

# Taxi Consultation with SCC Licensing

**10am Thursday 12<sup>th</sup> November 2020**  
**Conference held via Microsoft Teams**

**Attendees:** Cllr Catherine McEwing (Chair) [CM]; Cllr Graham Galton [GG]; Cllr Matthew Renyard [MR]; Cllr Beryl Harris [BH]; Cllr Dave Shields [DS]; Cllr Toqueer Kataria [TK]; Les Slater (HC Rep) [LS]; Simon May (PH rep) [SM]; Perry McMillan (Unite) [PM]; Ian Hall (GMB and Chair of Southampton Hackney Association) [IH]; Prad Athwal (Transmobility) [PA]; Jackie Tomaszewski (PH driver) [JT]; Orbay Keskin (SCC Highways) [OK]; Rosie Zambra (SCC Consumer Protection and Environmental Services) [RZ]; Phil Bates (SCC Licensing) [PB]; Russell Hawkins (SCC Licensing) [RH]; Kate Aspinall (SCC Licensing, note taker) [KA].

**Apologies:** Cllr Sally Spicer. 4 elected reps (see introductions below)

## 1. Introductions

Cllr McEwing reported that four elected reps had decided not to attend because they felt that others she had invited do not represent the trade. She explained that as Chair of Licensing she can invite whoever she feels will add value to the meetings; the elected reps on the panel are all male, there are no women and no-one representing the Disability Forum. If the elected reps do not want to attend then for future meetings we will need to consider how the interests of everyone may be represented, be that those travelling by taxi, workers, private hire or Hackneys.

## 3/4. Update on Transformation Programme/ West Quay pickup/drop-off

(taken out of order to allow Orbay to leave the meeting early)

Two taxi related projects outstanding from last meeting:

- Conversion of Portland Terrace rank into a pick up/drop off point with no waiting restrictions. Plans are finalised, awaiting project delivery dates from Highways.
- Conversion of layby at Above Bar North (in front of O'Neills, nos. 130-138). Presently loading only and evening taxi rank restriction, to become 24hr taxi rank. Project design submitted for feasibility assessment; some major concerns about delivery time – c. 20 weeks, but this is because of necessary consultation periods.

Both would be in place by approximately April/May 2021, subject to consultation and costs.

PB: Asked about the long term plan for Southern Above Bar

OK: The idea is for one-way (northwards) traffic only; complete closure desirable but not feasible.

LS: Would Southern Above Bar proposals be able to accommodate more/better taxi parking if turned into a one-way system?

OK: Long term plan, proposals not finalised, need to get all stakeholders' opinions; consultation with taxi trade will be part of that, but there would potentially be more space for taxis. There would be separate consultation meetings for this, the Switch/Below Bar and Railway Station proposals.

## 2. Matters arising from previous meeting:

**Item 6 - Euro5 relicensing:** clarification re. dates for relicensing. LS confirmed that the details as stated in the minutes are correct, i.e. no relicensing of Euro5 vehicles from 01/01/2022.

**Item 7 - PH drivers working for two operators:** PB has spoken to other Local Authorities who are in the process of updating their policies re. door stickers and the requirement (or otherwise) for inclusion of the operator name. PB has drafted policy proposals in this regard as part of meeting the new DfT

Standards (see agenda item 5), including the possibility of adopting stickers with the authority's name only; this would go out to consultation.

**Item 8 - lack of public toilets in city centre:** PB – no further news, no feedback from Ali Haydor re the trade funding facilities.

**Item 9 – badge wearing:** PB – reminder has gone out via reps that drivers must wear badges. LS & PM have both been spreading the message to drivers.

**AOB: Cycle lanes** – no further update, PB to chase.

**Minutes agreed**

## **5. Implementation of DfT Standards Document**

PB has reviewed SCC policy and conditions in the light of the above and has drafted proposed revisions which will go out to the trade for an initial informal consultation; a revised version will then go to committee, after which there will be a formal three month consultation period, followed by formal approval by committee of a new Taxi Licensing Policy Statement.

Changes involved include:

Drivers – pretty much covered, but would probably be looking to get all drivers onto the DBS update service

Proprietors and Operators – to ask for a basic DBS check for licence holders, and for operators to have a policy to ensure that inappropriate individuals are not employed, particularly those who would have access to sensitive data.

