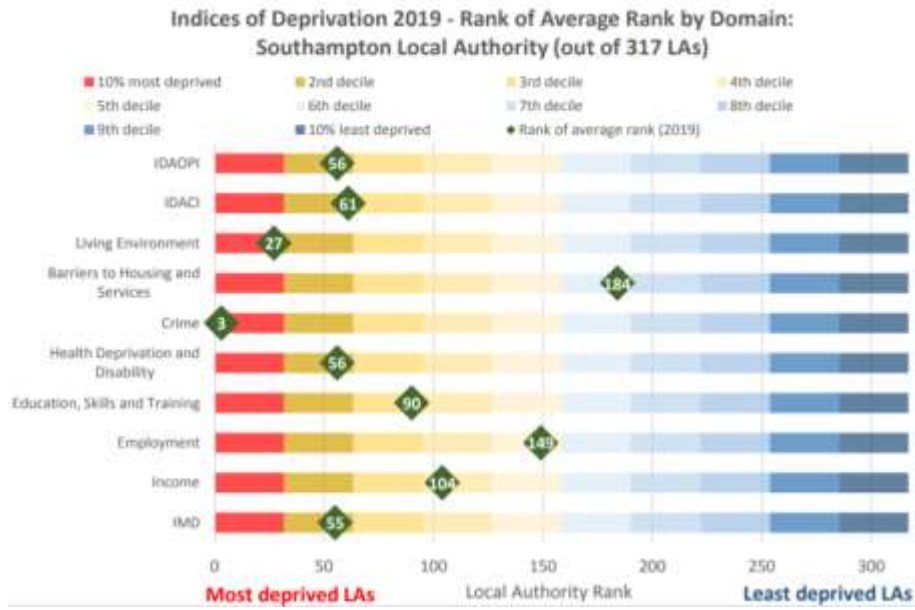
Other key findings from the IMD 2019 analysis for the city are:

- Of the 317 Local Authorities in England, Southampton is ranked 55th (previously 54th) most deprived based on average rank of LSOAs and 61st (previously 67th) most deprived based on average score of LSOAs
- The fact Southampton appears to be more deprived based on the average rank measure (55th nationally and 2nd amongst comparators), illustrates how Southampton is more uniformly deprived rather than being highly polarised (i.e. extremes of deprivation)
- Southampton has 19 LSOAs within the 10% most deprived in England (same as in 2015) and one LSOA in the 10% least deprived in England (previously zero in 2015)
- Around 12% of Southampton's population live in neighbourhoods within the 10% most deprived nationally; this rises to 18% for the under 18 population, suggesting deprivation disproportionately impacts upon young people in the city
- Over 45% of Southampton's population live in neighbourhoods within the 30% most deprived nationally (around 117,000 people)
- At neighbourhood level, approximately half of the LSOAs in Southampton have become more deprived (77/148; 52%) since 2015, whilst half have become less deprived
- The five most deprived neighbourhoods in Southampton are in Bargate (Golden Grove), Weston (International Way), Weston (Kingsclere Avenue), Thornhill (Lydgate Road) and Millbrook (Lockerley Crescent)
- Southampton is ranked 3rd worst in the country for crime deprivation and is in the worst 20% of local authorities for 5 other deprivation domains

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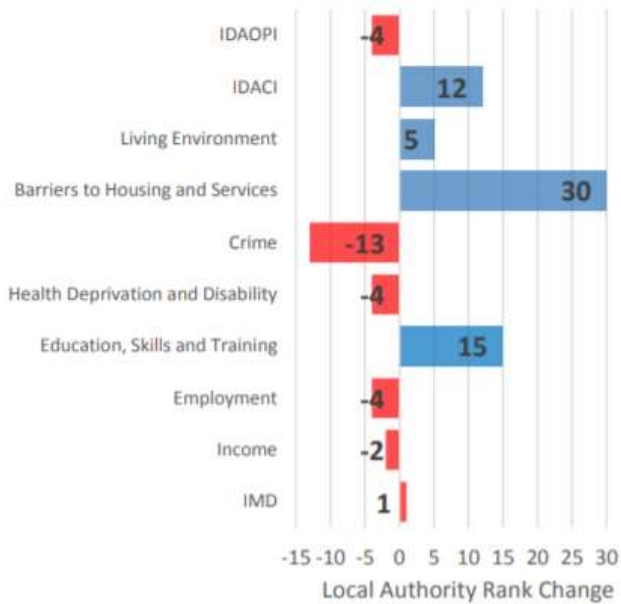
## Appendix

The charts below show Southampton's rank (based on average rank of LSOAs) amongst all 317 LAs in England for each deprivation domain, and how this has changed between 2015 and 2019



## Appendix

### Indices of Deprivation - Change in Rank of Average Rank between 2015 and 2019: Southampton Local Authority by Domain



Southampton is ranked 3rd worst in the country for crime and is in the worst 20% of LAs for 5 domains

Crime is the domain which has worsened the most, whilst there have been improvements in Barriers to Housing and Services, Education, Skills and Training and two other domains

#### Housing

Homelessness is reported as spread evenly across the city with no ward or wards standing out as a particular problem. However, the larger Council estate areas generally see less homelessness than other areas.

