

# Licensing Committee

Wednesday, 14th June,  
2023

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 J Baillie  
Councillor Beaurain  
Councillor Mrs Blatchford  
Councillor Kenny  
Councillor Noon  
Councillor Powell-Vaughan  
Councillor Whitbread  
Councillor Windle  
Councillor A Frampton

## **Contacts**

Democratic Support Officer  
Emily Goodwin  
Tel: 023 8083 2302  
Email: [Emily.Goodwin@southampton.gov.uk](mailto:Emily.Goodwin@southampton.gov.uk)

## **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 2023/2024**

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.

### **Rules of Procedure**

The meeting is governed by the Council Procedure Rules as set out in Part 4 of the Constitution.

### **BUSINESS TO BE DISCUSSED**

Only those items listed on the attached agenda may be considered at this meeting.

### **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 2023/24.

### 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 - 4)

To approve and sign as a correct record the Minutes of the meetings held on 29<sup>th</sup> November 2022 and 7<sup>th</sup> December 2022 and to deal with any matters arising, attached.

### 6 **PRIVATE HIRE VEHICLE, PRIVATE HIRE DRIVER AND PRIVATE HIRE OPERATOR CONDITIONS** (Pages 5 - 176)

Report of Licensing Manager seeking amendments to the private hire conditions to enable the removal of the requirement to display operator details.

### 7 **HACKNEY CARRIAGE UNMET DEMAND SURVEY** (Pages 177 - 268)

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

### 8 **REMOTE HEARING PROCEDURE** (Pages 269 - 274)

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

Tuesday, 6 June 2023

Executive Director Communities, Culture & Homes

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SOUTHAMPTON CITY COUNCIL  
LICENSING COMMITTEE

MINUTES OF THE MEETING HELD ON 29 NOVEMBER 2022

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Present: Councillors Bunday (Chair), Blatchford, Cooper, Furnell, G Galton, Noon, Goodfellow and Vassiliou

Apologies: Councillors Vaughan and Fitzhenry

1. **ELECTION OF VICE-CHAIR**

**RESOLVED** that Councillor Cooper be elected as Vice-Chair for the Municipal Year 2022-2023

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

**RESOLVED:** that the minutes for the Sub- Committee meeting on 3 November 2021 be approved and signed as a correct record.

3. **EXCLUSION OF THE PRESS AND PUBLIC - LEGAL ADVICE**

**RESOLVED** that at a predetermined point during the consideration of all items the Committee will move into private session in order to receive legal advice and determine the issue and the decision of the Committee will be circulated to interested parties in writing.

4. **APPLICATION FOR A FURTHER EXTENSION TO THE PERIOD OF A PROVISIONAL STATEMENT FOR A LARGE CASINO AT ROYAL PIER, SOUTHAMPTON**

The Committee considered the report of Executive Director Communities, Culture and Home detailing a request from Aspers Universal Ltd to extend the period of a Provisional Statement granted to develop a Large Casino at Royal Pier, Southampton.

In attendance were James Andrew, Derek Playford and Richard Noble representing Aspers and Graham Linecar and Andy Gravell representing both local residents and SCAPPS and, with the consent of the Chair, address the meeting.

**RESOLVED**

The Sub-Committee took account of all of the written and oral representations made, for which it was most grateful. It also specifically considered the contents of the Equality and Safety Impact Assessment.

For understandable reasons, the discussion has contained a good deal of reference to the potential contents of the White Paper and what may or may not happen in the future. However, this is largely speculative.

The Committee has rather decided that it should base its decision on what is known.

The first matter which was known is that there has not been any progress with the Mayflower Park development for many years and no evidence of any current progress.

The applicant has accepted that it is unable to point to any real prospect of this development coming forward in the future. The question therefore turns to what should happen to the provisional statement for the casino which forms a key part of that development.

The second key known matter was that the Council is the current beneficiary of a Schedule 9 agreement with Aspers, whose terms were considered by the Council to be beneficial when the provisional statement was granted in 2016. If the Committee were now to refuse to extend the provisional statement it will lose the benefit of the Schedule 9 agreement.

The agreement will only prove to be of benefit if the impending White Paper provides for the portability of the provisional statement. The Committee cannot make a judgment whether the White Paper will make such provision, and whether the White Paper will be carried into legislative effect. However, what is certain is that refusal to extend the provisional statement will lose the existing benefits of the Schedule 9 agreement, however contingent they may be. Extending it preserves the possibility of preserving those economic benefits.

On the other side, the applicant accepts that if the provisional statement is now cancelled, the Council could decide to rerun the competition. The Committee sees the benefit in competition, and can see real advantages to other operators being able to bid in a rerun process. On the other hand, it does not know whether the outcome of such a process would be better or worse for Southampton than the existing Schedule 9 agreement. For example, if there is only one bidder, there will be no Stage 2 of the competition and no Schedule 9 agreement, so that by cancelling the provisional statement the Council risks losing all benefits from the agreement.

The Committee has paid careful attention to the concerns helpfully expressed by Mr Linecar and Mr Gravell and has given detailed consideration to those concerns. In particular it has considered the impact on Mayflower Park of preserving the Schedule 9 agreement for the time being. However, now that it is clear that the current development proposals will not occur, the Committee sees no reason why the proposals have any significant or measurable effect on the regeneration of the Park as the objectors would like to see. Further, given that the development will not happen in Mayflower Park, questions regarding the impact on children fall away. The objectors' aspirations for the sustainable regeneration of the Park are laudable ones, but the Committee does not think that these are detrimentally affected by leaving the provisional statement in place for a short further period.

In the circumstances the Committee decided to grant an extension for one further year so that its future decision-making can take place against a state of knowledge regarding the White Paper and future legislative proposals. The Committee strongly emphasises that it does not intend to bind itself as to its future determinations regarding portability, a re-run competition or any other matter. When it comes to re-look at the matter, it will do so from the standpoint of what then appears to be to the benefit of Southampton in general. It is extending this provisional statement simply so that it has improved knowledge of the then regulatory landscape. It makes it explicitly clear that at that point, all options remain on the table.



SOUTHAMPTON CITY COUNCIL  
LICENSING COMMITTEE

MINUTES OF THE MEETING HELD ON 7 DECEMBER 2022

Present: Councillors Cooper (Vice-Chair), Blatchford, Furnell, G Galton, Vassiliou and Fitzhenry

Apologies: Councillors Bunday, Noon, Goodfellow and Vaughan

5. **EXCLUSION OF THE PRESS AND PUBLIC - LEGAL ADVICE**

**RESOLVED** that at a predetermined point during the consideration of all items the Committee will move into private session in order to receive legal advice and determine the issue and the decision of the Committee will be circulated to interested parties in writing.

6. **TAXI TRADE INFORMAL CONSULTATION PROCESS**

The Committee considered of the Head of Service seeking approval of the arrangements to be used to hold regular meetings with representatives from the taxi trades in Southampton

Ali Heydor and Guy Ireland were in attendance, and with the consent of the Chair, address the meeting.

**RESOLVED** that the Committee

- (i) Adopted the proposed arrangements for consultation with immediate effect. (Appendix 1)
- (ii) Delegated authority to the Service Manager for Licensing to accept groups meeting the criteria set out in the arrangements, any considered not to meet the criteria to be determined by the service manager for licensing in consultation with the Chair of the licensing committee.

7. **HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE CONDITIONS.**

The Committee considered the report of the Service manager for licensing seeking a minor addition to vehicle conditions to re-enforce current practice in line with recommendations from the Information Commissioners Office.

Ali Heydor and Guy Ireland were in attendance, and with the consent of the Chair, address the meeting.

**RESOLVED** that the Committee adopted the additional condition as detailed in the report to both the hackney carriages and private hire licences.

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# Agenda Item 6

<b>DECISION-MAKER:</b>	LICENSING COMMITTEE
<b>SUBJECT:</b>	PRIVATE HIRE VEHICLE, PRIVATE HRE DRIVER AND PRIVATE HIRE OPERATOR CONDITIONS
<b>DATE OF DECISION:</b>	14 <sup>TH</sup> JUNE 2023
<b>REPORT OF:</b>	<b>Ian Collins, Director Environment</b>

<b><u>CONTACT DETAILS</u></b>			
<b>Executive Director</b>	<b>Title</b>	Place	
	<b>Name:</b>	<b>Adam Wilkinson</b>	Tel: 023 8254 5853
	<b>E-mail</b>	<b>Adam.wilkinson@southampton.gov.uk</b>	
<b>Author:</b>	<b>Title</b>	<b>Service Manager Licensing</b>	
	<b>Name:</b>	<b>Phil Bates</b>	Tel: 023 8083 3523
	<b>E-mail</b>	Phil.bates@southampton.gov.uk	

<b>STATEMENT OF CONFIDENTIALITY</b>	
N/A	
<b>BRIEF SUMMARY</b>	
<p>A review of the policy and conditions for the private hire trades was undertaken in light of changes in how the private hire trade operates. The main contentious element of the current conditions is the requirement to display operator details, which places restrictions on drivers being able to work with only one operator at a time whilst offering public safety. Officers are proposing the removal of the display of operator details, to give drivers freedom of choice, and adding additional conditions to safeguard against cancelled jobs with no justification, thereby addressing public safety concerns.</p>	
<p>Minor changes have also been proposed to assist with the exchange of information between operators and the licensing department.</p>	
<b>RECOMMENDATIONS:</b>	
	(i) To consider the contents of this report, appendices and any comments made.
	(ii) To adopt the amended conditions as detailed in the report to the different private hire licences. Recommended condition for private hire vehicles are attached as appendix 1, private hire drivers as appendix 2 and private hire operators as appendix 3.
<b>REASONS FOR REPORT RECOMMENDATIONS</b>	
1.	After a review of the condition requiring the display of operator details on private hire vehicles the council has consulted upon amending the condition for private hire vehicles removing the requirement to display the operator details.
2.	To address public safety concerns resulting from such a change it was also consulted upon to amend both driver and operator conditions with conditions

	linked to hires initially accepted by a driver and subsequently cancelled by the driver.
3.	To assist the information flow between operators and the licensing authority we also consulted on adding a condition on operators to report to the licensing authority any complaint that raise concerns over the fitness and propriety of the driver concerned.
4.	Finally to assist with the administration of updating vehicles and drivers being operated it was consulted upon to amend condition 6 of the operator's licence to allow submissions of the information by way of an API document or weekly spreadsheet as well as individual notifications. A copy of the letter advising of the consultation is attached as appendix 4. A copy of the consultation questionnaire is attached as Appendix 5.
<b>ALTERNATIVE OPTIONS CONSIDERED AND REJECTED</b>	
5.	<ul style="list-style-type: none"> <li>• Retain the policy to display operator details – restricts drivers to one operator, difficult for new operators to start reducing competition, have measures in place now to counter public safety concerns</li> <li>• Removal of door stickers – makes it easier for ordinary vehicles to mimic licensed private hire vehicles. More difficult to identified hired vehicle.</li> </ul>
<b>DETAIL (Including consultation carried out)</b>	
6.	The requirement to display operator details on door stickers on private hire vehicles was introduced in 2000 in response to public safety fears connected to identification of properly licensed vehicles and the vulnerability of, in particular, young women at night.
7.	This condition had the effect of restricting a vehicle to being able to work for only one operator at a time. The taxi trade in Southampton adapted and evolved working to this condition.
8.	This condition did not pose a problem and received little attention until the introduction of app based private hire companies which provided a means for drivers to work for multiple operators but the condition made it very difficult for drivers to be able to work for more than one operator at a time. Which in turn made it difficult for new companies to start up in the city as they would not initially have sufficient work for drivers.
9.	The matter was brought before the licensing committee in 2021 when after a lengthy debate it was decided to maintain the requirement to display operator details. During that consultation process the Department for Transport started a consultation on Best Practice guidance for the taxi trades which included a recommendation for authorities not to impose livery conditions. We still await the outcome of the consultation. The latest iteration of the published guidance is from 2010 which states in paragraph 38 signage with the operator details “seems” to be best practice.
10.	An informal agreement was reached with Councillors and taxi representatives to review the condition requiring the display of operators in 2022. It was hoped the Department for Transport would issue their new Best Practice Guidance in this time, but it has not.
11.	One of the main concerns of officers should the requirement to display operator details be removed was the increased vulnerability of the public

	subjected to having their pre booked journey cancelled leaving them abandoned at the roadside. The previous hearing heard of evidence from an operator with numerous licences of increased incidents of cancelled jobs at authorities not requiring operator details to be displayed.
12.	To address this concern officers have suggested amending driver, vehicle and operator conditions. The vehicle conditions in so far as amending Section 8 on identification to remove the requirement to display operator details and an amended door sticker in the notes section at the end of the conditions.
13.	The driver condition amended with a new para 8.2 requiring the driver to complete any accepted hiring unless there is good cause not to and to report to the operator the reasons for any such failure.
14.	The operator conditions amended at 5.2 requiring operators to keep records of jobs accepted by a driver and then cancelled, to have a policy to review these records, how they will deal with unjustified cancelled jobs and report them to the licensing authority.
15.	As it will be easier for drivers to work for more than one operator it is proposed to require operators to notify the licensing authority of the drivers they operate as well as the vehicles by amending condition 7.1 to include drivers.
16.	Create a new condition 13 requiring operators to report to the licensing authority any complaints that may bring into question the fitness and propriety of the driver or operator.
17.	A consultation on amending private hire conditions was started on 29th December 2022 and ran for 12 weeks to 22nd March 2023. A summary report of the responses is attached as Appendix 6 to this report. There were over 1,000 responses to this consultation made up of 1,000 responses to the on line questionnaire, 201 paper questionnaire responses organised by trade reps and 15 email responses.
18.	This report shows there is general support for the proposals. <ul style="list-style-type: none"> <li>• 81% support the removal of the operator details.</li> <li>• 81% support the condition requiring a driver to complete a booking</li> <li>• 77% agreed with operators needing to have a policy on reviewing cancelled jobs</li> <li>• 78% agreed with formalising the reporting conditions for operators</li> <li>• 82% support operators notifying council of vehicles and drivers on their platform.</li> </ul>
19.	At appendix 7 is a summary of the comments received from the consultation and officers' responses to the comments.
20.	From these comments officers have identified one additional area to be considered. To prevent confusion if a vehicle proprietor decides to advertise a private hire operator on the vehicle, then that vehicle should only be able to carry out bookings for that same operator. This will include any work sub contracted to the advertised operator by another operator. Condition 6.7 of the private hire vehicle conditions has been amended in the proposed conditions and a new condition 8.3 added to the proposed driver conditions.
<b>RESOURCE IMPLICATIONS</b>	

<b><u>Capital/Revenue</u></b>	
21.	N/A
<b><u>Property/Other</u></b>	
22.	N/A
<b>LEGAL IMPLICATIONS</b>	
<b><u>Statutory power to undertake proposals in the report:</u></b>	
23.	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.
24.	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>	
25.	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.
26.	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.
27.	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>	
28.	<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>	
29.	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.	Private hire vehicle conditions
2.	Private hire driver conditions
3.	Private hire operator conditions
4.	Letter to licence holders on the consultation.
5.	Copy of the consultation questionnaire
6.	Summary of consultation responses
7.	Officer considerations on consultation feedback

**Documents In Members' Rooms**

1.	DfT Best Practice consultation document
2.	<a href="#">DfT 2010 Best Practice guidance</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>
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**Data Protection Impact Assessment**

<b>Do the implications/subject of the report require a Data Protection Impact Assessment (DPIA) to be carried out.</b>	<b>No</b>
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**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.	