This also covers several issues that the trade has raised recently including working for more than one operator, so there will be an opportunity for all parties to comment as part of the formal consultation.

## **6. Fees inc. change of vehicle and transfer fees**

RH: Current charges (change of vehicle £35, change of address £10) are set as low as they can be given the admin costs involved, and compare favourably with neighbouring authorities. However it is proposed that some fees will be lowered in the near future.

PB: Fees are reviewed annually; from January 2021 drivers fees will be reduced by £50 and vehicle fees by £40.

## **7. Council financial support for trade**

PB: An appeal has been made to the Leader of the Council for SCC to follow Liverpool in providing financial support to drivers because of the impact of Covid. Southampton does not have budget capacity for such measures and has not had the same Covid restrictions as Liverpool, which may as a result have funding to which SCC and Hampshire do not have access.

IH: Pointed out the availability of loans and grants for self-employed drivers. PB advised that this assistance had been mentioned in the response to the trade reps enquiry with links to the information, and anyone needing help finding the information could contact the Licensing office.

## **8. In-house English test**

RH: The introduction of a mandatory English test for new applicants is still happening; it is recommended in the DfT Standards along with the introduction of minimum six monthly DBS checks. Work on introducing the latter has been taking priority recently, but the English test is still in planning.

Getting the DBS checks through the procurement process has taken longer than expected, but once it is underway work can begin on the English test. This will be undertaken by an external

provider, so will also have to go through the SCC procurement process; RH hopes the test will be in place by the end of 2021.

PB: Added that both are included in the draft policy document, ready to be implemented once the services are in place.

CM: Asked who pays for the DBS checks. RH: drivers pay, but are being encouraged to join the update service for which there is a much reduced annual subscription; only the applicant can pay for it, so SCC cannot take on that responsibility, but are looking for an outside provider to administer it.

IH: Update service is £13 a year, and much quicker.

RH: There is an additional cost to the council for administering the checks and the staffing levels are not sufficient to take this on, hence SCC are looking for an external provider.

## **9. Door signs/multi-operator drivers**

PB: Summarised the issue which has been raised by many drivers who want the ability to work for more than one operator. This isn't prevented as such, but the SCC vehicle conditions require the display of door stickers with the operator's name and phone number/domain name. This is required for public safety, so that when a customer books with an operator they can easily identify the vehicle that collects them as a private hire vehicle. Companies such as Uber enable drivers to work for more than one operator and take advantage of different formats, arguably giving the driver more opportunity for work. However the overall number of customers remains the same, it just allows drivers to be more competitive within a restricted market. Phil recognises that there is a substantial number of drivers who would like this flexibility; however it is important to have some form of branding on the vehicle and Phil feels that that should include the operator details.

PM: His union feels that the signage is important for customer safety. It was brought in to enable customers to identify the vehicle and the company operating it. If a driver is working for two different companies this would be less clear. Magnetic signs are easily removed or lost.

Noted the situation in Portsmouth where signs are being made mandatory following vandalism of Uber vehicles. Each local authority will decide based on its own local situation.

IH: Supports keeping the prohibition on magnetic signs. Noted that earlier this year Swindon council introduced a condition banning drivers from working for more than one operator. It is possible for a driver to set up as an operator and work for whoever they want to.

PB Agreed such an operator could sub-contract from one of the larger operators.

TK: Query re the approach of other authorities, presumably they also take safety into account? What other ways are there to allow drivers to work for more than one operator, as they are allowed to by law, without compromising customer safety?

PB: It's really difficult to find a way to achieve this; it will need to go out to consultation and then it will be up to Licensing Committee (full) to make a decision on the best policy for Southampton.

SM: Pointed out that it is the vehicle that is restricted not the driver, and a driver could rent a vehicle on a pay as you go basis; there are companies offering such a service.

RH: Agreed that multiple vehicles would be one option, perhaps by pooling between a group of drivers. However there is concern that, if, especially at times of high demand, drivers can charge more by taking (for example) an Uber booking and switching away from the traditional operators, then operators may be left with insufficient drivers to honour bookings made and customers could be left stranded. An operator knowing what cars he will have available on a particular night is a tremendous advantage for public safety.

IH: Private hire vehicles have to be pre-booked, concern about whether the vehicle turns up with the right driver and badge; also bear in mind the difference between private hire and Hackney Carriages.