Extract from the SCC Homeless Prevention Strategy

Like the rest of the South East, Southampton's property prices continue to grow at a rate that puts home ownership out of reach for the majority of households. As such the demand for social housing in the city is extremely high and waiting times for an affordable home can often reach up to seven years. Southampton is less affordable than England as a whole and is in the top 5 least affordable areas among its ONS comparators

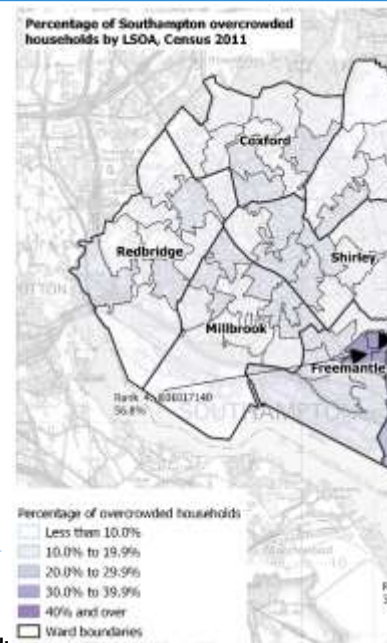
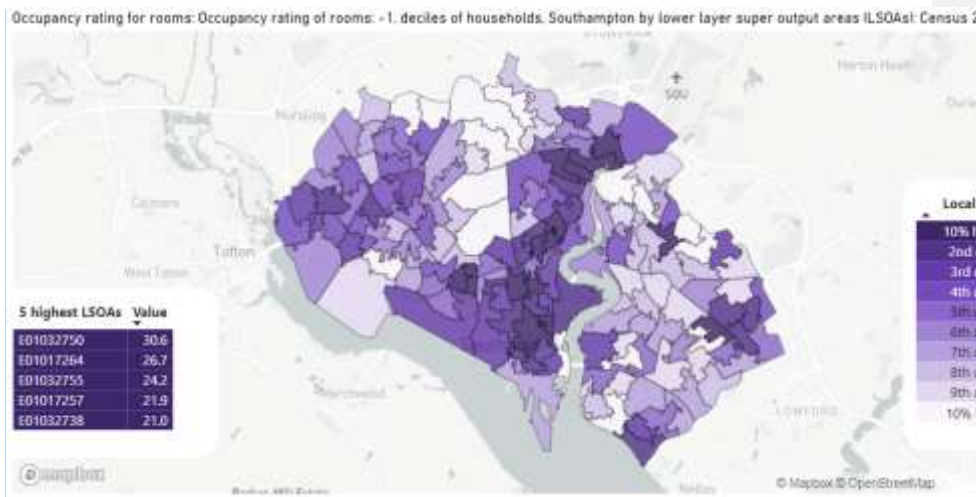
## Appendix

Consequently, the private rented sector has become a very useful source of meeting local housing needs and has grown to become one of the largest private rented sectors in the South East.

Private rented homes in the city vary in quality, size and cost but generally rent levels are lower here (especially in some areas of the city), than other parts of the region such as the New Forest and Winchester. As a result, people on limited incomes can find themselves priced out of these more expensive housing areas, causing them to move to Southampton out of economic necessity, placing greater strain on the city's housing supply.

Households can be defined as 'overcrowded' from Census [2021](#) data, these are households with an occupancy rating of -1 or less which is calculated when there are more people than rooms. The map below shows the areas (LSOAs – neighbourhoods with around 1,500 population each) with higher percentages of overcrowding are Bargate, Bevois and Freemantle.

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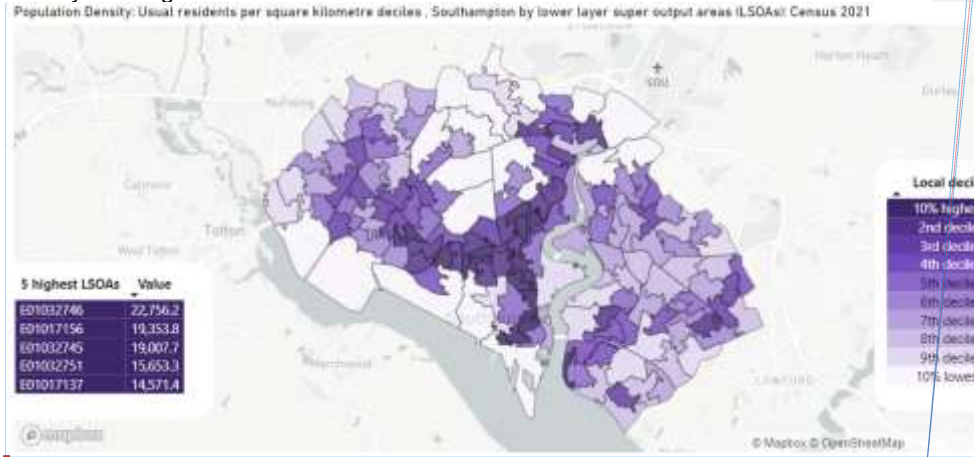