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## **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 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 Head of Legal and Democratic Services.

## **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.

### **19. ADHERENCE TO BOOKINGS**

19.1 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.

## 20. **WEDDINGS AND FUNERALS**

20.1 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.

## 21. **SPECIALIST VEHICLES**

21.1 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.

21.3 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.

21.4 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

## 22. **ORIGINAL VEHICLE SPECIFICATION**

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

## 23. **DIGITAL TAXI CAMERAS**

23.1 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.

23.2 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.

## 24. **CONVICTIONS**

24.1 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.

## 25. **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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# PRE – BOOKED ONLY

**LICENSED BY**



**LICENSED PRIVATE  
HIRE VEHICLE NO:**

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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.





## **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 private hire 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.

## **PRIVATE HIRE VEHICLE OPERATOR LICENCE POLICY AND CONDITIONS From 2023**



### **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.

# PRIVATE HIRE OPERATOR LICENCE CONDITIONS

## General

The holder of a private hire vehicle operator's licence must observe and carry out the requirements of the Local Government (Miscellaneous Provisions) Act 1976, Part II, 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 operation of the motor vehicle(s) in accordance with the licence. Additionally must be compliant with all other legislation relating to their operation, for example health and safety and employment legislation.

## Interpretation

In this licence and in this document, unless the subject or context otherwise requires:-

- "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;
- "the Council" means the Southampton City Council;
- "hackney carriage" has the same meaning as in the Town Police Clauses Act 1847;
- "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;
- "proprietor" includes a part-proprietor and, in relation to a vehicle which is the subject of hire purchase agreement, means the person in possession of the vehicle.

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

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Southampton City Council  
Civic Centre,  
Southampton

Direct dial: 023 8083 3002  
Our ref:

E-mail: licensing@southampton.gov.uk  
Please ask for: Mr. Bates

29<sup>th</sup> December 2022

Dear Sir

## Consultation on Private Hire Vehicle Livery Condition

Southampton City Council is reviewing and consulting on the requirement in Private Hire Vehicle conditions to display the name and contact details of the operator of the vehicle. The current condition is copied below:

*8.7 The name of the operator and their telephone number or domain name shall appear in bold clearly legible lettering in the space 190 mm high by 420 mm in length on the sticker, immediately beneath the wording "Pre-Booked Only"*

The purpose of the condition is to promote public safety by clearly identifying the vehicle as a private hire vehicle and which company is operating it. This assists customers identifying their booked vehicle, especially those who experience difficulty with modern technology such as phone apps.

The removal of the requirement to display an operator on the door sticker will allow drivers to work for more than one operator at the same time. This will provide a more flexible work force as operators will have more drivers to choose from. It also provides the drivers with a choice of which hiring to undertake. This increases the risk of drivers being more selective on the work they complete leaving some fares without a vehicle.

To address this risk, if the condition 8.7 is abandoned, it is proposed that both the operator and driver conditions will be updated to protect against abuse of this extra choice. Operators will be required to record incidents of cancelled jobs and have a policy on how to deal with such incidents. Drivers will be required to undertake a hiring once they accept unless there is good cause not to and to report to the operator any incidents where they do cancel a hiring. The operator will additionally be required to report to the authority any incidents where a job is cancelled without proper justification.

Other elements of Condition 8, Identification in the private hire vehicle conditions are proposed to be modified to allow a universal door sticker design to continue to aid the identification of a private hire vehicle licensed by this authority.

To improve the information flow between operators and the licensing authority we are also consulting on adding a condition on operators to report to the licensing authority any complaint that raise concerns over the fitness and propriety of the driver concerned.

Finally to assist with the administration of updating vehicles and drivers being operated it is proposed to amend condition 6 of the operator's licence to allow submissions of the information by way of an API document or weekly spreadsheet as well as individual notifications.

Should the authority decide to remove the requirement to display operator details on private hire vehicles it is proposed to amend the following sections of the policy and conditions:

Consultation letter

**If you require this letter or future correspondence in a different format (e.g. tape, Braille or disc) please do not hesitate to let us know.**

- Private hire vehicle condition 8 covering vehicle identification
- Private hire driver condition 8 on adherence to bookings
- Private hire operator condition 4 on records of bookings

Regardless of the decision on the display of operator details the authority is proposing to amend the following sections of the policy and conditions:

- Private hire operator condition 6 on reporting vehicles and drivers operated
- Private hire operator condition 12 on incident reporting

Details of the consultation and how to respond can be found at <https://southampton.gov.uk/council-democracy/have-your-say/draft-taxi-licensing-policy-consultation/>

Yours faithfully,



Phil Bates  
Licensing Manager



## Draft Taxi Licensing Policy Consultation

### *Background*

The proposed draft policy provides information about the licensing of hackney carriages, private hire vehicles, their drivers and operators at Southampton City Council. It sets out the requirements for the different categories of taxi licences and how the taxi licensing regime is enforced.

In 2021, we consulted about disclosure and barring checks, taxi cameras and vehicle livery. Following that, the decision was made to require drivers to obtain 6 monthly enhanced DBS checks and retain the requirement to have approved taxi cameras fitted. It was also decided that door signage to include operator details was retained, but it was agreed that this matter would be reviewed after a year. As a result, we now have a number of further proposed changes that we would like to consult on.

In addition to consultation feedback, any actions recommended by the Department for Transport Best Practise Guidance will also be considered.

This questionnaire broadly covers the proposed changes, but the full draft policy is available to view on our website: [www.southampton.gov.uk/consultations](http://www.southampton.gov.uk/consultations)

This public consultation closes 22 March 2023.

## *Proposals*

**Proposal 1.** Southampton City Council is proposing to remove the requirement in Private Hire Vehicles to display the name and contact details of the operator of the vehicle.

The removal of the requirement to display an operator on the door sticker will allow drivers to work for more than one operator at the same time. The proposal is to retain door stickers but remove the requirement to display operator details.

*To read this in full please visit the full draft policy: Full Draft Policy*

One risk of this proposal is that there is an increased chance some trips may be left without a vehicle, in the case that drivers are more selective. To address this risk, alongside proposal 1, should it be adopted, the council proposes to add in new conditions to both vehicle and operator licences.

**Proposal 2.** If the requirement to display operator details is removed, the council would propose adding in that once a hiring has been accepted, it must be completed unless there is good cause not to.

*To read this in full please visit the full draft policy: Full Draft Policy*

**Proposal 3.** In addition to Proposal 2, if the requirement to display operator details is removed, we propose that operators must have a policy on how these incidents will be addressed and reported to the licensing authority.

*To read this in full please visit the full draft policy: Full Draft Policy*

**Proposal 4.** We propose adding in a condition where operators must notify the Licensing Authority of incidents or complaints made against drivers and operators. Adding this in formalises reporting regimes and ensures that reports are made from all operators to assist with public protection.

*To read this in full please visit the full draft policy: Full Draft Policy*

**Proposal 5.** Currently, the policy notes that the operator must notify the Licensing Authority of commencement or termination of vehicles operated by them. We propose to add a condition requiring operators to report drivers as well vehicles that work on their platform.

In order to allow variation in the methods used to submit this information, we propose adding in the wording: “to the satisfaction of the Council.” The current system of individual notifications for vehicles works well for small operators, but larger ones may wish to submit their information via an API or weekly spreadsheet. This method can be agreed to assist both the operator and the authority with ease of administration.

*To read this in full please visit the full draft policy: Full Draft Policy*

**Question. To what extent do you agree or disagree with the following proposals?**

	Strongly agree	Agree	Neither	Disagree	Strongly disagree
<u>Proposal 1</u> – Removing the requirement in Private Hire Vehicle conditions to display the name and contact details of the operator of the vehicle.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>Proposal 2</u> – (Only if Proposal 1 goes ahead) Adding in the condition that the driver will complete that hiring unless there is good cause not to and reporting these reasons to the operator.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>Proposal 3</u> – (Only if Proposal 1 goes ahead) Adding in the condition for operators to have a policy on reviewing and reporting cancelled jobs.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>Proposal 4</u> – Adding in and formalising reporting regimes into operator conditions.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>Proposal 5</u> – Adding in the condition for operators to report vehicles and drivers that work on their platform, to the satisfaction of the Council.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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

	A very positive impact	A fairly positive impact	No impact at all	A fairly negative impact	A very negative impact	Don't know
<u>Proposal 1</u> – Removing the requirement in Private Hire Vehicle conditions to display the name and contact details of the operator of the vehicle.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>Proposal 2</u> – (Only if Proposal 1 goes ahead) Adding in the condition that the driver will complete that hiring unless there is good cause not to and reporting these reasons to the operator.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>Proposal 3</u> – (Only if Proposal 1 goes ahead) Adding in the condition for operators to have a policy on reviewing and reporting cancelled jobs.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>Proposal 4</u> – Adding in and formalising reporting regimes into operator conditions.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>Proposal 5</u> – Adding in the condition for operators to report vehicles and drivers that work on their platform, to the satisfaction of the Council.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Question.** If you disagree, or have any comments, impacts, suggestions or alternatives you feel we should consider, please provide details:

### ***Reading the draft policy***

**Question.** Have you read the proposed draft policy?

Yes, all of it .....       Yes, some of it .....       No .....

**Question.** If you have read the proposed draft policy, to what extent do you agree or disagree with the following statements?

	Strongly agree	Agree	Neither	Disagree	Strongly disagree
The draft policy is easy to understand	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The draft policy provides sufficient information	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Question.** If there were parts of the draft policy that you did not understand or you feel need more information, please provide further details:

### ***Overall impact of the draft policy***

**Question.** If the draft policy was to be implemented, what impact do you feel this may have on you, your family, your business or the wider community?

A very positive impact .....       A slightly negative impact.....   
A slightly positive impact .....       A very negative impact .....   
No impact at all .....       Don't know .....

**Question.** Please use the following space to tell us more about the potential impact the draft policy and if there is anything else we should consider:



## About you

**Which of the following describe your interest in the consultation? (Tick all that apply)**

As a hackney carriage proprietor (vehicle owner)..... <input type="checkbox"/>	As a resident of Southampton ..... <input type="checkbox"/>
As a hackney carriage driver..... <input type="checkbox"/>	As a resident elsewhere ..... <input type="checkbox"/>
As a private hire vehicle proprietor (vehicle owner)..... <input type="checkbox"/>	As a private business ..... <input type="checkbox"/>
As a private hire driver ..... <input type="checkbox"/>	As a public sector organisation ..... <input type="checkbox"/>
As a private hire operator..... <input type="checkbox"/>	As a third sector organisations (Voluntary groups, Community groups, Charities)..... <input type="checkbox"/>
As an employee of a private hire company ..... <input type="checkbox"/>	As a political member..... <input type="checkbox"/>
As a regular user of either hackney carriages or private hire vehicles ..... <input type="checkbox"/>	Other ..... <input type="checkbox"/>
If other, please specify:	<input style="width: 100%; height: 20px;" type="text"/>

**What is your postcode? (This is used for geographical analysis only and will not be used to contact or identify you)**

**What is your sex?**

Female.....       Male.....       Prefer not to say .....

**Is the gender you identify with the same as your sex registered at birth?**

Yes.....       No .....       Prefer not to say .....

If no, please write in your gender identity:

**What is your age?**

Under 18.. <input type="checkbox"/>	25 - 34..... <input type="checkbox"/>	45 - 54..... <input type="checkbox"/>	65 - 74..... <input type="checkbox"/>	85+ ..... <input type="checkbox"/>
18 - 24..... <input type="checkbox"/>	35 - 44..... <input type="checkbox"/>	55 - 64..... <input type="checkbox"/>	75 - 84..... <input type="checkbox"/>	Prefer not to say ..... <input type="checkbox"/>

**What is your ethnic group?**

Asian or Asian British..... <input type="checkbox"/>	Mixed or multiple ethnic groups..... <input type="checkbox"/>	White British ..... <input type="checkbox"/>
Black, African, Caribbean or Black British..... <input type="checkbox"/>	Any other ethnic group... <input type="checkbox"/>	White Other ..... <input type="checkbox"/>
		Prefer not to say ..... <input type="checkbox"/>

**Do you have any physical or mental conditions or impairments, lasting or due to last 12 months or more, that have a substantial effect on your ability to carry out day-to-day activities?**

Yes.....       No .....       Prefer not to say .....

## ***What happens next?***

***The consultation closes on 22 March 2023. After this date, all feedback will be analysed and considered before a final decision is made.***

**Thank you for your time.**

**Please return completed surveys to: Consultations, First Floor West Wing, Civic Centre, Southampton, SO14 7LY.**

**Alternatively, please hand completed surveys back to any Southampton City Council run library.**

The information collected about you during this survey will only be used for the purposes of research. We may use it to contact you about this. We will only share your information with other organisations or council departments if we need to. The survey responses will be analysed by Southampton City Council. We may also share it to prevent, investigate or prosecute criminal offences, or as the law otherwise allows. Please be aware that any comments given on this form may be published in reports. However, the council will endeavour to remove any references that could identify individuals or organisations. Our Privacy Policy (<http://www.southampton.gov.uk/privacy>) explains how we handle your personal data, and we can provide a copy if you are unable to access the Internet.

# Consultation on Taxi Licensing Policy

Full results summary



Data, Intelligence & Insight Team, *April 2023*

1. [Survey background](#)
2. [Overall respondents](#)
3. [Proposals](#)
4. [Impact of proposals](#)
5. [Overall policy](#)
6. [Free text analysis](#)



# Survey background



- Southampton City Council undertook a public consultation on proposals for the Taxi Licensing Policy in Southampton.
- The consultation took place for **12** weeks between **December 29<sup>th</sup> 2022** and **March 22<sup>nd</sup> 2023**.
- The aim of this consultation was to:
  - Communicate the proposals for Taxi Licencing.
  - Ensure any resident, business or stakeholder who wished to comment on the proposals had the opportunity to do so, enabling them to raise any impacts the proposals may have.
  - Allow participants to propose alternative suggestions for consideration.
- This report summarises the aims, principles, methodology and results of the public consultation. It provides a summary of the consultation responses both for the consideration of decision makers and any interested individuals and stakeholders.
- It is important to be mindful that a consultation is not a vote, it is an opportunity for stakeholders to express their views, concerns and alternatives to a proposal. Equally, responses from the consultation should be considered in full before any final decisions are made. This report outlines in detail the representations made during the consultation period so that decision makers can consider what has been said alongside other information.



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

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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
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 a questionnaire as the main route for feedback. Questionnaires enable an appropriate amount of explanatory and supporting information to be included in a structured questionnaire, 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 from stakeholders that contained consultation feedback were collated and analysed as a part of the overall consultation.
- All questionnaire and email results have been analysed and presented in graphs within this report. Respondents were given opportunities throughout the questionnaire to provide written feedback on the proposals. In addition anyone could provide feedback in letters and emails. All written responses and questionnaire comments have been read and then assigned to categories based upon similar sentiment or theme.





