

DECISION-MAKER:	LICENSING COMMITTEE
SUBJECT:	TAXI LICENSING POLICY STATEMENT 2021 -DOOR SIGNAGE
DATE OF DECISION:	3rd November 2021
REPORT OF:	Executive Director Communities, Culture and Homes. Mary D’Arcy

<u>CONTACT DETAILS</u>			
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STATEMENT OF CONFIDENTIALITY

N/A

BRIEF SUMMARY

Southampton City Council’s private hire vehicles have livery which require the name and contact details of their operator to be displayed. This report reviews this policy and allows options to change this policy to remove the restriction that this puts upon a driver to work for just one operator at the same time. The review has been instigated by officers in response to concerns raised by some drivers and trade representatives as well as changes in the way that vehicles are booked and the technology that can give more information to the customer.

RECOMMENDATIONS:

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| | (i) | To consider and approve the contents of this report, appendices and any comments or representations made on the policy attached as appendix 1. |
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REASONS FOR REPORT RECOMMENDATIONS

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| 1. | Approximately 20 years ago after consultation with the taxi and private hire trades and amongst other changes, the council introduced the requirement of permanent door signage on private hire vehicles. This signage included operator name and contact information. |
| 2. | Over the years that followed, local operators honed their business models to reflect the local policy and conditions which effectively gave drivers a free choice of which operator he/she could work for but they could only work for one operator at any one time. Technology advances, in particular mobile phone apps, has dramatically changed how operators can engage with customers and drivers. This has prompted some drivers to seek an amendment to the conditions to allow them to work for more than one operator at a time. |

3.	The option to change the door sign requirements for private hire vehicles has the potential to have a profound effect on the taxi trades in the city. Therefore careful consideration should be given to the detail of this report prior to any decision being made.
4.	In July 2020 the Department for Transport published their Statutory Taxi and Private Hire Standards document which mentions signage as a safe way to identify a licensed vehicle. Southampton has a large night-time economy and is a thriving City. Therefore, it makes good sense that licensed vehicles are readily identifiable as a safe refuge for the purposes of safeguarding and also to assist in the identification of a booked vehicle. Therefore, signage of some kind is recommended to be retained.
ALTERNATIVE OPTIONS CONSIDERED AND REJECTED	
5.	Use of temporary signage or magnetic signage should not be considered as such signs can be easily lost and misused. Also more vehicles are being constructed from aluminium or composites which magnetics will not adhere to.
6.	Removal of signage completely was discounted for reasons previously stated.
7.	Remove the requirement to display operator details. This is prompted by drivers seeking to have more choice of the work they undertake. There is evidence they will naturally seek to take the higher earning jobs resulting in shorter trips being more likely to be difficult to fulfil or be cancelled by the driver. This leads to vulnerable people being left in a vulnerable position, either left in a street when vulnerable or unable to attend important appointments
DETAIL (Including consultation carried out)	
8.	The option of an alternative door sign went out to public consultation on 10th March 2021. The consultation was originally intended to be for a period of 12 weeks ending in early June. Due to unforeseen delays with posting out letters advising of the consultation the period of consultation was extended until 5th July 2021 to ensure everyone had ample time to respond.
9.	A total of 323 responses were received throughout the consultation period. A summary of the responses in relation to vehicle signage is attached at appendix 2.
10.	Officers responses to that element of the consultation are detailed in appendix 3.
11.	<p>In that consultation on a new taxi policy we included an option of keeping the current condition or amending it to require a door sticker but without the operator details displayed.</p> <ul style="list-style-type: none"> • 34% of respondents preferred to keep the current policy • 39% preferred the removal of the operator details on the sticker • 15% preferred a different option (probably no sticker as this was a comment raised 54 times in the free text response) • 12% did not mind. <p>The responses from residents had a very similar breakdown.</p>

12.	A draft policy was presented to the licensing committee in September 2021 where the committee decided that more research should be carried out before a decision was made.
13.	<p>The safety features of displaying door stickers are to clearly identify the car as a licensed vehicle. This is important as the vehicle has to comply with all of the conditions of the licence regardless of the purpose it is put to and it can only be driven by a holder of a Southampton private hire driver's licence. There are other conditions that promote public and driver safety, the taxi camera policy being the main one. Retaining clear signage supports this and other conditions promoting safety.</p> <p>The operator details provide a clear means of identifying which car has been booked for the public and a means of communicating with the operator about any issues.</p>
14.	We have reviewed 25 other licensing authorities across England. There is no consistency. Four of the authorities have a similar condition to Southampton. Five others allow operator door signs in their conditions and to display the operator details but allow magnetics to allow drivers to work for more than one operator at a time. The remainder either had no policy on this area or allowed door signs as an option.
15.	One region is looking to implement a policy of door signage with operator details across all authorities in the region but are having difficulties getting all areas to agree. They have no evidence to support this but say it is based on public safety so customers see the operator details on the car when it turns up.
16.	<p>A large midland city authority introduced a door sign policy some years back and had the same issues raised by what they describe as 'traditional operators' but they report the concerns never materialised. They did allow magnetic signs with the operator details and they have had a few reports of cars with two different operators displayed.</p> <p>We do not support the use of magnetic signs. They are easily stolen and are a readymade kit to make a private car appear as a licensed vehicle and can fall off causing a danger. Steel is in decline as the material used for vehicle construction and we are seeing an increase in aluminium and plastics used rendering magnetics useless. It was also pleasing at the licensing committee to hear members of the trade agree magnetics were not wanted.</p>
17.	<p>Arguments for removal of operator details</p> <p>The benefit of assisting fares identify their booked vehicle has diminished with the introduction of mobile phone, text and app technology as operators are able to send vehicle details to the customer. However not all customers, especially some of our more vulnerable in society such as the elderly, have the technology to receive these messages so still rely on door signage to identify the vehicle they have booked.</p>
18.	The current policy makes it difficult for any new start-up company. They will find it difficult to recruit drivers unless they already have a good customer base to provide the driver with work, facilitating drivers to work for more than one operator allows a new company to start with a small customer base as the drivers can still work for another company as the customer base builds.