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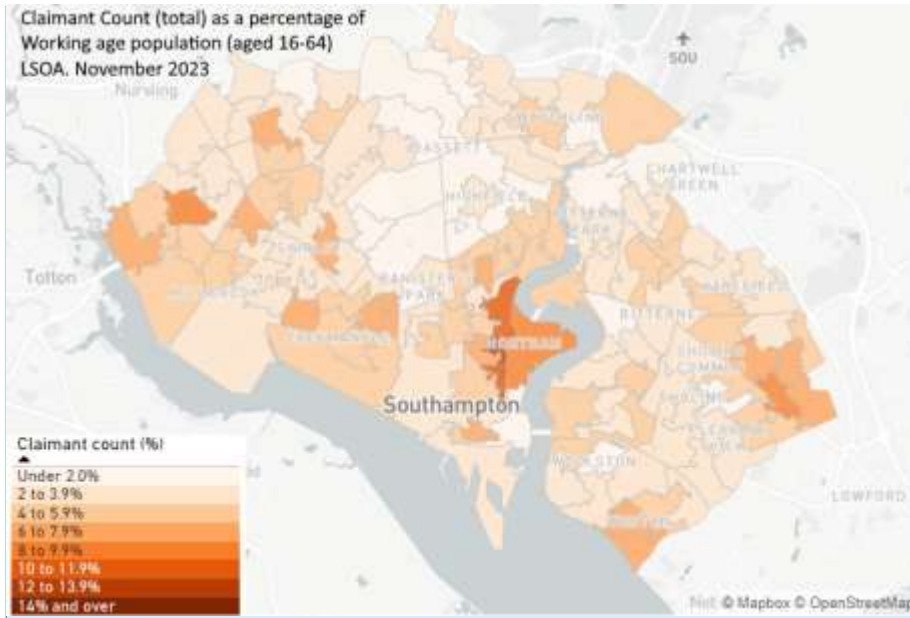
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## Appendix

Population density shows where there are more people living per square kilometre compared to other areas. This is often in areas with less green space and more high-density housing.

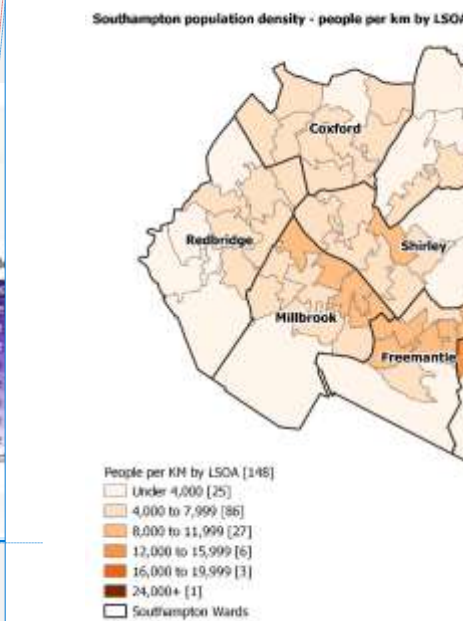


The following map shows the percentages of working age adults claiming benefit principally for the reason of being unemployed. The areas with the higher percentages are in Bevois, Thornhill and Weston Shore.



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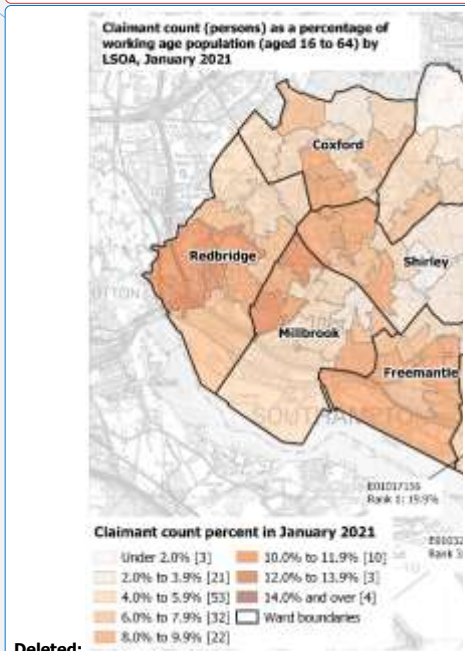
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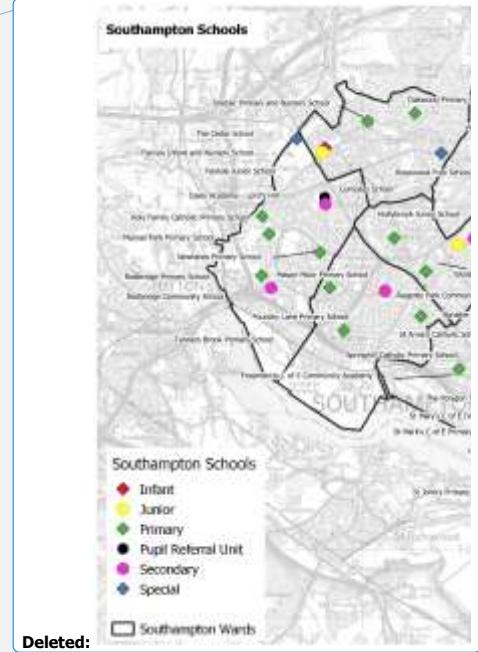
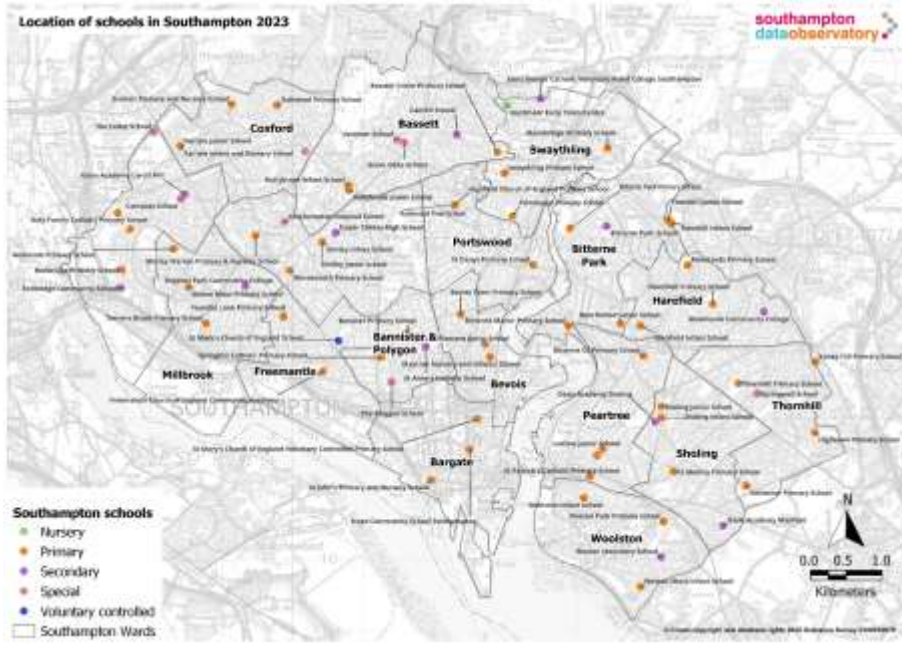