The proposed draft policy provides information about the licensing of hackney carriages, private hire vehicles, their drivers and operators at Southampton City Council. It sets out the requirements for the different categories of taxi licences and how the taxi licensing regime is enforced.

In 2021, we consulted about disclosure and barring checks, taxi cameras and vehicle livery. Following that, the decision was made to require drivers to obtain 6 monthly enhanced DBS checks and retain the requirement to have approved taxi cameras fitted. It was also decided that door signage to include operator details was retained, but it was agreed that this matter would be reviewed after a year. As a result, we now have a number of further proposed changes that we would like to consult on.

In addition to consultation feedback, any actions recommended by the Department for Transport Best Practice Guidance will also be considered.



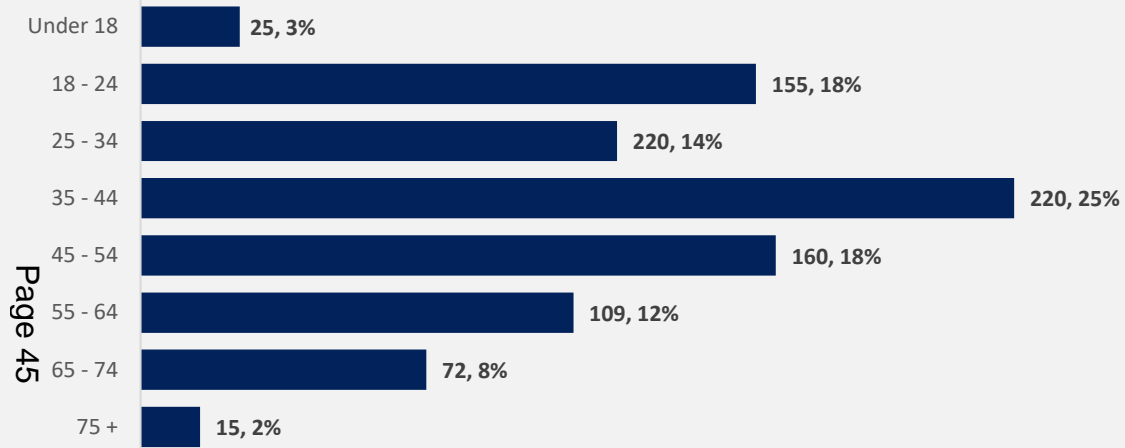
# Overall respondents



# Who were the respondents?

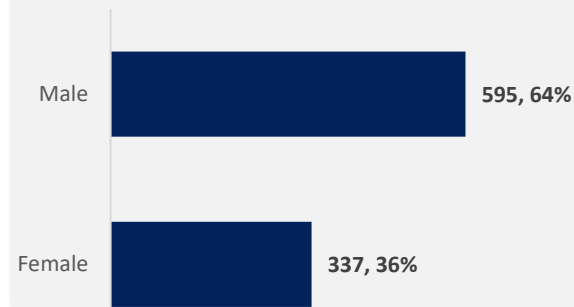
Overall, there were **1015** separate responses to the consultation. Of this **1000**, **201** were paper questionnaire responses, **799** were online questionnaire responses and **15** email submissions. The following page includes demographic breakdowns of the questionnaire respondents labelled as count and percentage.

## Age:

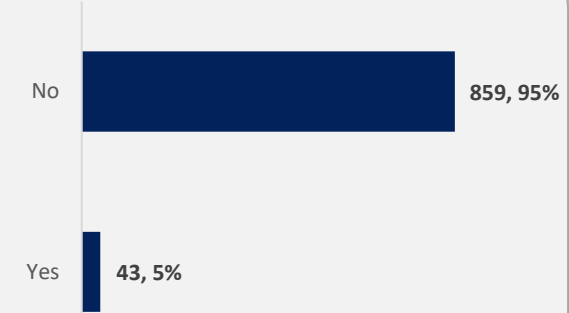


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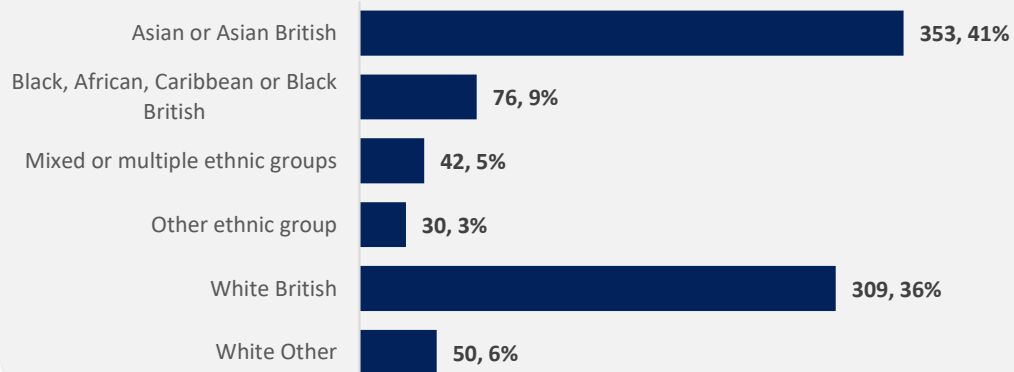
## Sex:



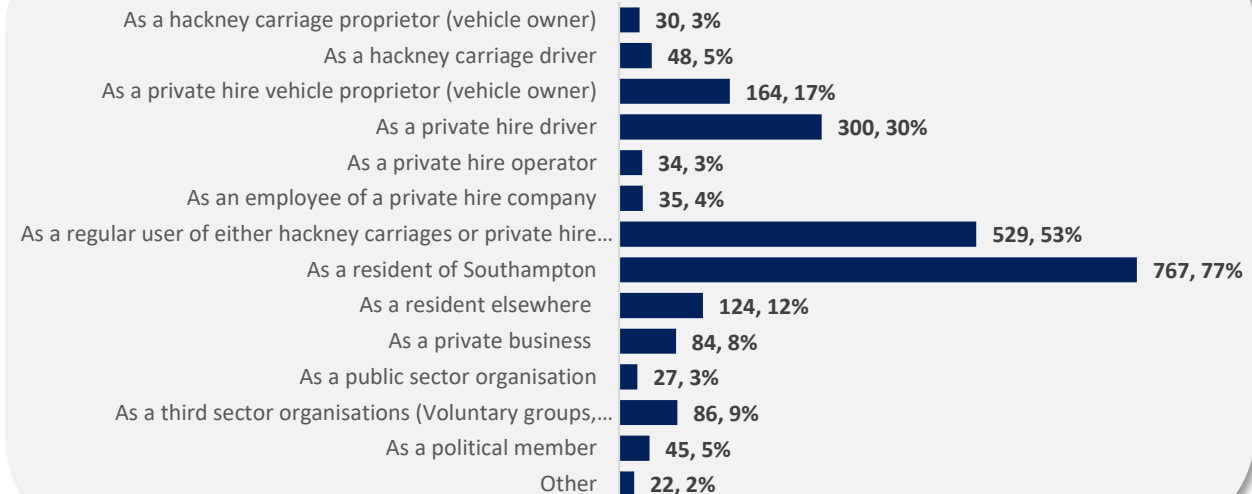
## Disability:



## Ethnicity:



## Interest in the survey:





# Proposals



## Proposals

**Proposal 1.** Southampton City Council is proposing to remove the requirement in Private Hire Vehicles to display the name and contact details of the operator of the vehicle.

The removal of the requirement to display an operator on the door sticker will allow drivers to work for more than one operator at the same time. The proposal is to retain door stickers but remove the requirement to display operator details.

One risk of this proposal is that there is an increased chance some trips may be left without a vehicle, in the case that drivers are more selective. To address this risk, alongside proposal 1, should it be adopted, the council proposes to add in new conditions to both vehicle and operator licences.

**Proposal 2.** If the requirement to display operator details is removed, the council would propose adding in that once a hiring has been accepted, it must be completed unless there is good cause not to.

**Proposal 3.** In addition to Proposal 2, if the requirement to display operator details is removed, we propose that operators must have a policy on how these incidents will be addressed and reported to the licensing authority.

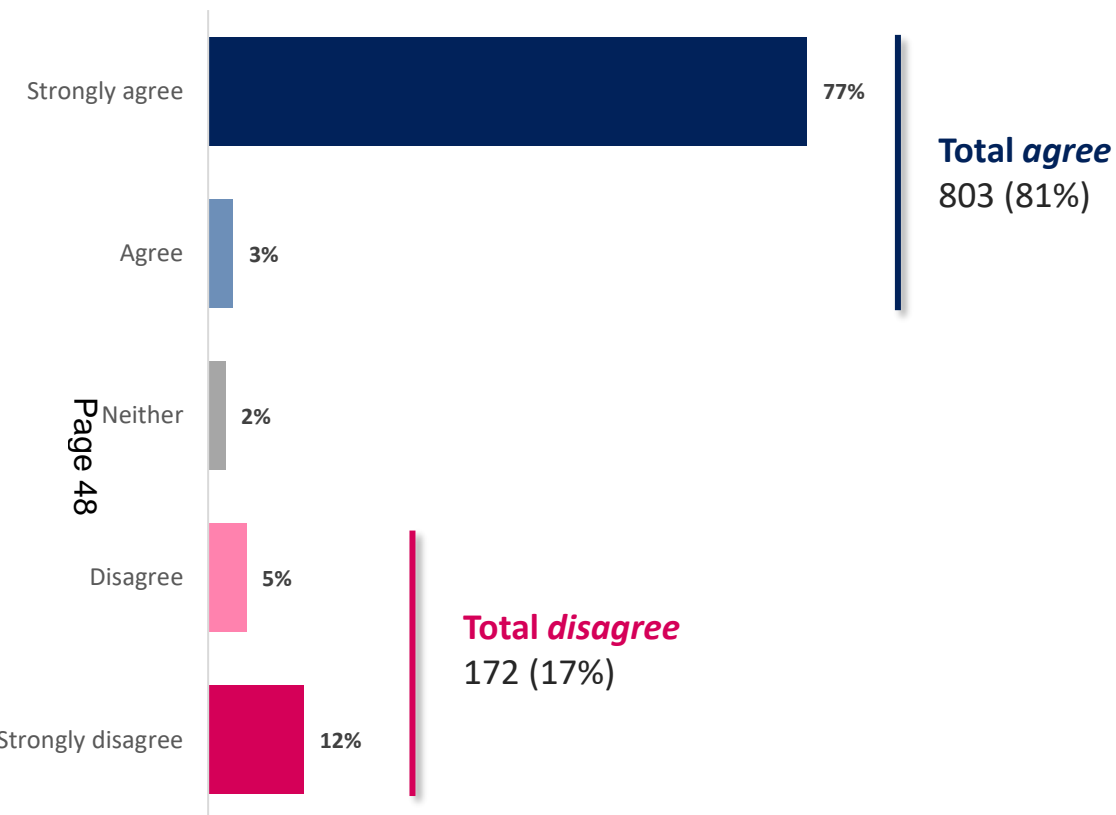
**Proposal 4.** We propose adding in a condition where operators must notify the Licencing Authority of incidents or complaints made against drivers and operators. Adding this in formalises reporting regimes and ensures that reports are made from all operators to assist with public protection.

**Proposal 5.** Currently, the policy notes that the operator must notify the Licensing Authority of commencement or termination of vehicles operated by them. We propose to add a condition requiring operators to report drivers as well vehicles that work on their platform.



# Proposal 1 – Removing the requirement in Private Hire Vehicle conditions to display the name and contact details of the operator of the vehicle

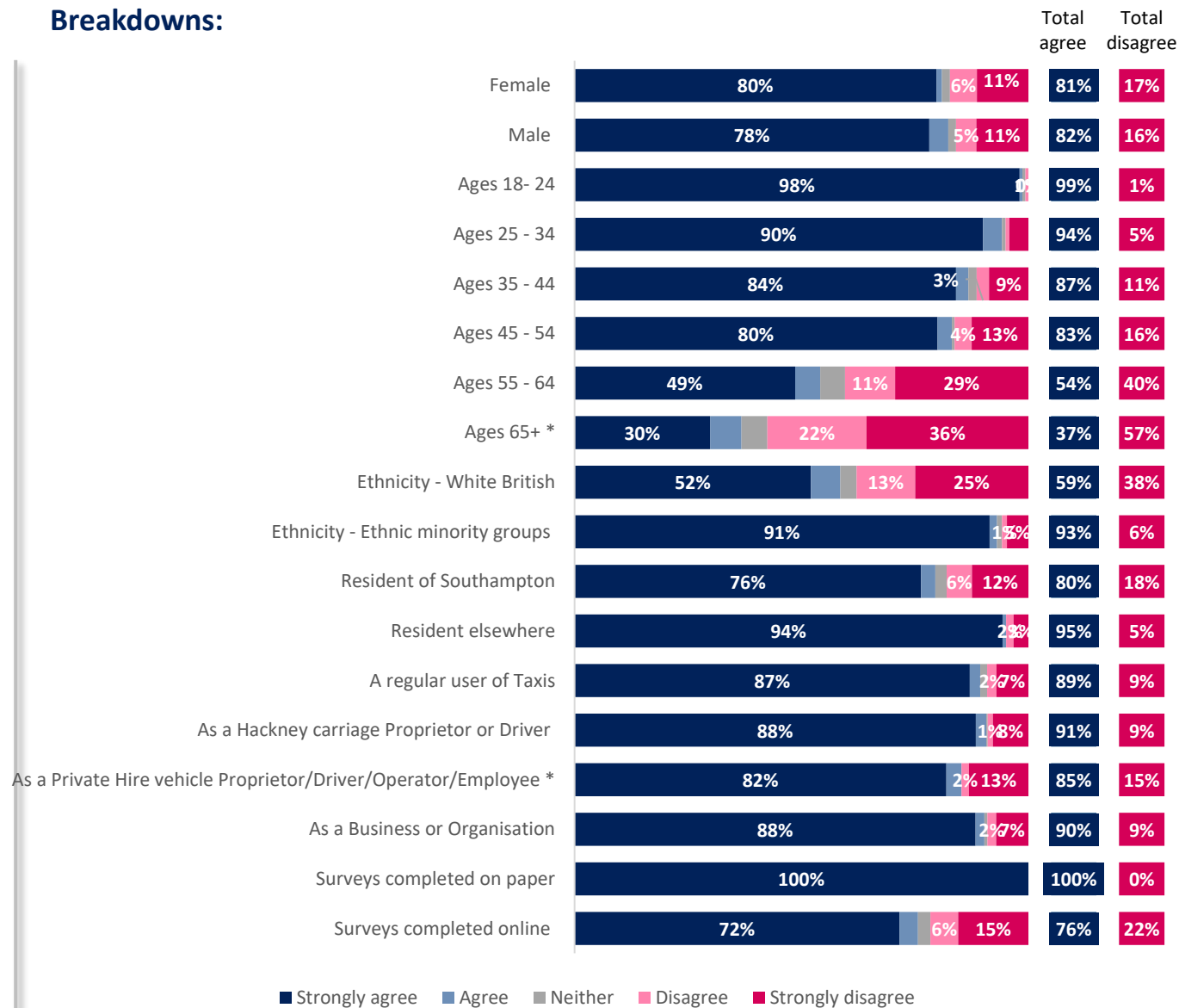
Total respondents: **997**



## Key points:

- Respondents were **in favour** of removing the requirement to display name and contact details for Private hire vehicle operators with **80% agreeing** to this proposal.
- Those aged between **18-24 had the highest agreement (99%)** with Proposal 1 while those **aged 65+ showed the highest disagreement 57%)**.