RH: If a driver does want to work for multiple operators, becoming a Hackney Carriage driver would allow them to take whatever bookings they please.

## **10. Adams Morey and other garages**

- PB: A lot of drivers have requested an alternative garage to Adams Morey for vehicle compliance checks; AM has been used for a long time and the processes are well integrated with the Licensing office. Some 1500 vehicles need to be tested over the course of a year, plus retests and new vehicles. The testing is distributed throughout the year to manage the workload and avoid peaks and troughs; this includes an appointment system in the control of the office which helps to keep costs down by reducing the admin for both SCC and AM. Using more than one garage would mean leaving the booking of appointments to individual drivers and would create more admin work. The arguments in favour are that there might be more competitive pricing and a more responsive service e.g. in an emergency. However Phil feels that the AM system works well, provides consistency of testing and in the information fed back to SCC; using more than one would risk losing that consistency.
- LS: Supported the current testing regime, feels there would be few companies that would be able to provide a similar service at a lower cost.
- PM: Most drivers seem happy with the AM system, suspects that maybe those who are less diligent about vehicle maintenance may be more likely to complain.

## **11. Replacement of car, two month time limit.**

- RH: This issue arises where a vehicle is involved in an accident and is suspended because it is not fit for use. The law allows two months for the suspension after which the licence lapses. This is not generally a problem for private hire vehicles as they can be reinstated at a later date, but for Hackney Carriages the licence is lost if no replacement has been secured whilst awaiting an insurance payout. A substitute vehicle can be put in place if it meets all the usual conditions, but if this is not possible, the owner may eventually lose the plate which then has to be made available to other applicants.
- LS: Feels SCC's approach is flexible.
- PB: SCC has to work within the limits of the legislation and the team works with drivers to try to keep the plate if possible; however SCC can only go so far and can't be seen to be acting against the interests of other potential applicants.

## **12. Traffic Enforcement issues**

- PB: Parking Enforcement does not operate 24/7, and there are problems with illegal parking on ranks. The request is for additional enforcement, which is beyond the responsibilities of Licensing, although before lockdown there was a plan for Licensing staff to accompany parking enforcement to help with taxi rank issues. Once the situation normalises these will be reinstated.
- PM: Drivers pay fees to be able to use ranks, and without any enforcement it's a parking free-for-all. There is a related problem with private hire cars parking near the ranks at night. Recognises the funding issue but maybe there could at least be some work to identify the problem e.g. by recording the extent of the problem, taking photos etc.
- CM: suggested she could discuss with Cllr Shields and Rosie Zambra to see if there is a way forward once lockdown has eased and the Night Time Economy restarts.

## **13. Brexit EU settlement scheme**

- IH: EU citizens need to apply to EU Settlement Scheme by 30 June 2021 in order to continue living and working in the UK. Could affect a number of drivers.
- RH: Currently we look for a UK or EU passport or another document proving Right to Work, e.g. residence permit with RTW. Small percentage of drivers are here on EU passports, not easily able to identify as SCC records a driver's country of birth but not nationality.
- CM: SCC, unions and trade reps need to work together to make sure EU nationals have completed the necessary paperwork to ensure they retain the Right to Work after June 2021.

## **14. IOL document, compliance and appeals**

- IH: Re. the IoL guidance document conditions accepted in July 2019: do these also carry the right of appeal to a magistrates court as conferred by the Miscellaneous Provisions Act 1976? [Part II sections 47 (3), 48 (7)]

- PB: The IoL guidance is a policy, so not a condition as such. Any appeal would have to be against a condition, whereas the IoL document is a policy on how SCC determine the suitability of applicants. Should a driver have their licence refused SCC would point out the reasons and the policy and ask if they wanted to proceed; an application must have been refused before an appeal can be made.
- IH: Emphasised the importance of clause 3.32, that drivers “should demonstrate appropriate professional conduct at all times.”

## **15. Verifeye cameras**

- LS: Verifeye went out of business three years ago and the recommended models were manufactured six years ago; it is therefore almost impossible to repair these due to the scarcity of parts. This has caused issues with some drivers because they need to replace it with a complete new set of kit at a cost of £570 (including VAT, installation and warranty).
- CM: Given the current economic situation, does LS have any way to allow drivers to pay by instalments?
- LS: As a small business he cannot do this.
- RH: At the moment SCC uses three suppliers and four systems, including Verifeye. Licensing do not currently have capacity to take on any new systems but will do so once Enforcement officers are fully trained on the current systems.