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Commented [MV8]: From benefits power bi - [Microsoft Power BI](#)

## Appendix

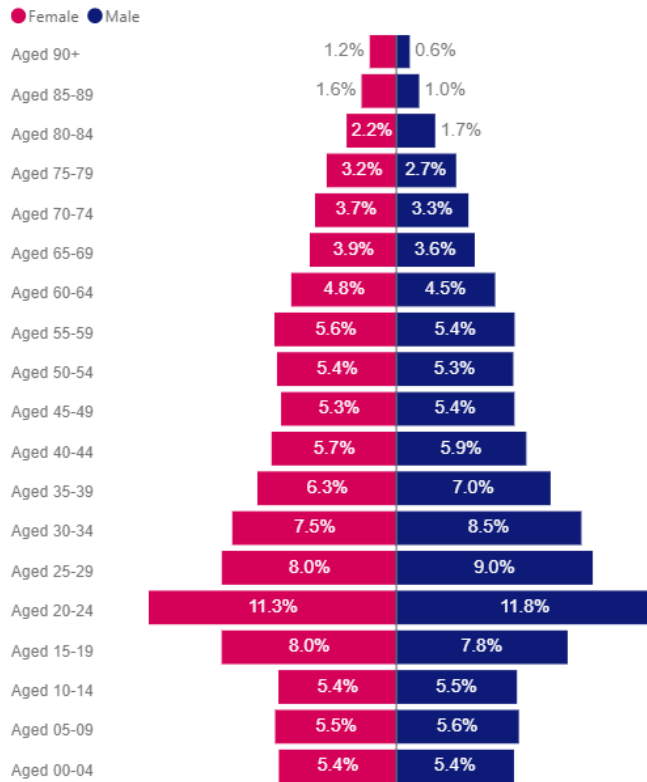
Vulnerable groups at risk from gambling defined by the Gambling Act includes children and young people. The map below shows the location of schools by establishment type.



## Appendix

There are 73,766 residents aged 15 to 29 years in the city, 28.0% of the total population. The following population structure figure shows the percentage of the population by males and females in Southampton.

Percentage of population by sex for Southampton 2022



Commented [VM9]: Population power bi [Microsoft Power BI](#)

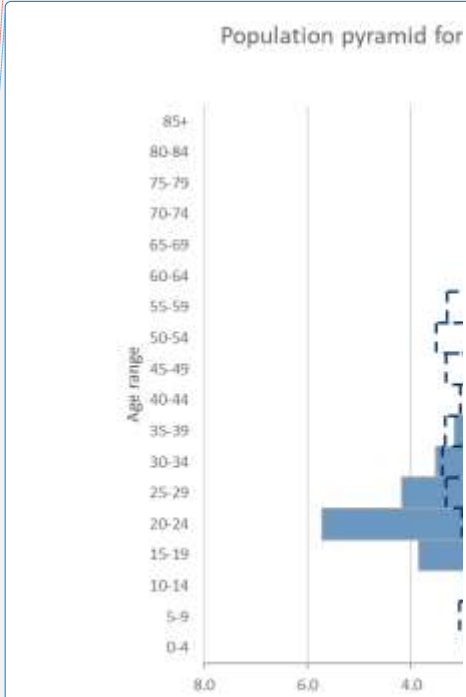
Commented [VM10]:  $73,766 / 263769 = 27.96\%$  rounded to 28.0%

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Source: Small Area Population Forecasts for Southam  
England figures are from Mid-Year Population Estimat