## Breakdowns:



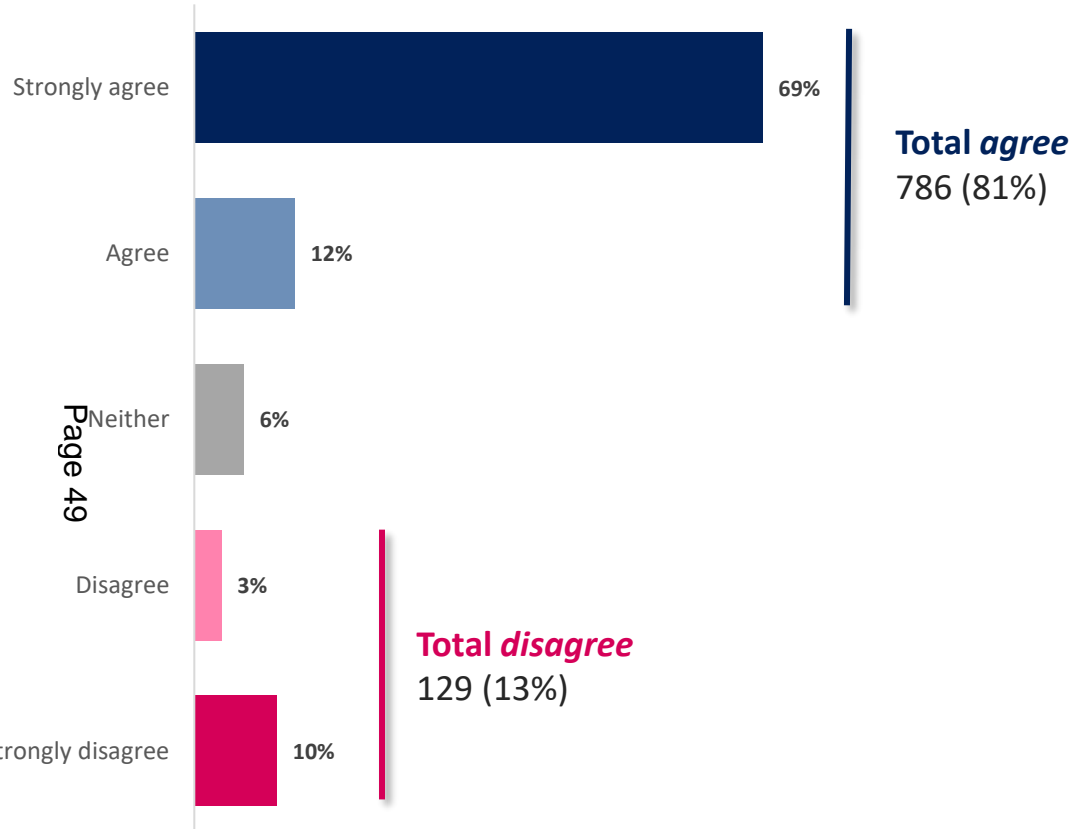
\*\*Sample size –fewer than 50 respondents \*Sample size –fewer than 100 respondents



# Proposal 2 - Adding in the condition that the driver will complete that hiring unless there is good cause not to and reporting these reasons to the operator

\*Proposal 2 will only happen if Proposal 1 goes ahead.

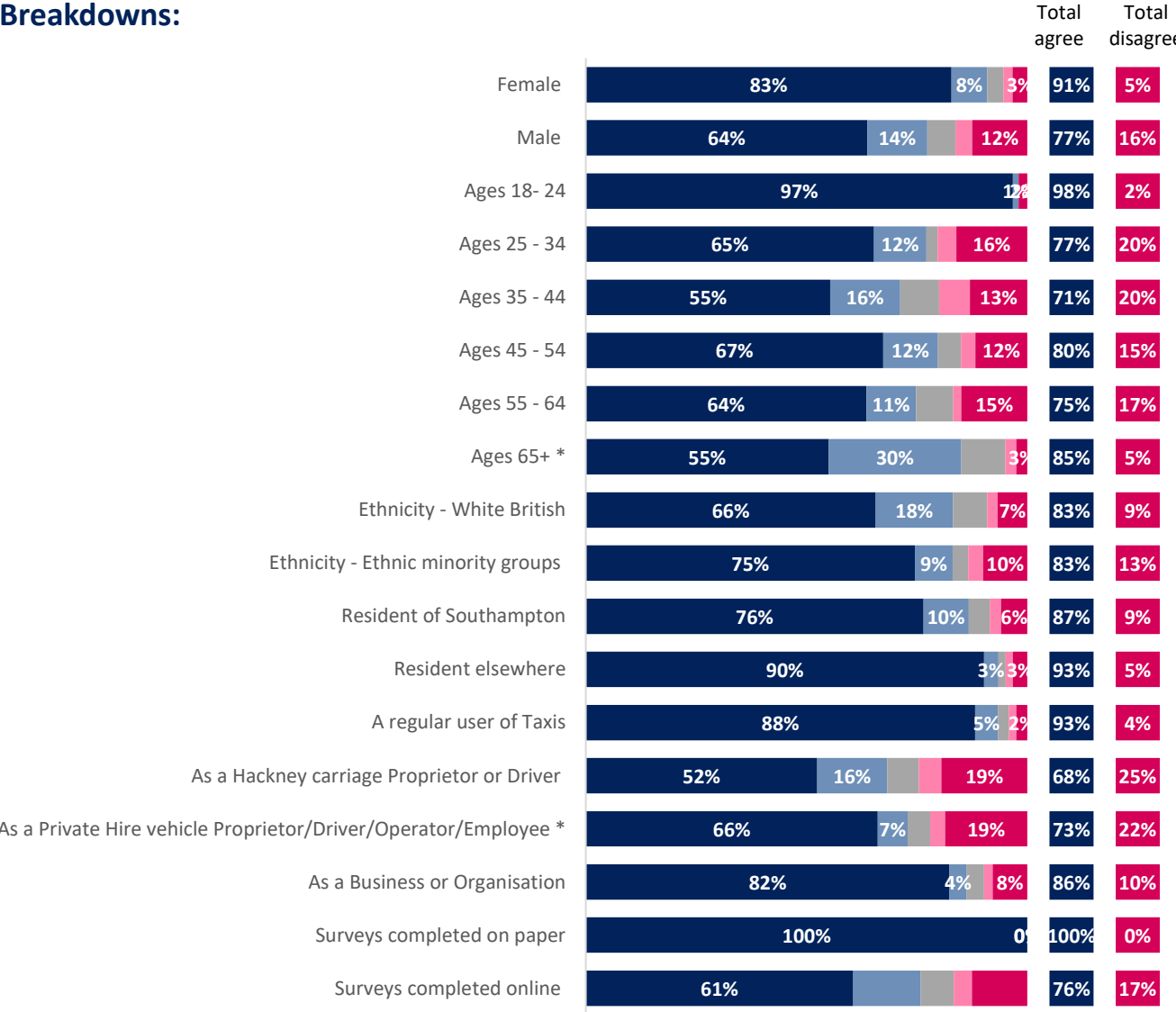
Total respondents: 973



**Key points:**

- Furthermore, **more** respondents were also **in agreement** with Proposal 2 (**81%**).
- Those who responded **as a Hackney carriage proprietor or driver** were the **most in disagreement** with the Proposal (**25%**).

**Breakdowns:**



■ Strongly agree ■ Agree ■ Neither ■ Disagree ■ Strongly disagree

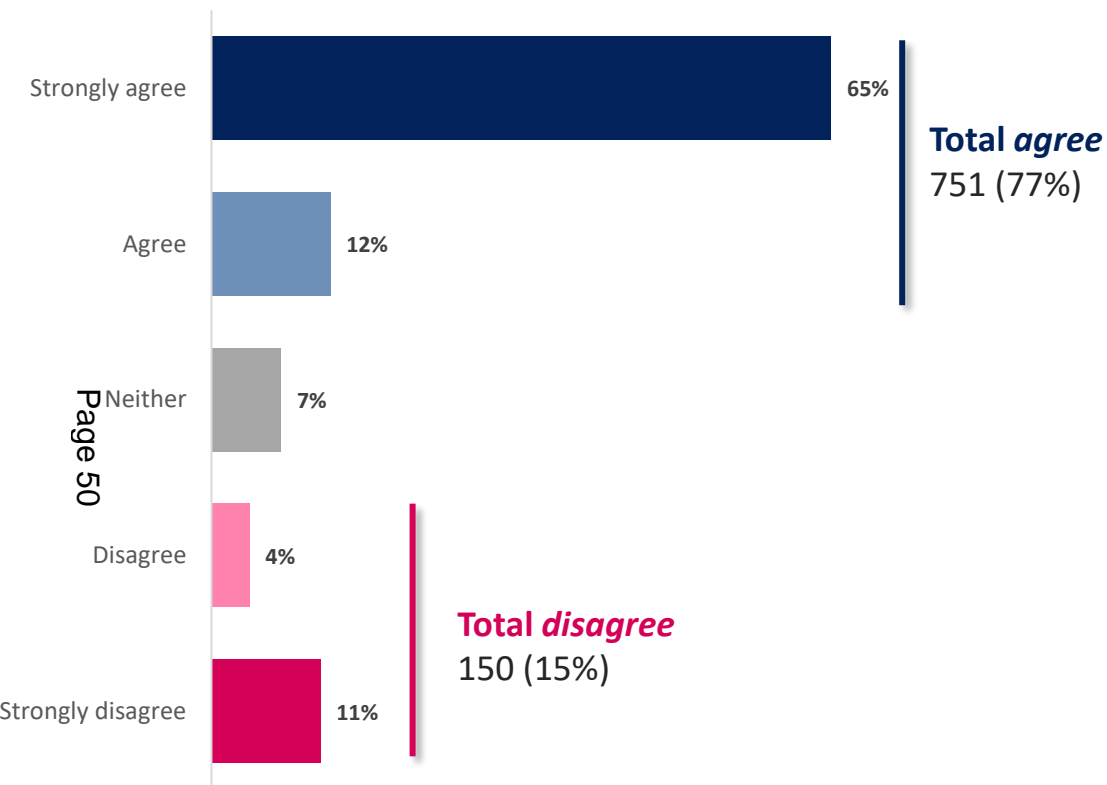
\*\*Sample size –fewer than 50 respondents \*Sample size –fewer than 100 respondents



# Proposal 3 – Adding in the condition for operators to have a policy on reviewing and reporting cancelled jobs

\*Proposal 3 will only happen if Proposal 1 goes ahead.

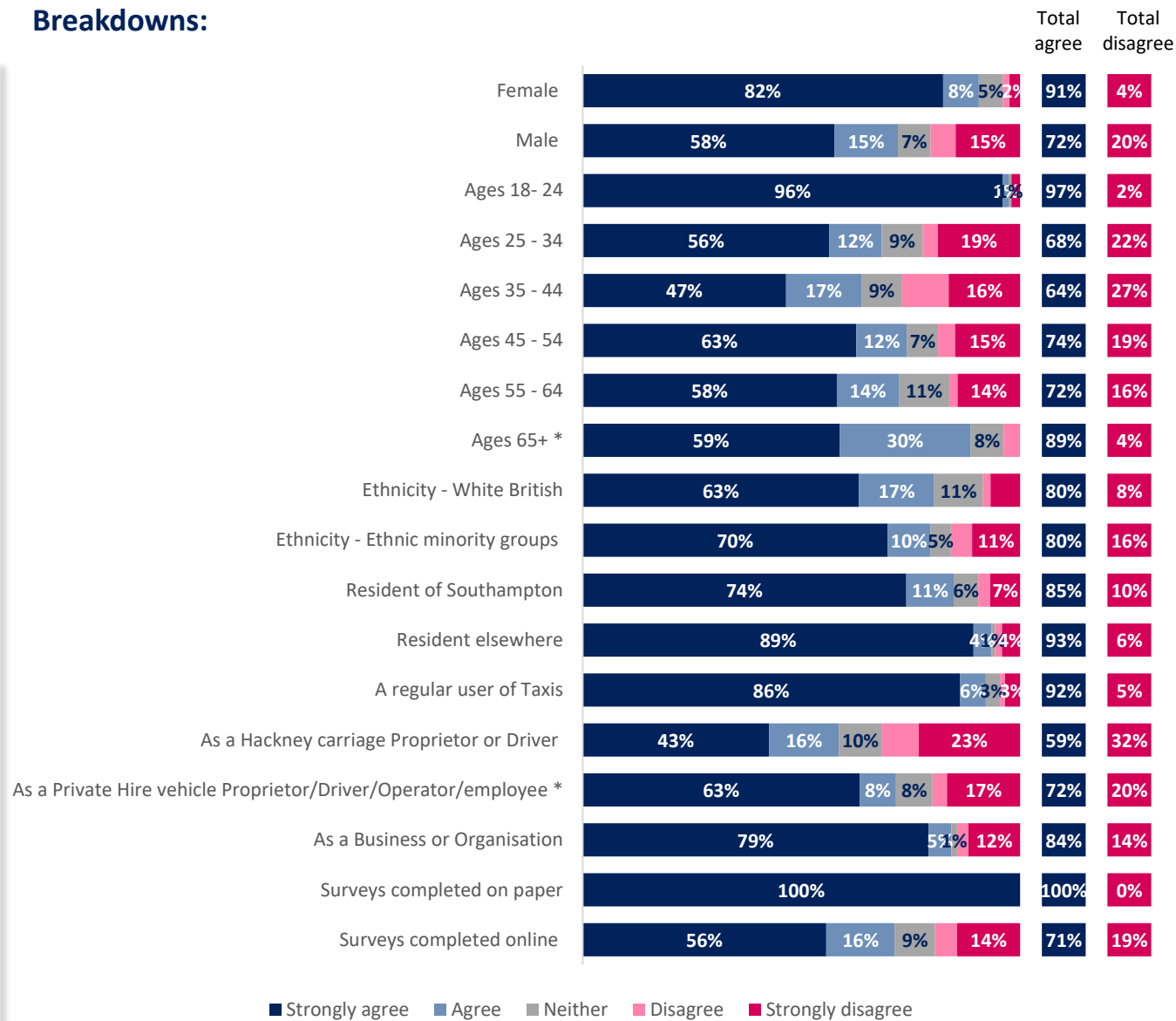
Total respondents: 972



### Key points:

- **77%** of respondents **agreed** with Proposal 3, while **15% disagreed**.
- Those aged between **18 – 24** had the **highest agreement with Proposal 3 (97%)** while **Hackney carriage Proprietor/Drivers** showed the **largest disagreement rate at (32%)**.

