

Taxi & Private Hire Trade Consultation with SCC Licensing

**10am Wednesday 19th September 2018
Room 179**

Attendees- Cllr Sue Blatchford (SB) Chair, Phil Bates (PB) Licensing, Russell Hawkins (RH) Licensing, Simon May, RDA (SM), Clive Johnson RDA (CJ) Eugenie Teasley Uber (ET), Ian Hall SHPHA and GMB (IH), Jim Martin SHPHA and GMB (JM), Perry McMillan UNITE (PM), Kevin May, (KM)

SHPHA – Southampton Hackney and Private Hire Association

RDA – Radio Taxis Drivers Association

GMB – GMB Trade Union

SHO – Southampton Hackney Organisation

Apologies from: Cllr McEwing, Cllr Harris, Steve Fricker (Who has retired from the group), Pradeep Athwal, Les Slater, Steve Lucas Sam Shahid (SHO)

1. Apologies

As listed above. IH expressed how disappointed he was that in a consultation meeting between members and the taxi trade, only one councillor was present. SB responded that one Councillor had a hospital appointment and had given their apologies for the full council meeting and another has a meeting at the same time with the British Legion. However, she will communicate with other councillors to encourage attendance. PB said that licensing will get the agenda out earlier, with meeting date and time to councillors which may also help.

PM advised the group that Steve Fricker was stepping down from his role at this group with UNITE.

2. New Hackney Drivers Group

The Licensing Department have been approached by a new group, The Southampton Hackney Organisation (SHO) that have formed representing over 100 hackney carriage drivers. Evidence has been presented that demonstrates that the group has been correctly formed and they were invited to this meeting but have submitted their apologies for this particular meeting.

3. Minutes of Previous Meeting

PM stated that from the last minutes, the data breach by Uber and operating out of town vehicles was the same in this area. PB stated that this was covered in the last meeting.

The knowledge test change was discussed again and it was acknowledged that it was responsible for a great reduction in out of town vehicles working in the city.

4. Action List

Point 21 – Operator licence updating. RH said that this still is not resolved. However, we have recruited and now have three licensing officers. In addition to this RH is writing a new process for updating that will make it much faster for licensing officers to update the vehicles to the licence. This will be implemented by the November meeting. Action – RH.

Point 22 - Speak to drivers about why we still have out of town cars. RH reported that he had spoken to 2 drivers, 1 has an application in with us, the second, NFDC, was happy there and did not want the hassle to apply again and change.

Point 23 - Speak to police about obtaining info on drivers being attacked. PB reported Police will seek information but need to manage this to protect the investigation so sometimes there will be a delay.

Point 24 - Publish on line the conditions of the clean air grant scheme. RH spoke to the project managers. They do not want a full list of terms published as it will be exploited. The outline criteria is available and each grant is issued by way of contract with that proprietor.

5. Checks on drivers from other countries

IH asked when a driver applies for a hackney carriage or private hire licence from another country and has changed their name by deed poll, we know very little of the applicants history, certainly if they come from Afghanistan or Somalia - yet licensing accept their details. Why?

RH responded that an enhanced disclosure and barring service certificate is required to ensure that a driver has no unacceptable criminal past and no history of concern. DBS publish the requirements for drivers that have resided in a foreign country within the past five years here:

<https://www.gov.uk/government/publications/criminal-records-checks-for-overseas-applicants>

These requirements vary from one country to another and a driver will not be licensed unless the DBS requirements can be met. In the cases of name changes, all evidence of this is produced and all names are checked by DBS.

6. Taxi Camera Times

IH asked what is the point of having CCTV in vehicles when incorrect times of an incident are downloaded? (This allegedly happened in a recent case.) RH responded that this occurred as a result of him taking a complaint from a driver over the phone. Footage was examined around the time stated but no offence found. Advice given to the driver. When reporting back to the complainant, a different time was stated. RH will remedy this by no longer taking complaints from drivers over the phone and sticking to policy which states all complaints must be in writing.

7. Deregulation Act Action by Officers

IH stated that clause 11 of the Deregulation Act has caused and is continuing to cause unbelievable hardship to drivers/proprietors. Why is the Association of Licensing Officers not challenging the government to repeal this act? PB reported that NALEO, LGA and other groups are lobbying central government and currently the legislation is under review.

8. Updating Operator Licences

This was covered in the action list.

9. Door Sticker and Operators

This item was withdrawn by SM as it has been answered at a previous meeting.

10. Allowing Pickups at Bus Stops

CJ asked if the council could allow drivers to use bus stops to pick up disabled and vulnerable passengers. SM said that there is a lack of drop off places in Southampton for private hire vehicles and it is causing a lot of difficulty. PB agreed to write to parking enforcement to see if discretion could be given but did say that the matter was really for the highways consultation meetings.
Action – PB

11. Fit and Proper Application

PB stated that the proposed IoL guidance on determining the suitability of applicants and licensees has been circulated for informal consultation with this group. IH stated his dissatisfaction at the statement on p. 10 point 3.16 regarding a licensing authority deciding if someone was fit and proper by

asking themselves if they were happy to allow a family member/relative get into a vehicle with that person.

CJ expressed his concern about drivers losing their licence if they get to seven or more points. PB advised we have around 1450 licensed drivers and at present, only 6 of these have seven or more points on their licence. PM told the group that he had been banned for obtaining 12 points in the past. It caused him a great deal of hardship and was fortunate that he had savings that saw him through.

KM said that a policy of this nature is not allowable and he would seek a judicial review should it be implemented. Policy is not in line with PSV or HGV drivers.

SM asked why the need to change? Existing policy seems OK.

PB responded that the new standard was a national one. Our current policy was adopted as this national policy was taking so long to be written. It was started in 2014. We changed ours in 2016.

The current decision making process was discussed and PB confirmed that any decisions regarding suspension or revocation of a licence was taken either by him in consultation with the chair of the licensing committee (SB) or by the committee themselves.

JM asked if there was a right of appeal.

PB confirmed that there was, via the magistrate's court.

ET asked if the policy was going to go out for official consultation and for how long?

PB said that it would, for three months.

KM said that some authorities may not adopt and this would be unfair.

IH Expressed his concern that Ben Attrill (SCC Council Solicitor)'s name was mentioned as contributing to the document and he should not be allowed to advise the councillors when they meet to agree the document.

PM suggested that members of the taxi trade should lobby councillors.

ET asked to what extent are we influenced by what other authorities do?

PB said that after consultation, the committee will be advised on what the stance was with other authorities.

IH suggested that the entire trade in Southampton should licence in an alternative authority to avoid the policy.

PB asked if it was only the 7 points on a licence part that was a concern and there was widespread agreement that it was just this point that they did not like.

PB advised that it is important that the trade to lobby their views to members and also to make these representations when the document goes out to formal consultation.

Date of next meeting – 21st November 2018