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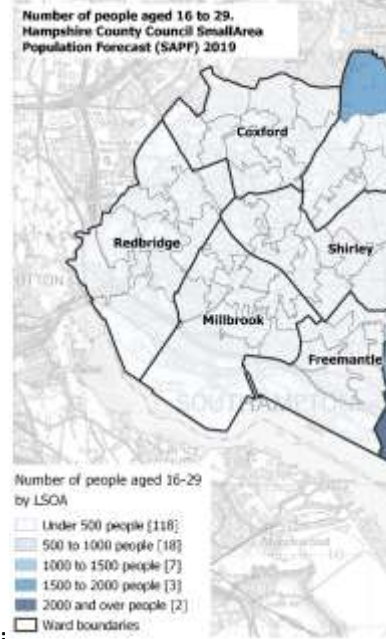
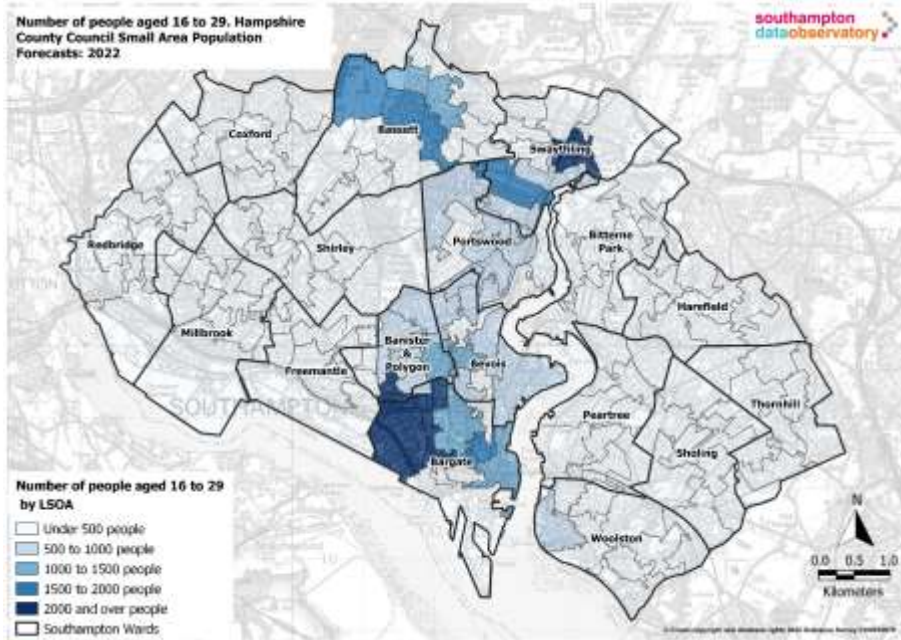
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## Appendix

The following map shows which LSOAs (neighbourhoods of 1,500 people approx.) have the highest counts of 16 to 29 year olds.



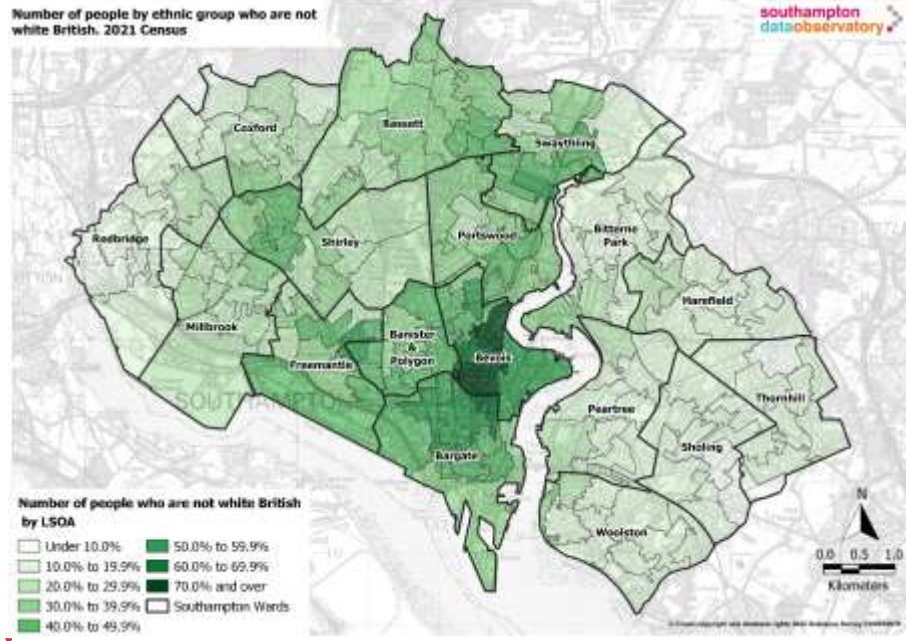
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## Appendix

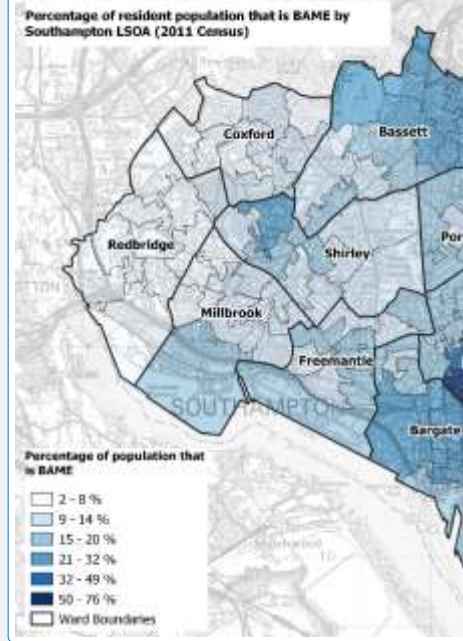
The [2021 Census](#) showed higher percentages of [other ethnic groups](#) living in the Bevois [ward](#) area of the city and Bargate, Swaythling and Bassett compared to other areas.