### Breakdowns:



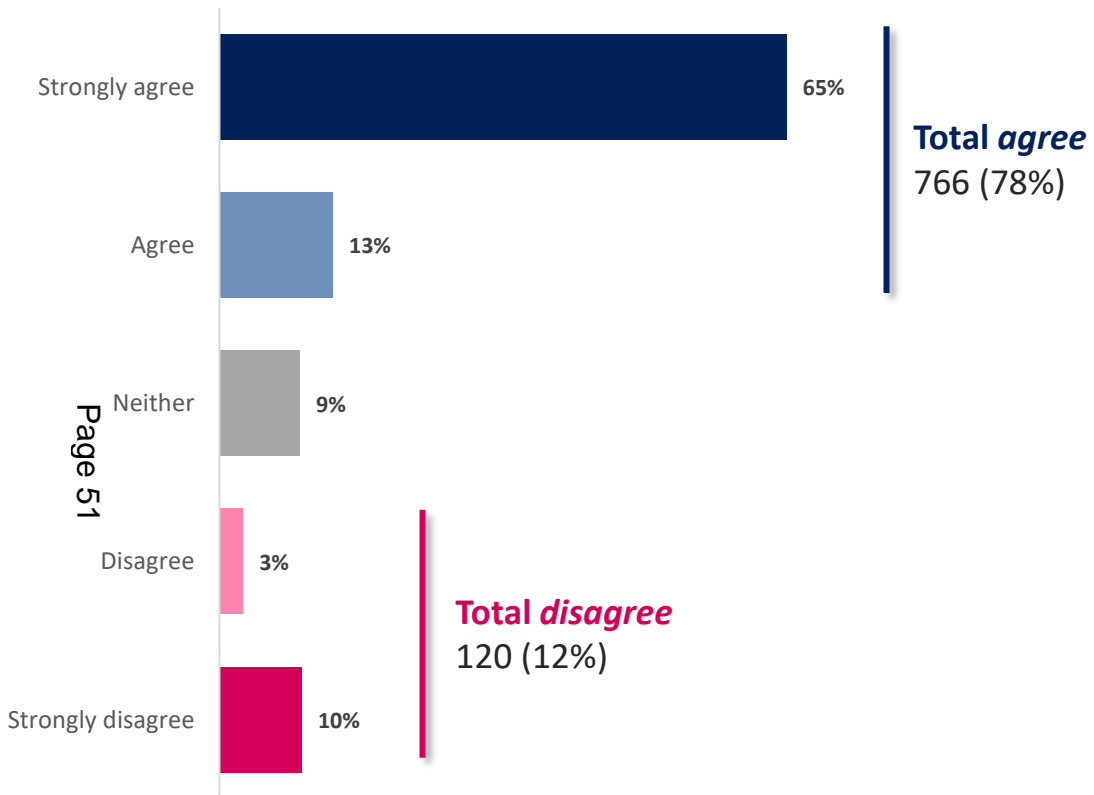
\*\*Sample size –fewer than 50 respondents \*Sample size –fewer than 100 respondents





# Proposal 4 – Adding in and formalising reporting regimes into operator conditions

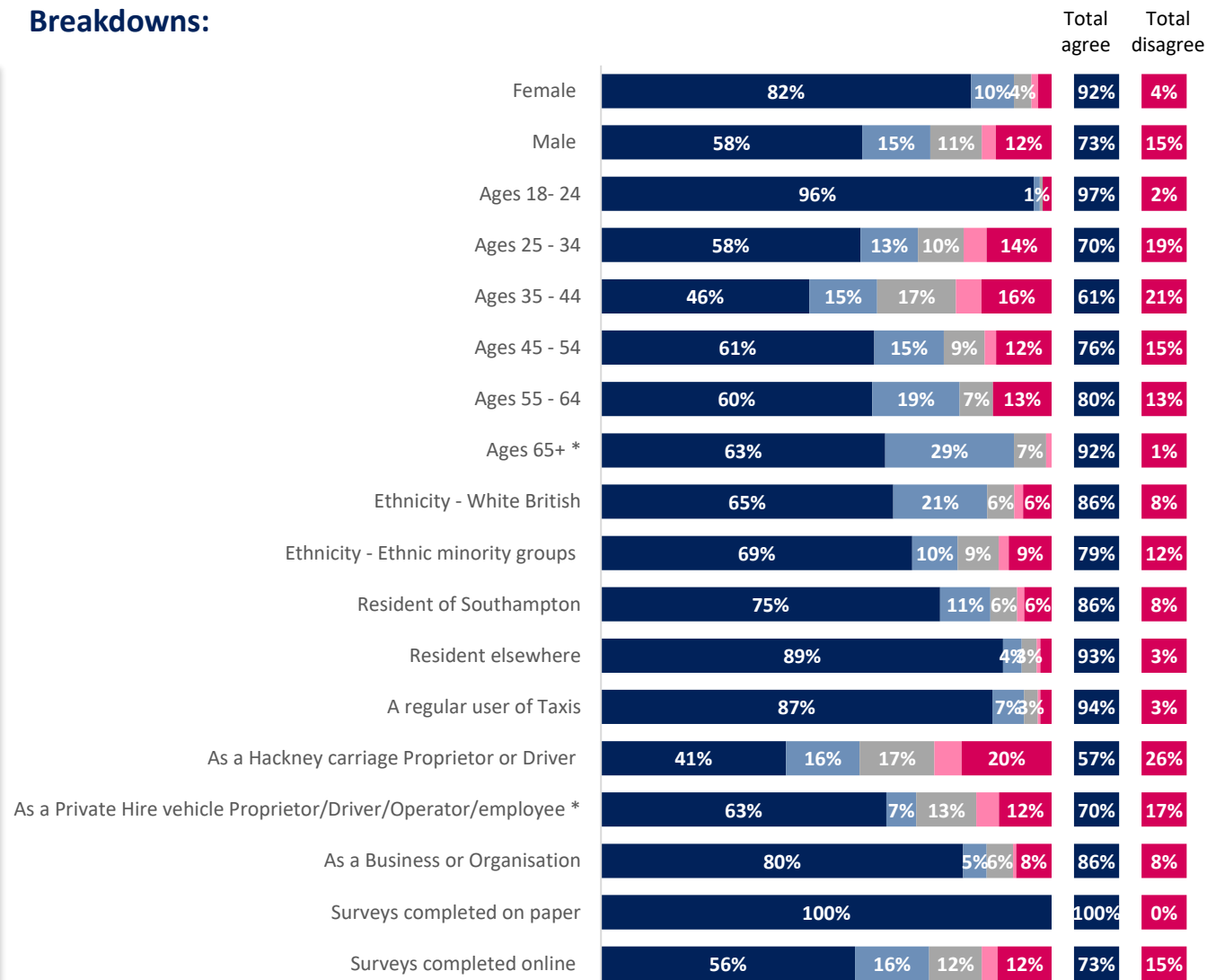
Total respondents: **977**



## Key points:

- **78%** of respondents **agreed** with Proposal 4, again those **aged 18 – 24** showed the **highest agreement rate (97%)**.
- **Hackney carriage Proprietor/Drivers** showed the **largest disagreement rate** for the adding in and formalising reporting regimes into operator conditions Proposal (**26%**).

## Breakdowns:



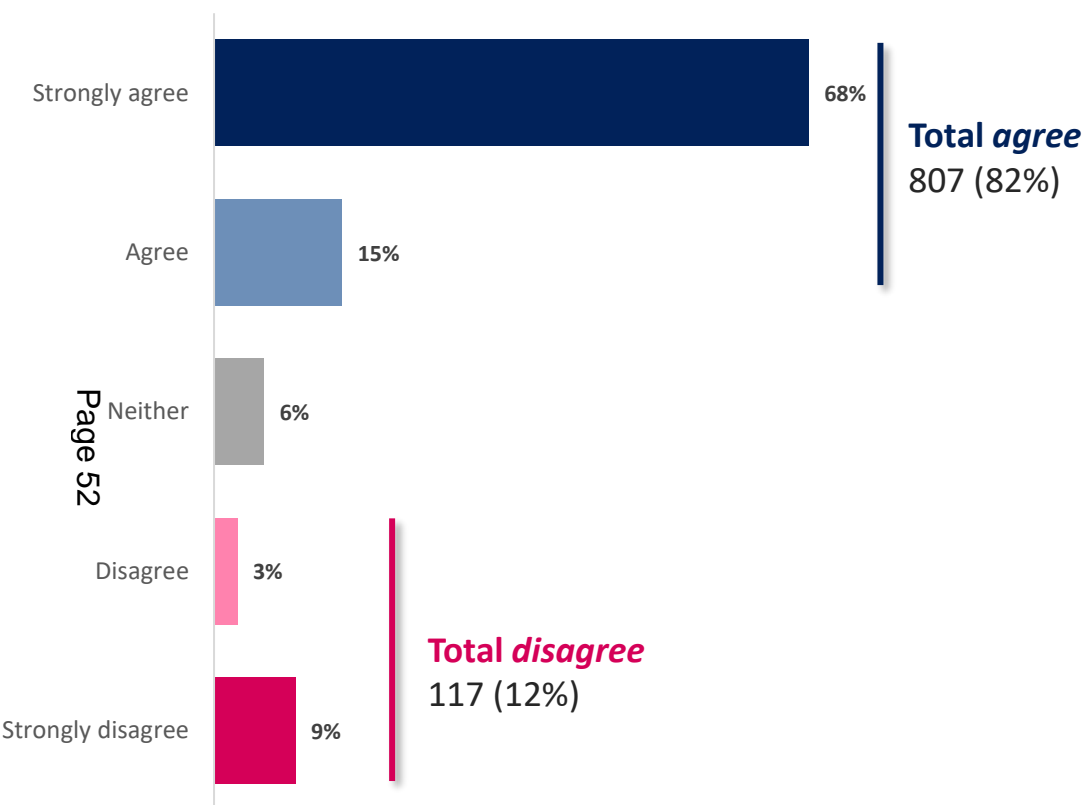
■ Strongly agree ■ Agree ■ Neither ■ Disagree ■ Strongly disagree

\*\*Sample size –fewer than 50 respondents \*Sample size –fewer than 100 respondents



# Proposal 5 – Adding in the condition for operators to report vehicles and drivers that work on their platform, to the satisfaction of the Council.

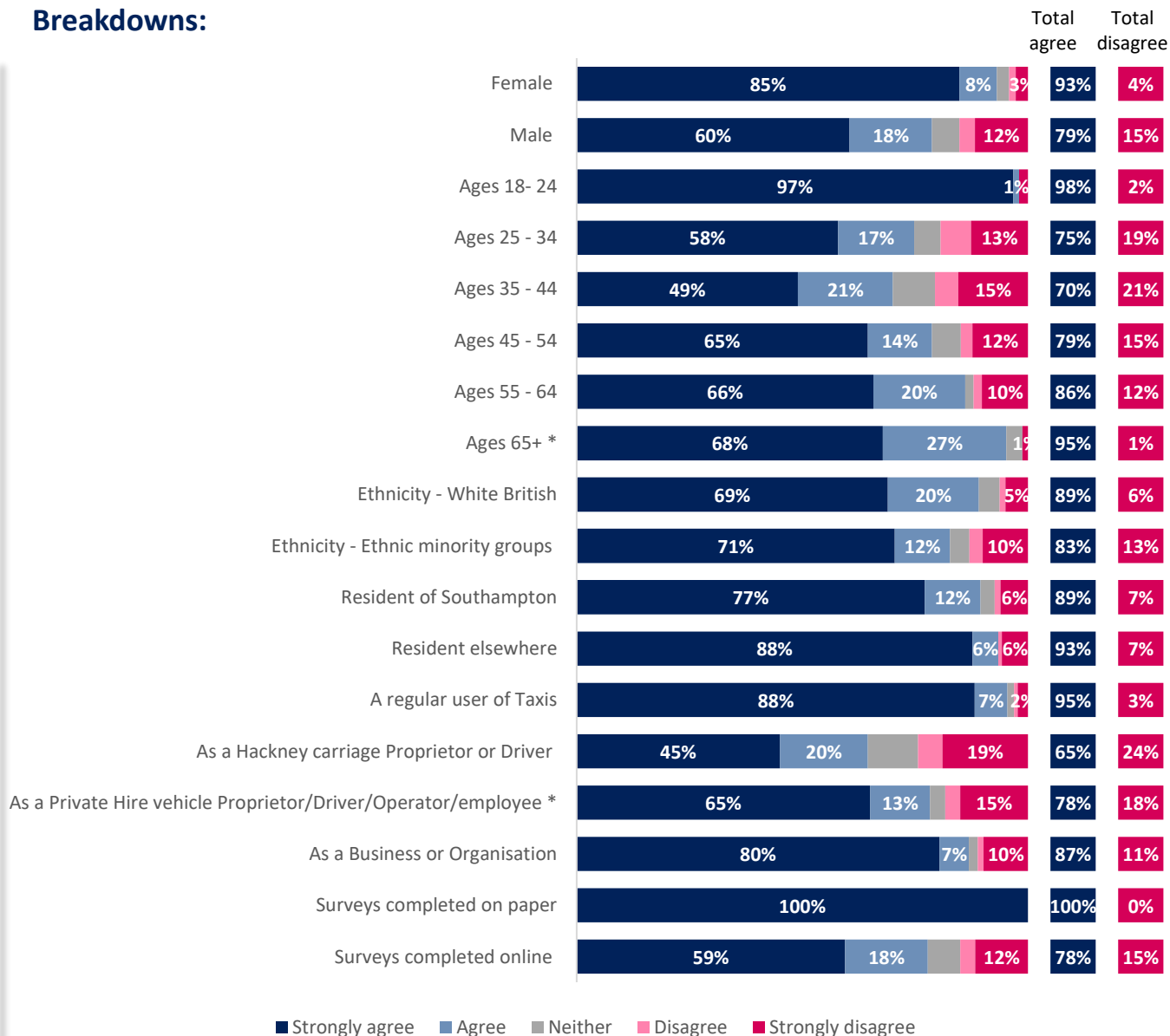
Total respondents: 990



## Key points:

- While **12%** of respondents **disagreed** with the final proposal, **82%** showed **agreement** with Proposal 5.
- Hackney carriage Proprietor/Drivers showed the **largest disagreement** for Proposal 5 (**24%**), followed by those **aged between 35 - 44 (21%)**.