19.	A number of drivers have indicated they will licence with an authority that allows them to work with more than one operator if the policy remains as it is. This may result in a steady increase in the number of vehicles working in the city licensed elsewhere. This in turn will lead to an increasing number of vehicles with no camera or signage other than a plate and older more polluting vehicles.
20.	<p>Arguments to retain operator details</p> <p>Those in favour of retaining the operator details express concerns that making it easy for drivers to work with more than one operator will make managing demand difficult. Drivers will pick and choose which job to take resulting in fulfilling shorter journeys more difficult.</p> <p>It will not be possible to manage driver hours as operators will not know if the driver has been using another operator earlier in the day. They also point out this change will not increase the amount of work for the trade as a whole.</p>
21.	Officers have been approached by a representative of a private hire company operating mainly in South Wales and the midlands and have operator licences with over 25 different authorities. He advises since the pandemic they have seen a change in behaviour from drivers with increasing instances of drivers accepting a job but then not showing up or simply refusing work. This is believed to be where they are working for more than one operator and the drivers are 'cherry picking' the more profitable jobs. This is resulting in customers being left with no car collecting them.
22.	Removal of the requirement to display operator details will cause the local traditional companies difficulties as they will have less control over their drivers which could result in bookings being difficult to fulfil.
23.	A number of our local operators already hold operator licences in neighbouring authorities and may consider it a better business proposition to move more of their fleet to another authority, again increasing the number of older vehicles working in the city with no camera. I consider this to be less likely than the drivers moving if the condition is retained.
24.	With no operator details it will make identification of the vehicle booked more difficult for those without access to mobile phones or apps and those that for various reasons will wait inside a building.
25.	<p>Case study : During a recent late night patrol, I observed a lone young woman waiting for a private hire vehicle booked via an app. The app advised the vehicle would arrive in 3 minutes, then one minute, then it said cancelled. She booked another car and the same happened. By this time she was receiving unwanted attention from young men in the area and she was confronted by one young man who was disappointed she did not want his number. She was being supported by security staff from one of our establishments, whose behaviour was exemplary and must be commended. She was taken to a hackney and then taken safely home. Without her details I could not identify her bookings but I did speak to a regional director of the company who admitted there is an issue with drivers cancelling jobs and it is probably because drivers are getting a better job from another company.</p> <p>On this patrol I saw a number of vehicles licensed by other authorities clearly working in the city without any door stickers.</p>

26.	<p>There is some evidence that supports the assertion that drivers will go to some length to obtain a longer fare, it is understandable as this drives more income for the individual. The request to remove the operator details from the signage, emanates from a desire by some drivers to have more choice as to who they work for, despite complaints and evidence of drivers 'cherry picking' the longer journeys, especially in the docks.</p> <p>Easing our conditions to facilitate drivers working for more than one operator will in the officers' view, result in more fares being cancelled and placing vulnerable customers at risk of this practice as was recently witnessed.</p> <p>Thankfully security from a nearby nightclub kept the young woman safe on my recent patrol but they cannot always be there.</p> <p>My recommendation is therefore to retain the policy as in appendix 1.</p>
RESOURCE IMPLICATIONS	
<u>Capital/Revenue</u>	
27.	<p>Several drivers are advising they will licence elsewhere if the operator detail continues to be required. There is evidence that suggests that a number of Southampton drivers have already got licences elsewhere for this purpose.</p> <p>This may reduce the number of vehicles we licence, reducing our income. The number of out of area vehicles working in Southampton will increase further.</p>
<u>Property/Other</u>	
28.	n/a
LEGAL IMPLICATIONS	
<u>Statutory power to undertake proposals in the report:</u>	
29.	Local Government (Miscellaneous Provisions) Act 1976 section 48 (2) Licensing of private hire vehicles and applying conditions to those vehicles.
30.	Local Government Act 2000 – Functions and Responsibilities Regulations 2000 Provides the framework for the discharge of various functions of a local authority.
<u>Other Legal Implications:</u>	
31.	<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>
32.	<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</p>

	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.
33.	<p>Equality Act 2010</p> <p>Section 149 of the Act states a public authority must, in the exercise of its functions, have due regard to the need to —</p> <ul style="list-style-type: none"> 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.
RISK MANAGEMENT IMPLICATIONS	
34.	There is no risk to service delivery or financial risk for the authority. As not all sectors of the taxi trades agree with each other whatever is decided has a risk of reputational damage for the authority but this is likely to be limited to within the taxi trade s and some of those closely associated with them.
POLICY FRAMEWORK IMPLICATIONS	
35.	The proposed policy is not contrary to the Council’s policy framework

KEY DECISION?	Yes
WARDS/COMMUNITIES AFFECTED:	All Wads
<u>SUPPORTING DOCUMENTATION</u>	
Appendices	
1.	Proposed private hire vehicle policy and conditions
2.	Consultation Responses
3.	Officers responses to the consultation key points

Documents In Members’ Rooms

1.	
2.	

Equality Impact Assessment

Do the implications/subject of the report require an Equality and Safety Impact Assessment (ESIA) to be carried out.	Yes
Data Protection Impact Assessment	
Do the implications/subject of the report require a Data Protection Impact Assessment (DPIA) to be carried out.	No

Other Background Documents

Other Background documents available for inspection at:

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