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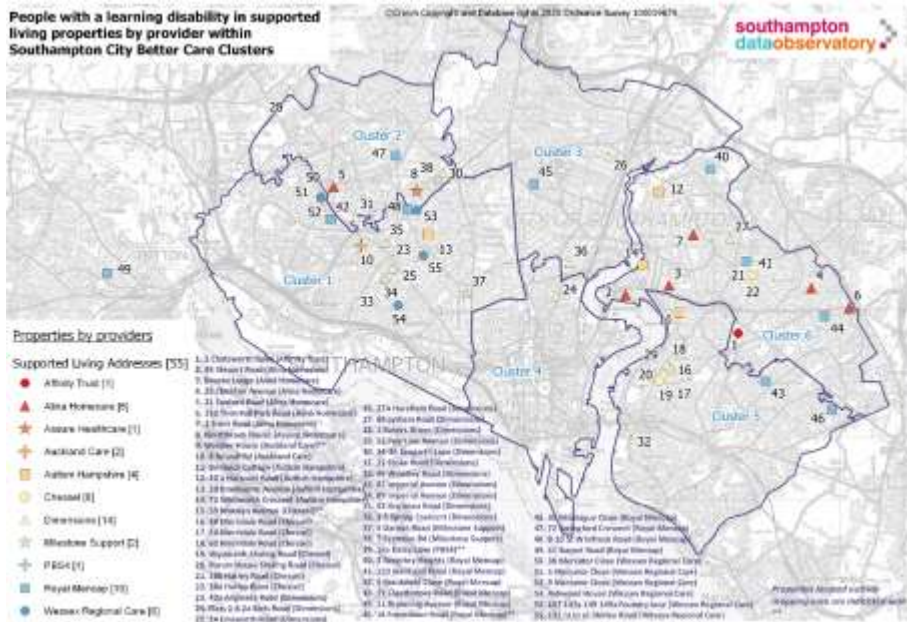


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## Appendix

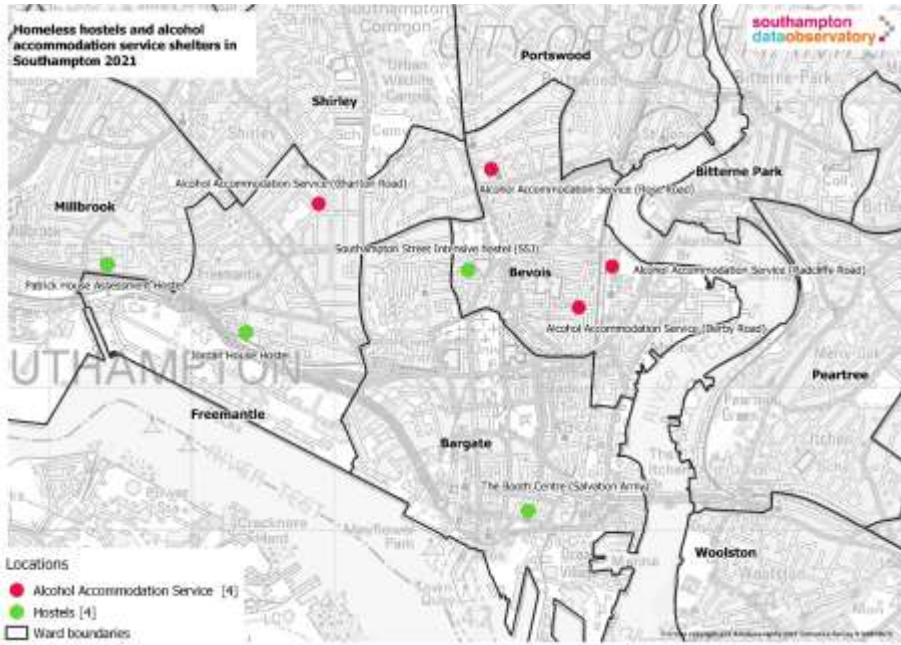
Some population groups may be more at risk to gambling addiction. Geographic locations relating to these groups are shown in the following maps.

Locations of supported living accommodation for people with a learning disability



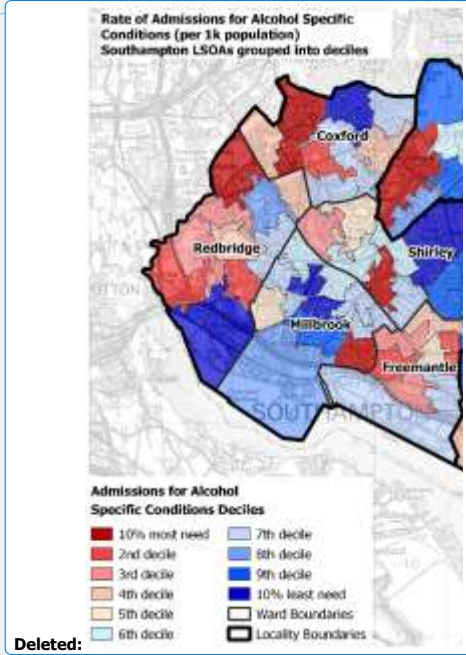
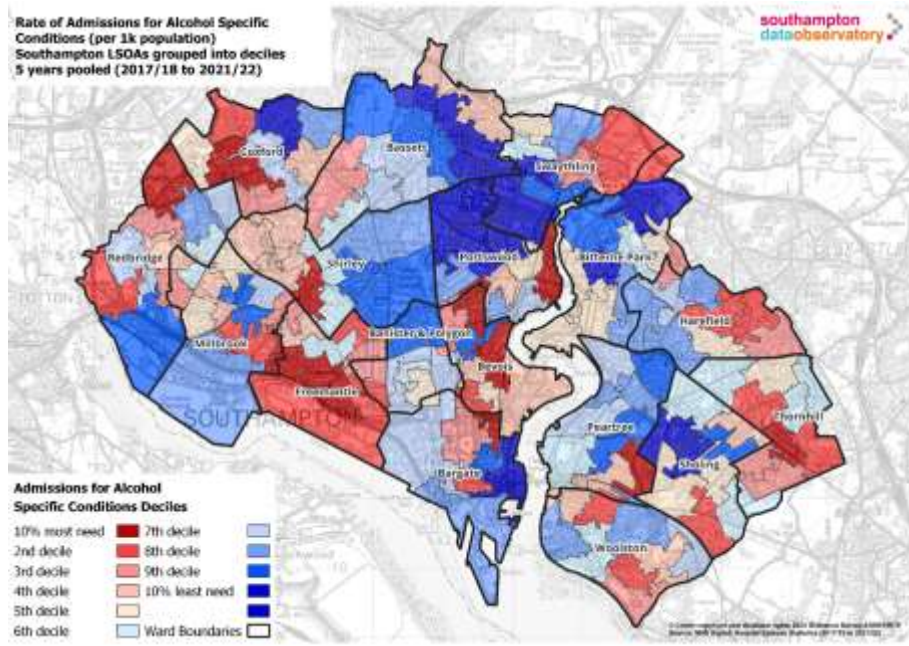
## Appendix