## Breakdowns:



\*\*Sample size –fewer than 50 respondents \*Sample size –fewer than 100 respondents

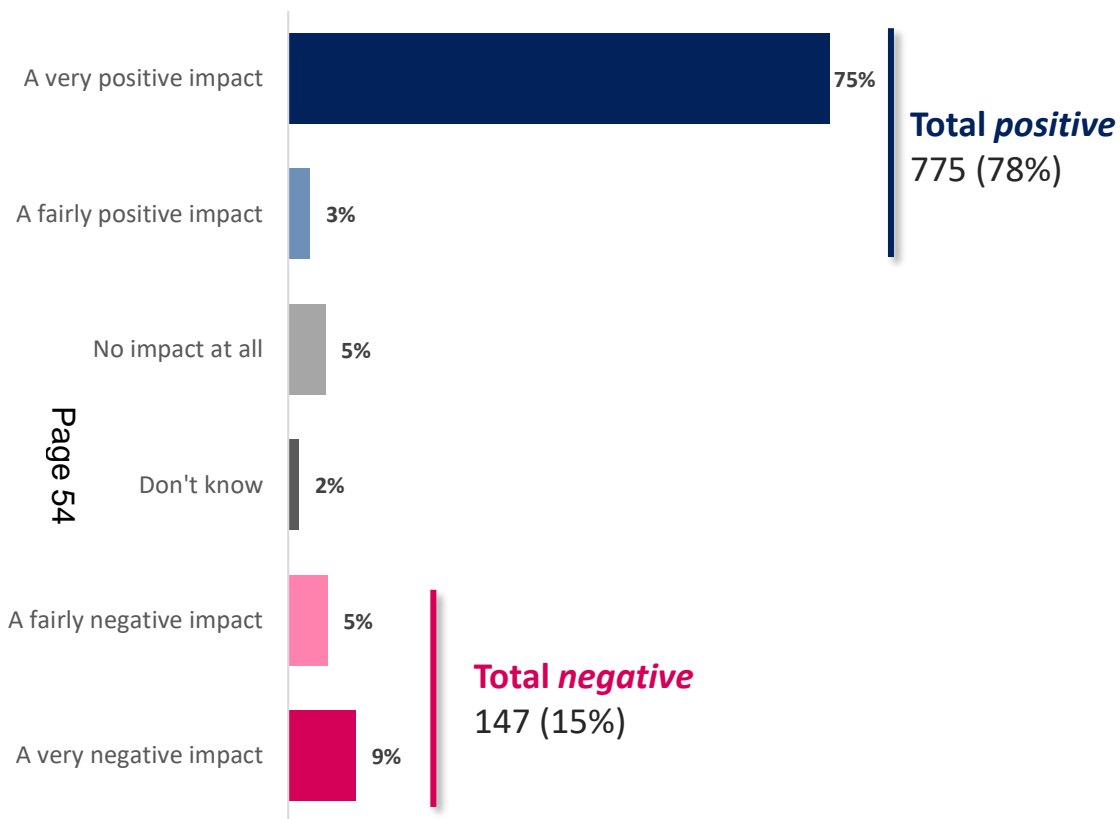


# Impact of Proposals



# Proposal 1 – Removing the requirement in Private Hire Vehicle conditions to display the name and contact details of the operator of the vehicle.

Total respondents: **988**

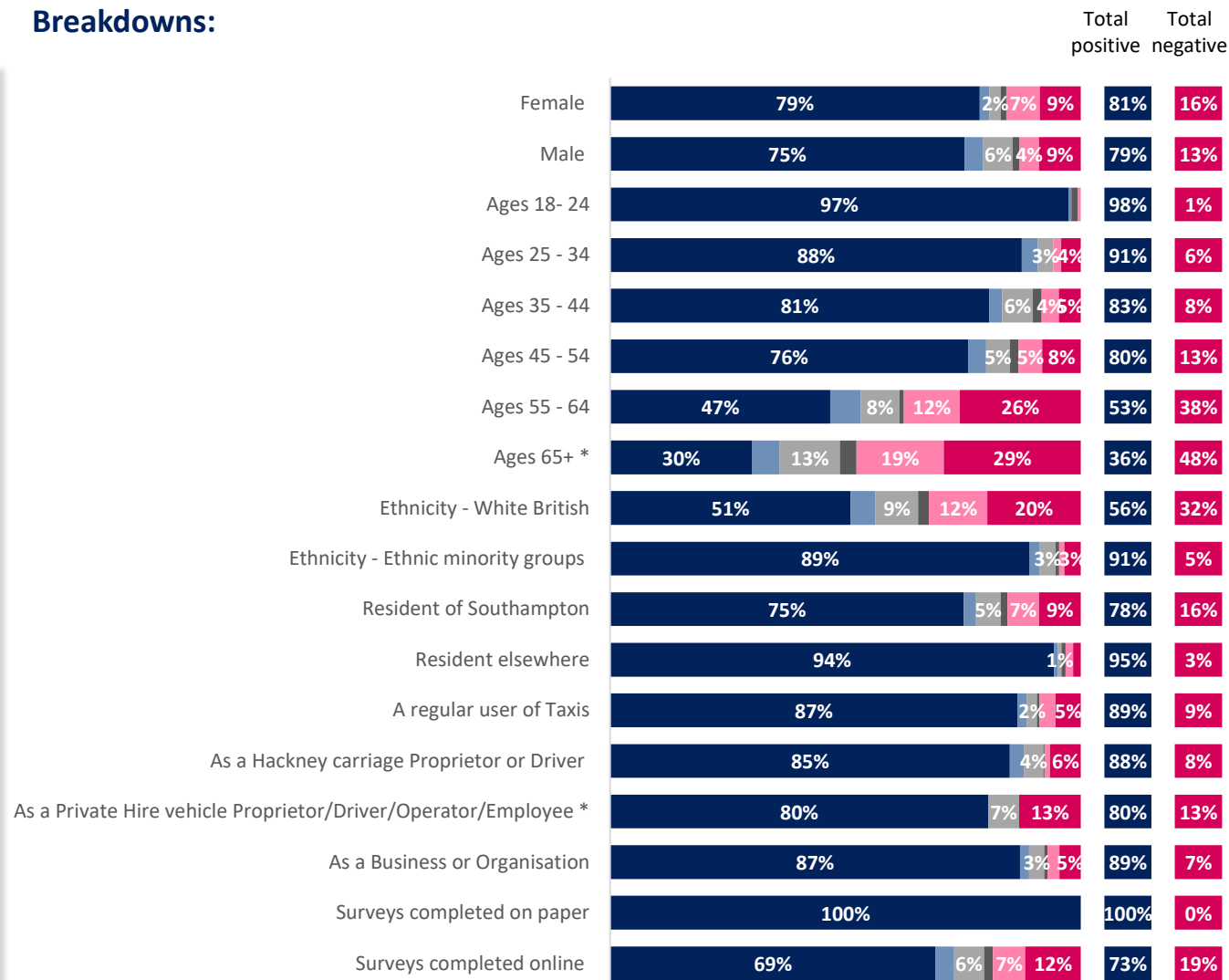


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## Key points:

- **15%** of respondents said that Proposal 1 would have a **negative impact** on them, while **78%** said it would have a **positive impact**.
- Those **aged 65+** had the **highest percentage for negative impact (38%)**, while those **aged 18 – 24** had just **1% negative impact**, closely followed by **Ethnic minority groups at 5%**.

## Breakdowns:



■ A very positive impact    ■ A fairly positive impact    ■ No impact at all  
 ■ Don't know    ■ A fairly negative impact    ■ A very negative impact

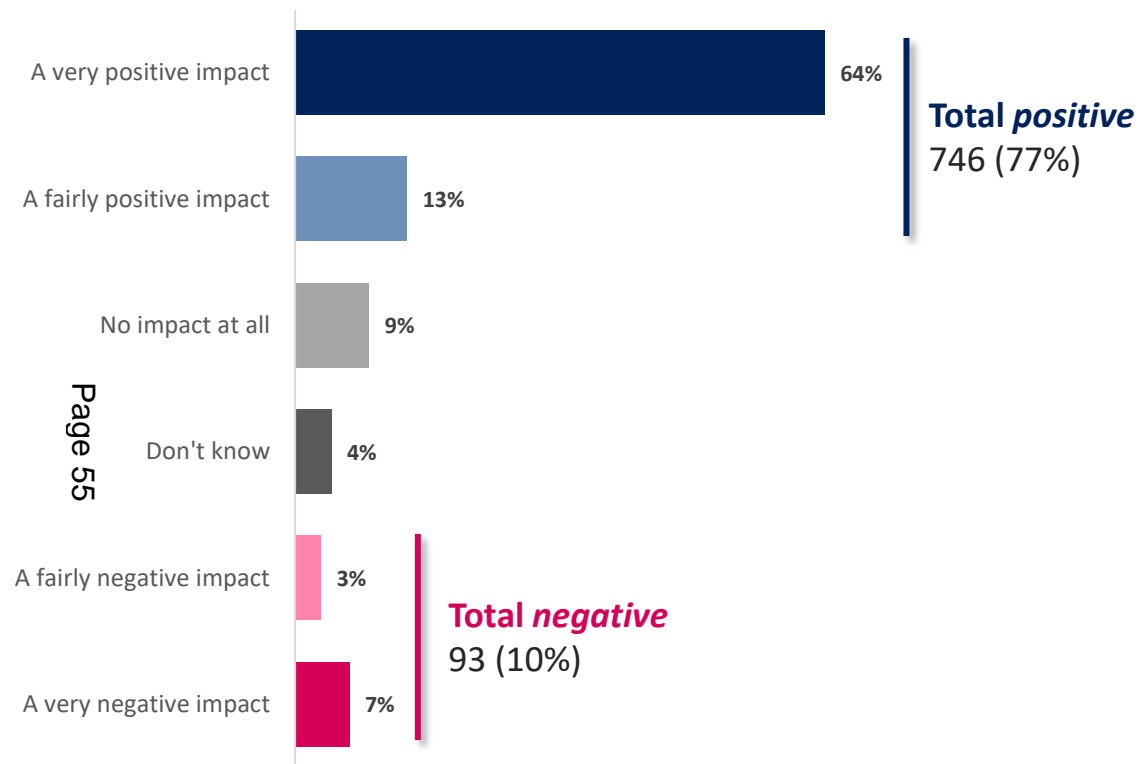
\*\*Sample size –fewer than 50 respondents \*Sample size –fewer than 100 respondents



# Proposal 2 – Adding in the condition that the driver will complete that hiring unless there is good cause not to and reporting these reasons to the operator

\*Proposal 2 will only happen if Proposal 1 goes ahead.

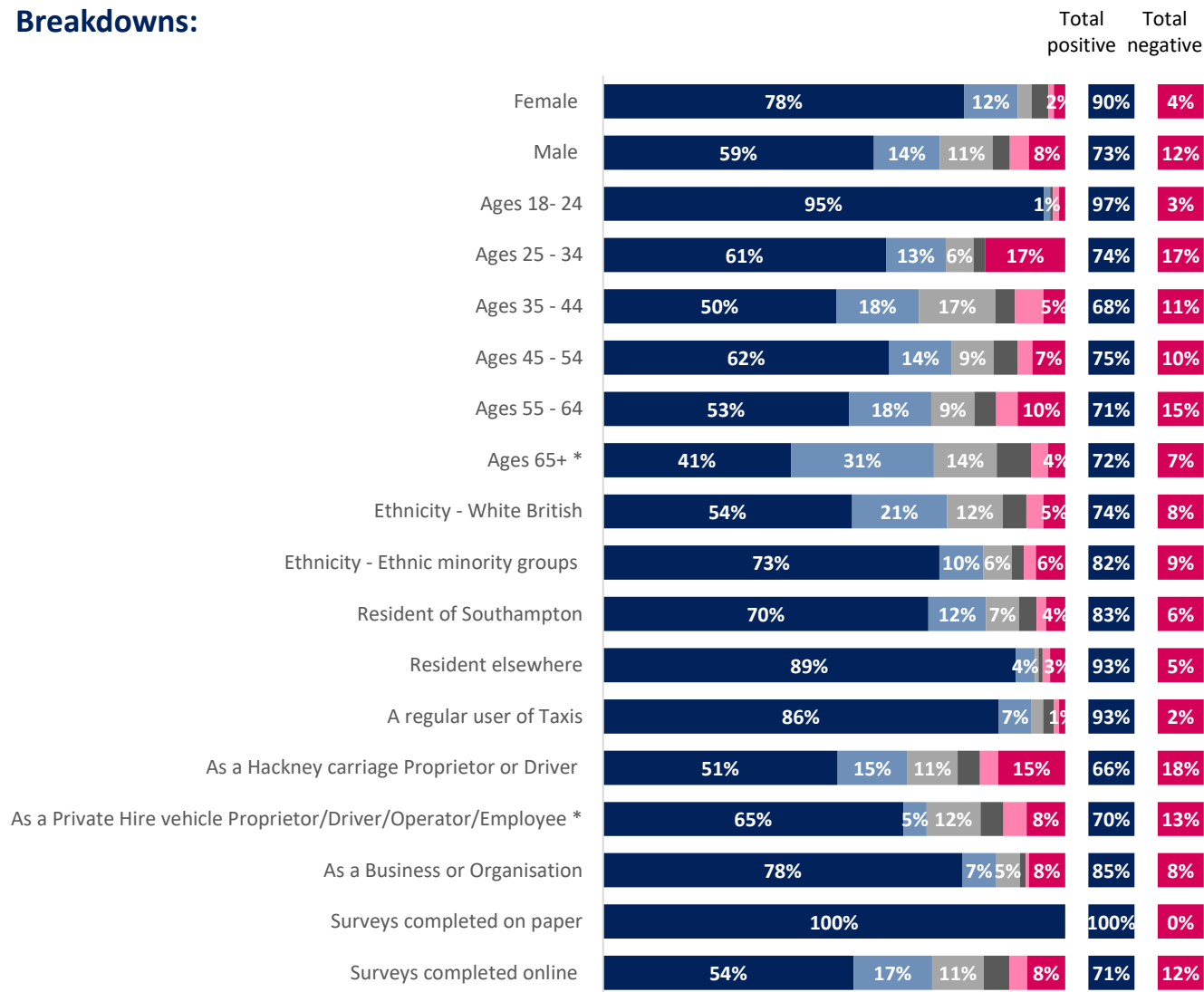
Total respondents: 967



## Key points:

- Just **10%** found Proposal 2 would have a **negative impact**, with **77%** a **positive impact**.
- **Ages between 55-64 (15%)** and **Hackney carriage Proprietors/Drivers (18%)** shared that Proposal 2 would have a **larger negative impact** on them compared with other breakdowns.