## **16: Breadth of representation of taxi trade and feedback from reps**

- IH: Although these meetings are useful, they need to have wider representation to include operators of both small and large companies including single private hire operators; there is a feeling that sometimes their voices are not heard. IH & PM had discussed this with a range of people prior to the limits on numbers.
- PM: The democratic election of reps looked good on paper, but there does not seem to be adequate feedback from them across the full breadth of the trade. Although the process is in place for next year’s elections, we should consider the benefits for the whole trade of the Brighton model, with representation from across the trade including companies, proprietors, ethnic groups, unions, police, and that if reps don’t attend regularly they lose the position.
- CM: Previous meeting was all male, and there was no representation of disability groups. Happy to invite reps from across the full spectrum of the trade, and reps who will report back to the whole trade.
- PB: Brighton model already under consideration; consultation is important, need to bolster whatever system we have with a set of rules rather than relying on goodwill. These meetings are not a legal requirement but a matter of good practice; we need to get everyone back on board with a scheme that represents everyone.
- PA: Respects the democratic process, but there does need to be more diverse representation especially of women and disabled operators. Not sure how it can be claimed that those invited to today’s meeting are not representative of the trade.
- SM: Agreed with IH & PM re. input from operators, feels this meeting has been very constructive and hopes this format will continue.
- CM: Thanked especially Jackie and Prad and requested input from the perspective of women, disabled people and disabled operators perspective at future meetings.
- TK: Welcomed increased diversity in attendance. If elected reps are not communicating back to the whole of the trade community then this should be highlighted and addressed. Respects the democratic process but if this isn’t working, perhaps we should improve the current system rather than changing to a different model, for example by reserving elected seats for women.
- CM: Has talked to a driver recently who wasn’t aware of these meetings and wasn’t getting any feedback on issues relevant to them;
- PA: Also unaware of meetings until invited! Need more information online, maybe forward dates and agendas to operators so that they can pass it on to drivers to raise issues.
- LS: Noted problems of being a rep: some drivers don’t agree with him when he feeds back, others are not interested.

- PB: SCC posts details of meetings on the Noticeboard, but that isn't easy to find on the website, so we will look to make the webpages more accessible and easier to find out when minutes are published. Agree it would be useful to have the views of other operators; however there will inevitably be differences of opinion between different sectors of the taxi trade and officers and Councillors need to bear this in mind when coming to decisions about how best to protect both the public and the trade.
- TK: Agrees we need to make information about these meetings more widely known and get reps to work with the Council to ensure this happens.
- CM: Noted that these Consultation Meetings are a matter of good practice (not mandatory); CM is trying to create a forum for a broad consensus across the taxi trade and will invite people from across the trade if she feels they will add value to the meetings and widen the representation. However she is disappointed that this framework for a two-way exchange of views between the licensing authority and the trade has broken down through the decision of the elected reps not to attend. CM has had messages of support for her approach and wants to be clear that she will not be bullied into accepting any forum that does not have fair representation from all viewpoints.
- PM: Previous chairs have also invited others to attend. Reps should be a conduit in a two-way process, feeding back information to colleagues in the trade but also bringing information and issues to the council. He is happy to mediate and try to encourage those who have boycotted the meeting today to attend as part of the broad spectrum of different interests in the trade, who all have a contribution to make. He hopes that they will return and realise that the process is there for all of us.
- GG: Has found today's meeting refreshing, constructive rather than confrontational and has achieved a lot.
- DS: Thanked the Chair for letting him sit in; agrees about the need to increase diversity and inclusion. Cautioned re. the need to distinguish between normal trade lobbying and "political" lobbying and the risk of putting council officers into a difficult position.
- IH: Need to remember the difficult time the whole city has been going through.
- TK: Deprecated any bullying behaviour; we need to respect each other. Thanked Perry for his offer of mediation.
- PB: Agreed the meeting has been constructive, but that is no criticism of those who didn't attend and he will do all he can to get them to attend in future so that their voice can be heard.
- CM: It's a shame that the reps weren't here to hear the answers to the issues they had raised previously and take the responses back to those who they represent.  
Thanked all for their input; it's been a refreshing meeting and a broader perspective will only help the taxi trade.