People who use homeless hostels and alcohol services accommodation shelters



## Appendix

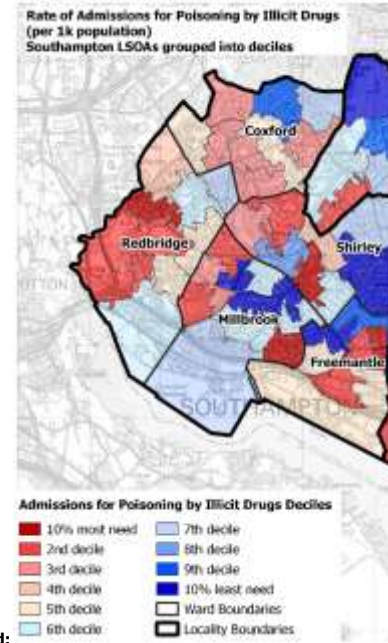
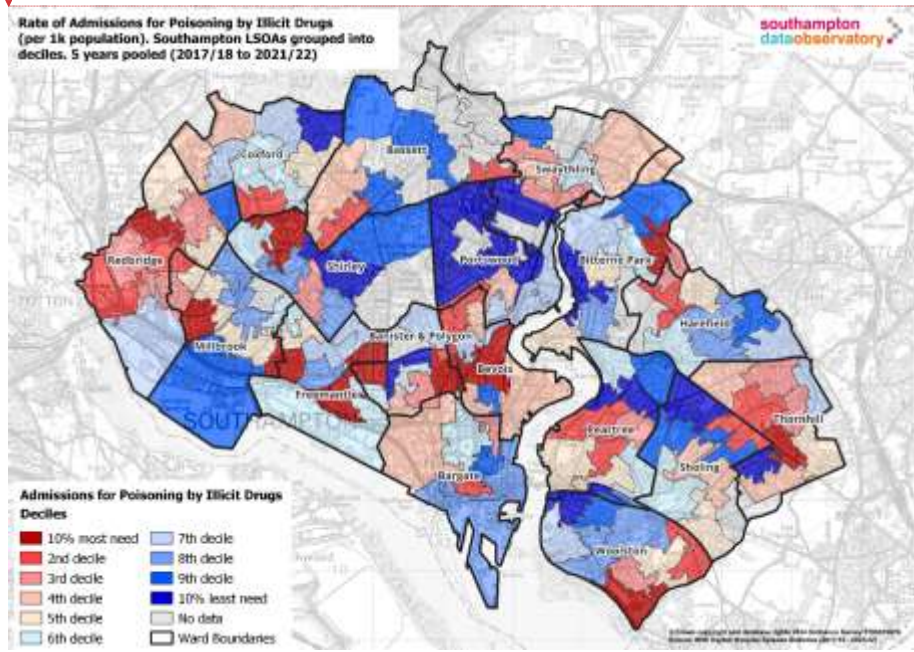
People of all ages who have been admitted to hospital with an alcohol specific condition mapped by where they live



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## Appendix

People [of all ages](#) who have been admitted to hospital with a primary diagnosis of poisoning by illicit drugs mapped by where they live