## Breakdowns:



■ A very positive impact      ■ A fairly positive impact      ■ No impact at all  
 ■ Don't know      ■ A fairly negative impact      ■ A very negative impact

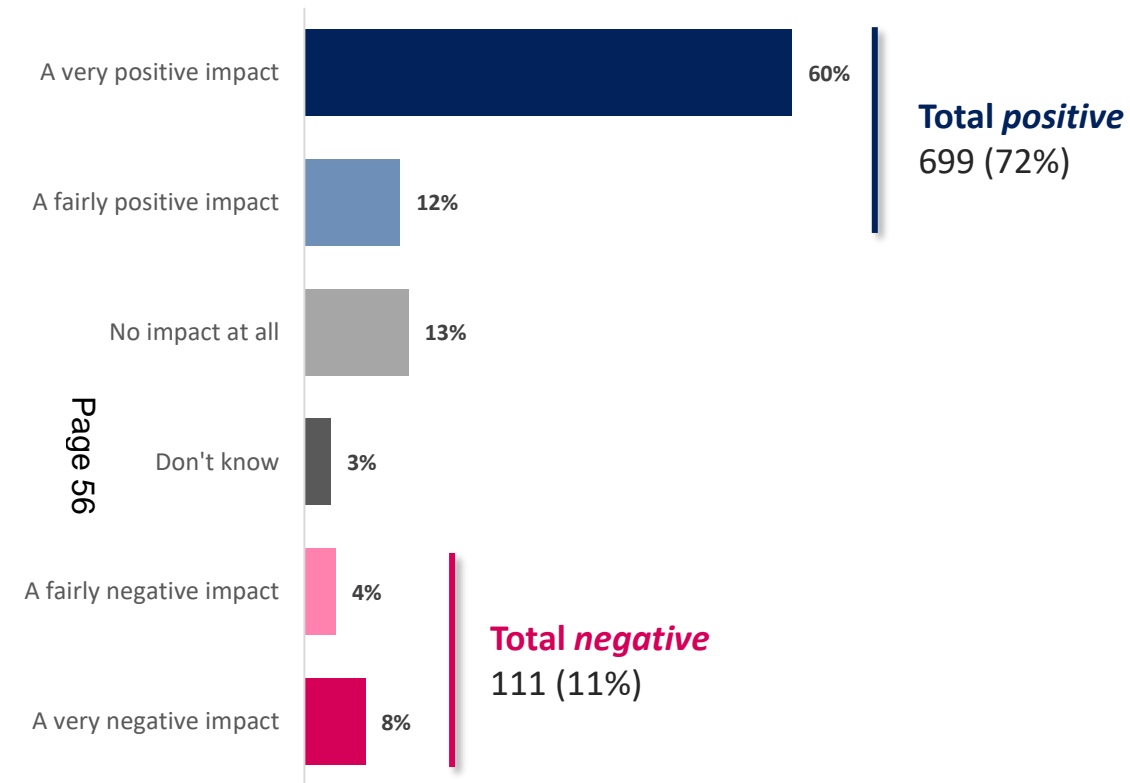
\*\*Sample size –fewer than 50 respondents \*Sample size –fewer than 100 respondents



# Proposal 3 - Adding in the condition for operators to have a policy on reviewing and reporting cancelled jobs.

\*Proposal 3 will only happen if Proposal 1 goes ahead.

Total respondents: **967**

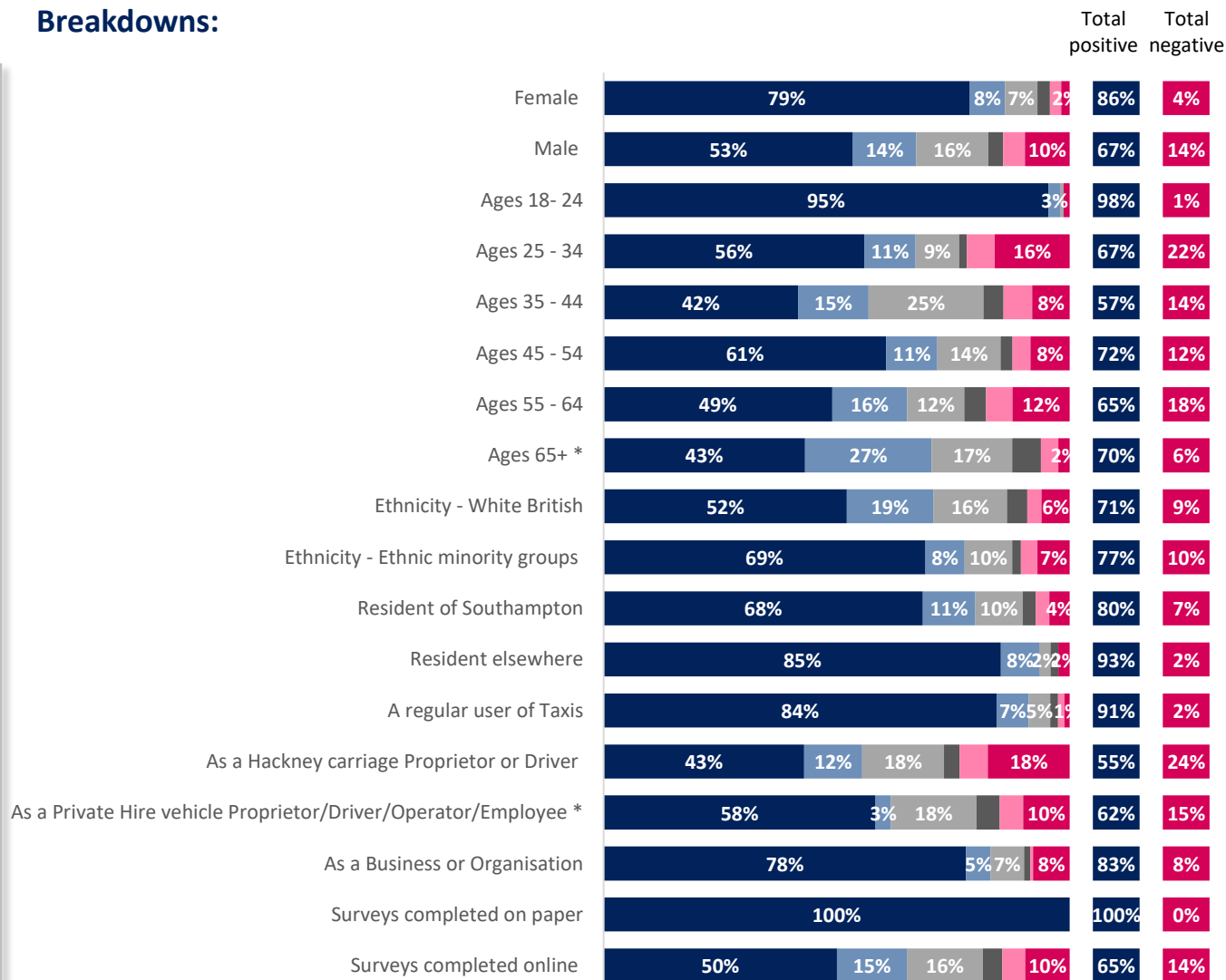


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## Key points:

- While **72%** would find Proposal 3 to have a **positive impact on themselves** and **11%** a **negative impact**, **13%** said that it would have **no impact at all**, making this one of the highest no impact proposals.
- Having said that, those aged between **25-34 (22%)** and **Hackney carriage Proprietors/Drivers (24%)** shared it would have the **most negative impact** on them.

## Breakdowns:



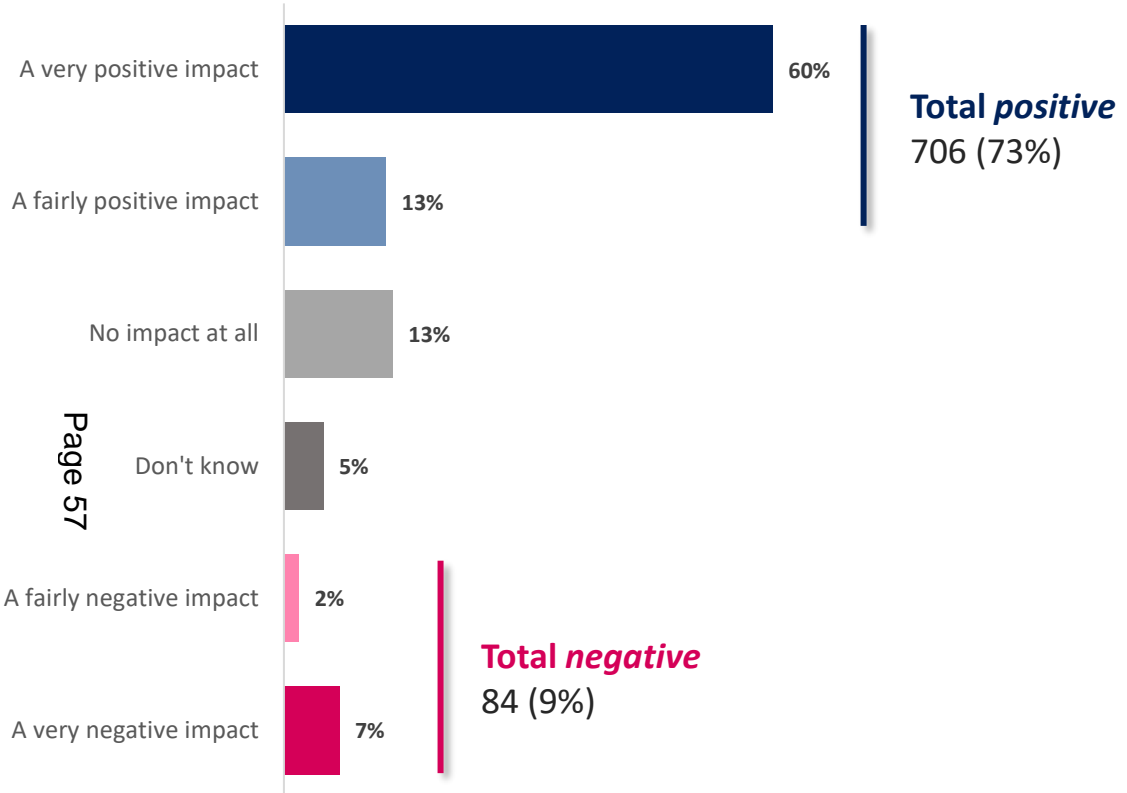
■ A very positive impact     
 ■ A fairly positive impact     
 ■ No impact at all  
■ Don't know     
 ■ A fairly negative impact     
 ■ A very negative impact

\*\*Sample size –fewer than 50 respondents \*Sample size –fewer than 100 respondents



# Proposal 4 – Adding in and formalising reporting regimes into operator conditions

Total respondents: **967**

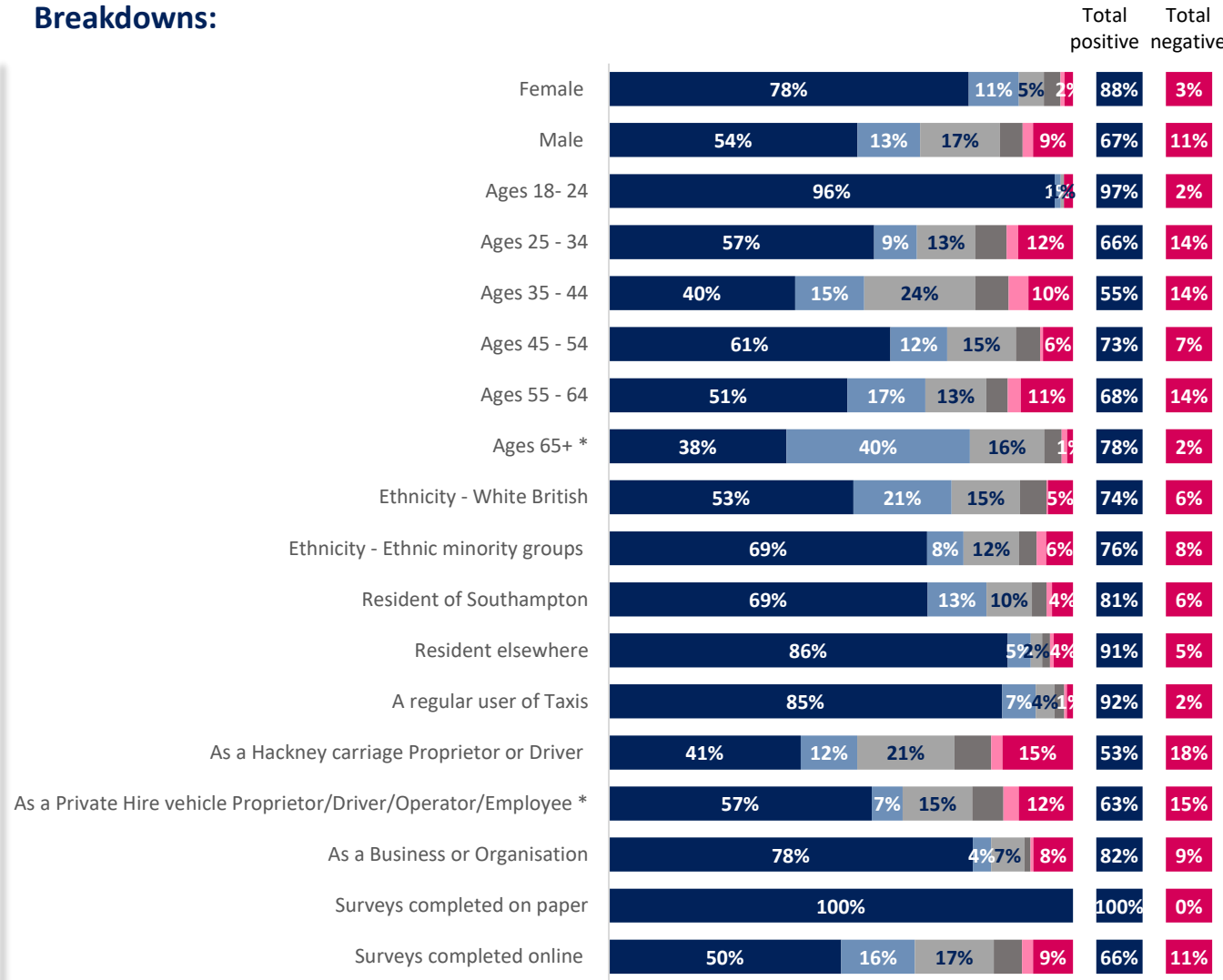


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### Key points:

- **Proposal 4** had the **highest percentage** for **positive impact** from respondents (**84%**).
- As well as **Proposal 3**, **13%** of respondents also said **Proposal 4** would have **no any impact all**.
- **18%** of **Hackney carriage Proprietor/Drivers** said Proposal 4 would have a **negative impact**.

