

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. 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.”</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.

	<p>sec acts on people do so . And let's be honest Southampton has had more taxi / phv rapists than the neighbouring departments.</p>	
9.	<p>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>	<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.	<p>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>	<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>

<p>13.</p>	<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. 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>
<p>14.</p>	<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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