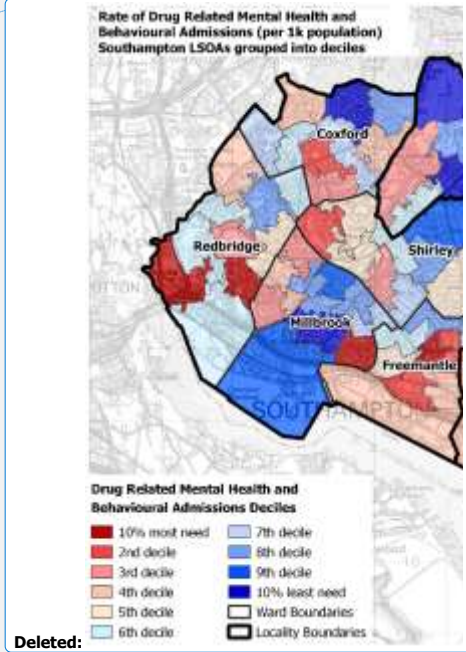
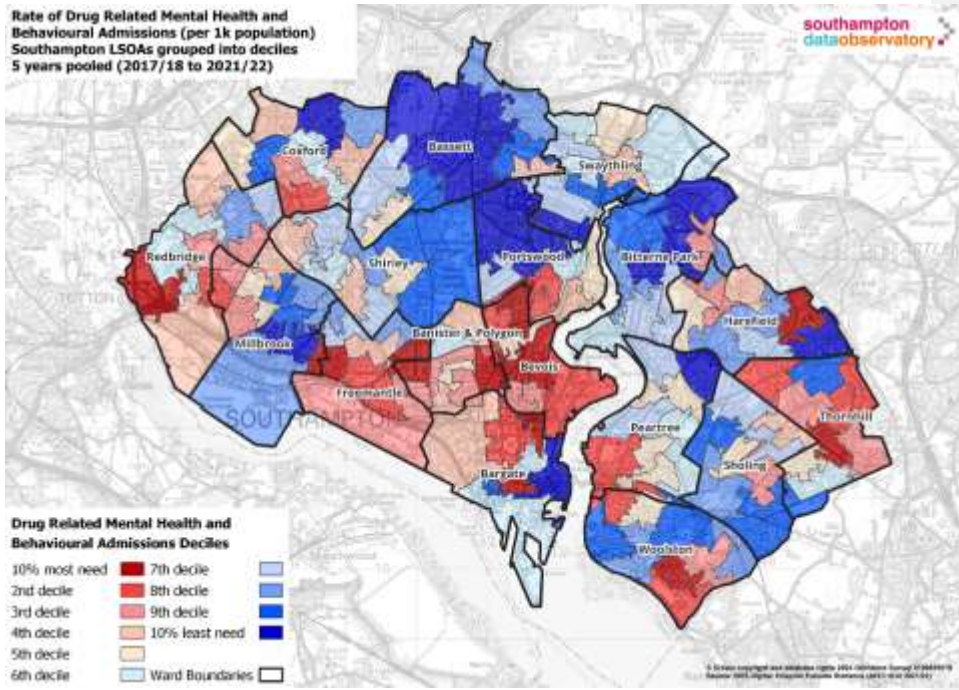


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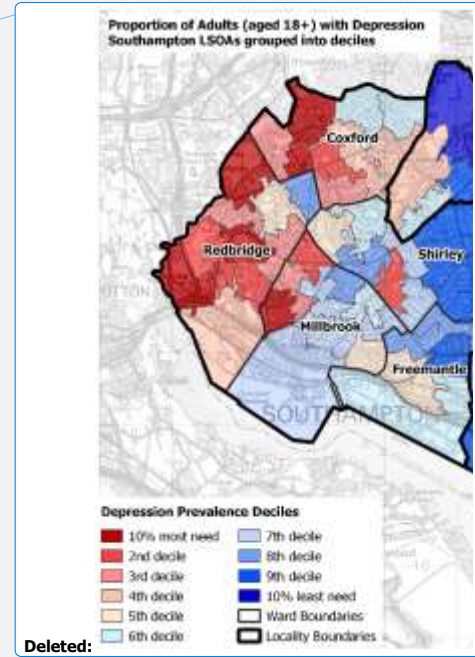
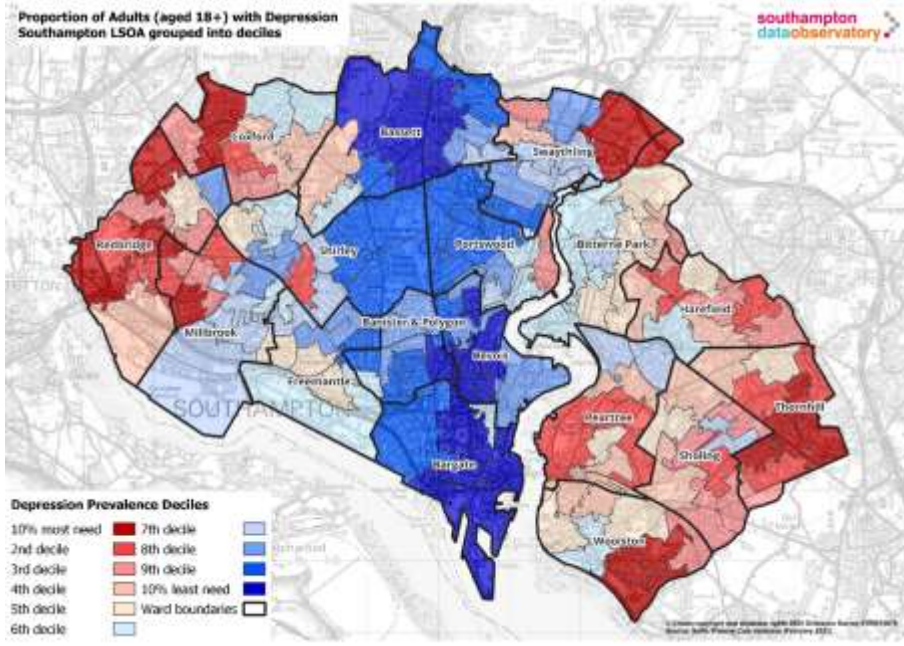
## Appendix

People [of all ages](#) who have been admitted to hospital with primary or secondary diagnosis of drug related mental health and behavioural disorders mapped by where they live



## Appendix

Patients 18+ with a GP diagnosis of a depression mapped by where they live



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