### Breakdowns:

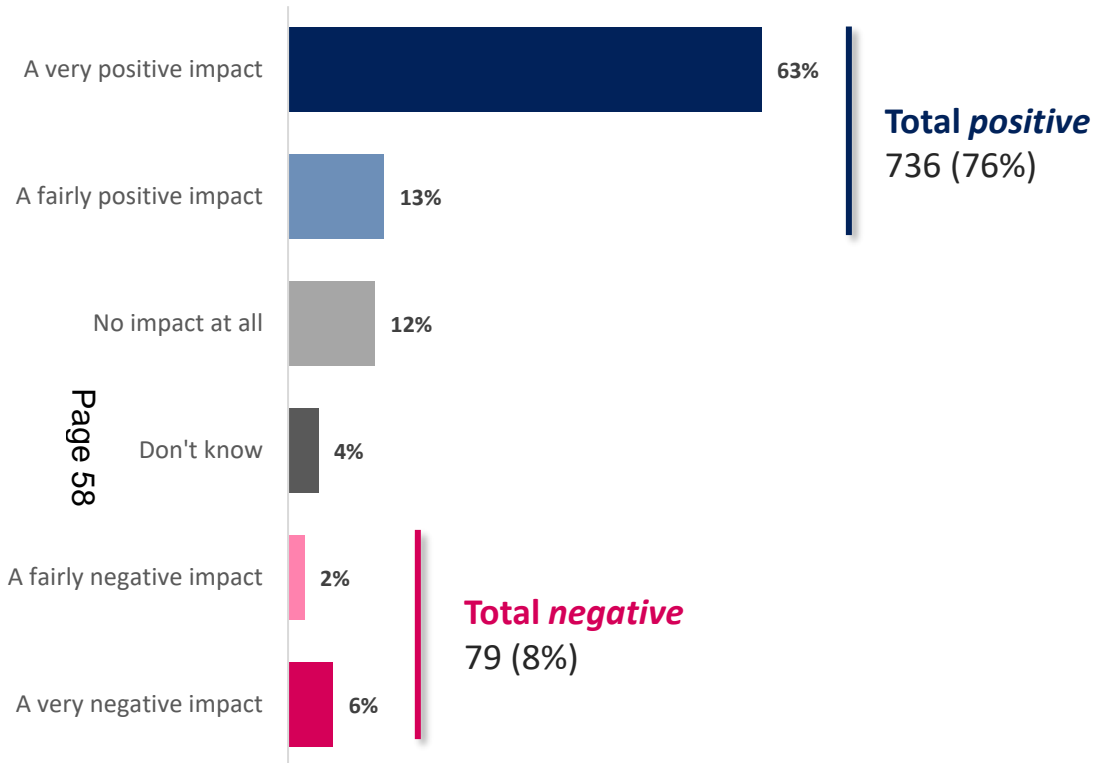


\*\*Sample size –fewer than 50 respondents \*Sample size –fewer than 100 respondents



# Proposal 5 – Adding in the condition for operators to report vehicles and drivers that work on their platform, to the satisfaction of the Council

Total respondents: **966**

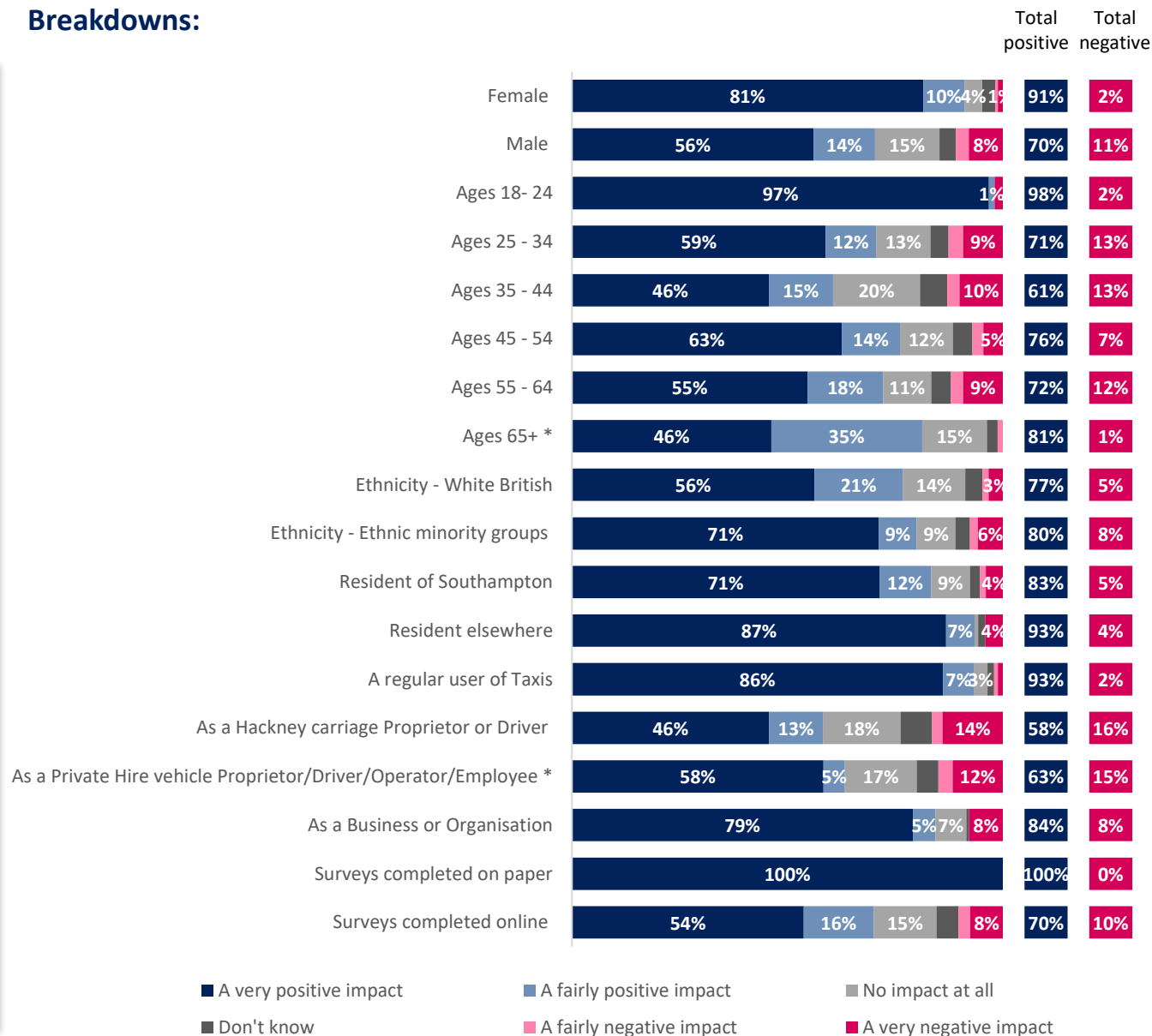


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## Key points:

- Proposal 5 saw **76% of respondents** saying there would be a **positive impact**.
- **Hackney carriage Proprietor/Drivers (16%)** and **Private Hire vehicle Proprietor/Driver/Operator/Employee (15%)** were the **highest breakdowns** to express **negative impact** regarding Proposal 5.

## Breakdowns:



\*\*Sample size –fewer than 50 respondents \*Sample size –fewer than 100 respondents



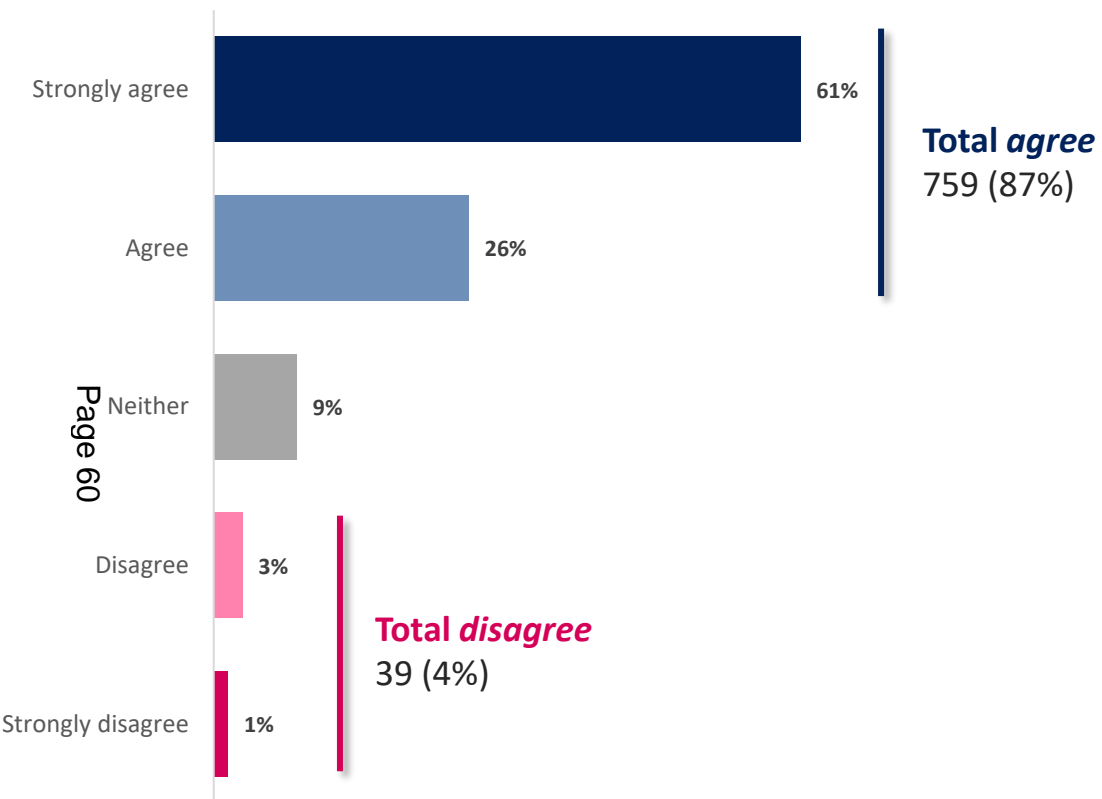


## Overall Policy



# The draft strategy is easy to understand

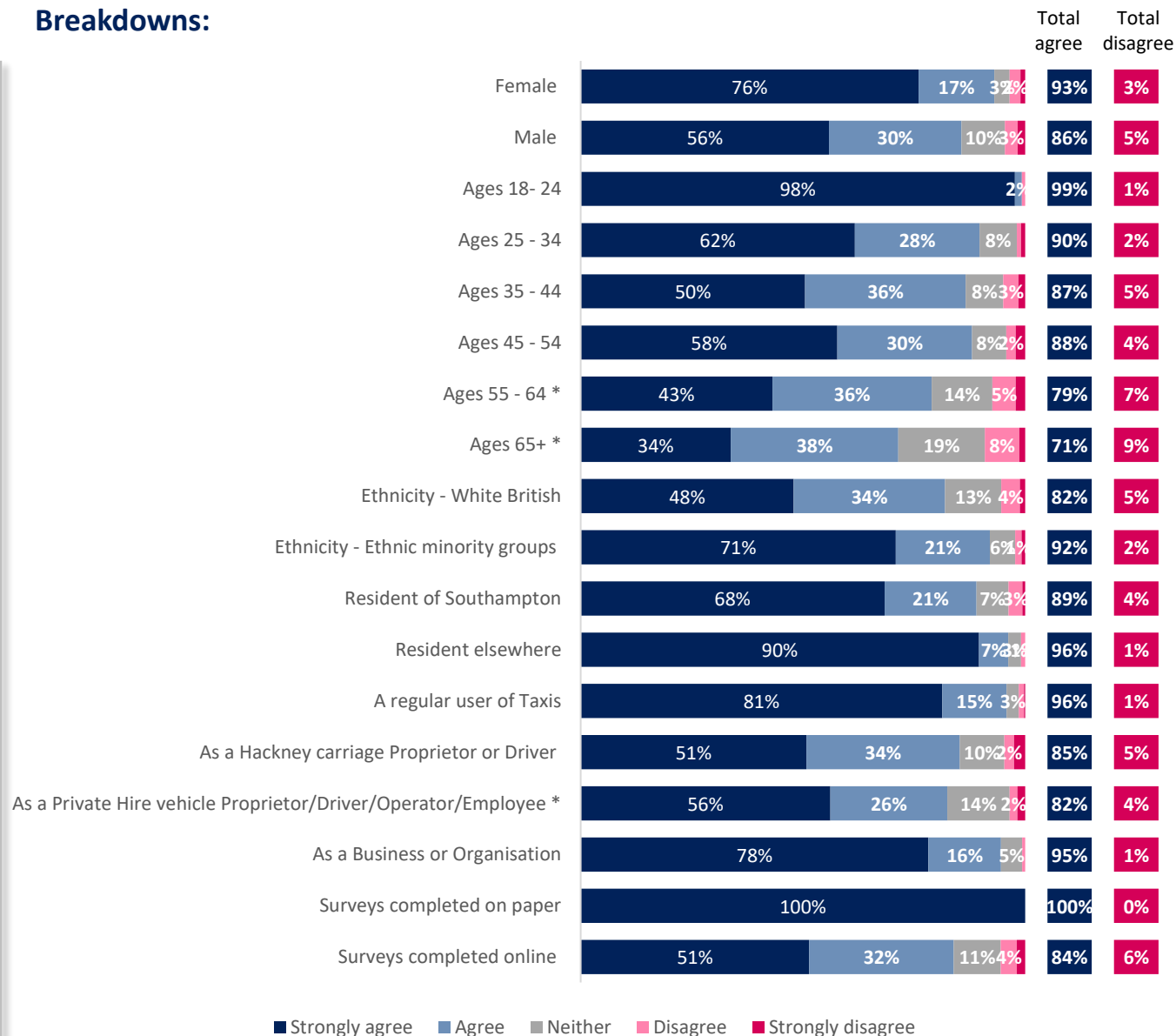
Total respondents: **873**



## Key points:

- **87%** of respondents **agreed** that the draft strategy is easy to understand.
- **White British (5%)** and **Hackney carriage Proprietor/Drivers (5%)** held the highest percentages in disagreement for understanding the strategy.

## Breakdowns:

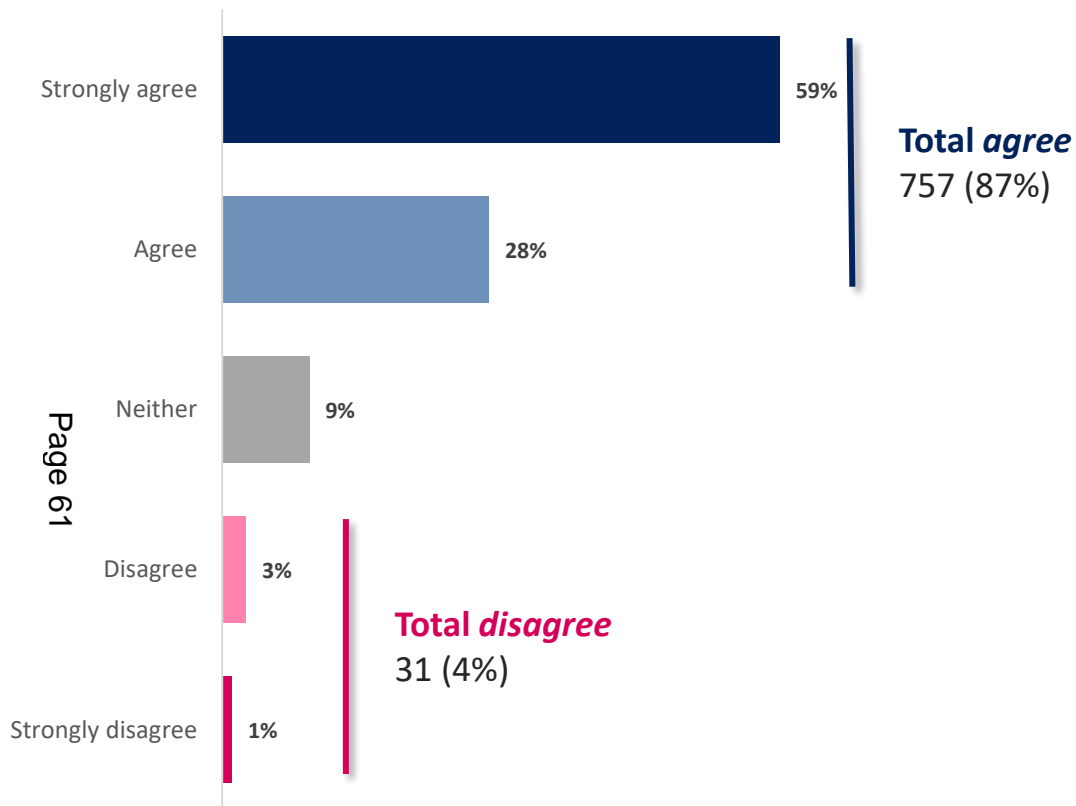


\*\*Sample size –fewer than 50 respondents \*Sample size –fewer than 100 respondents



# The draft strategy provides sufficient information

Total respondents: **868**

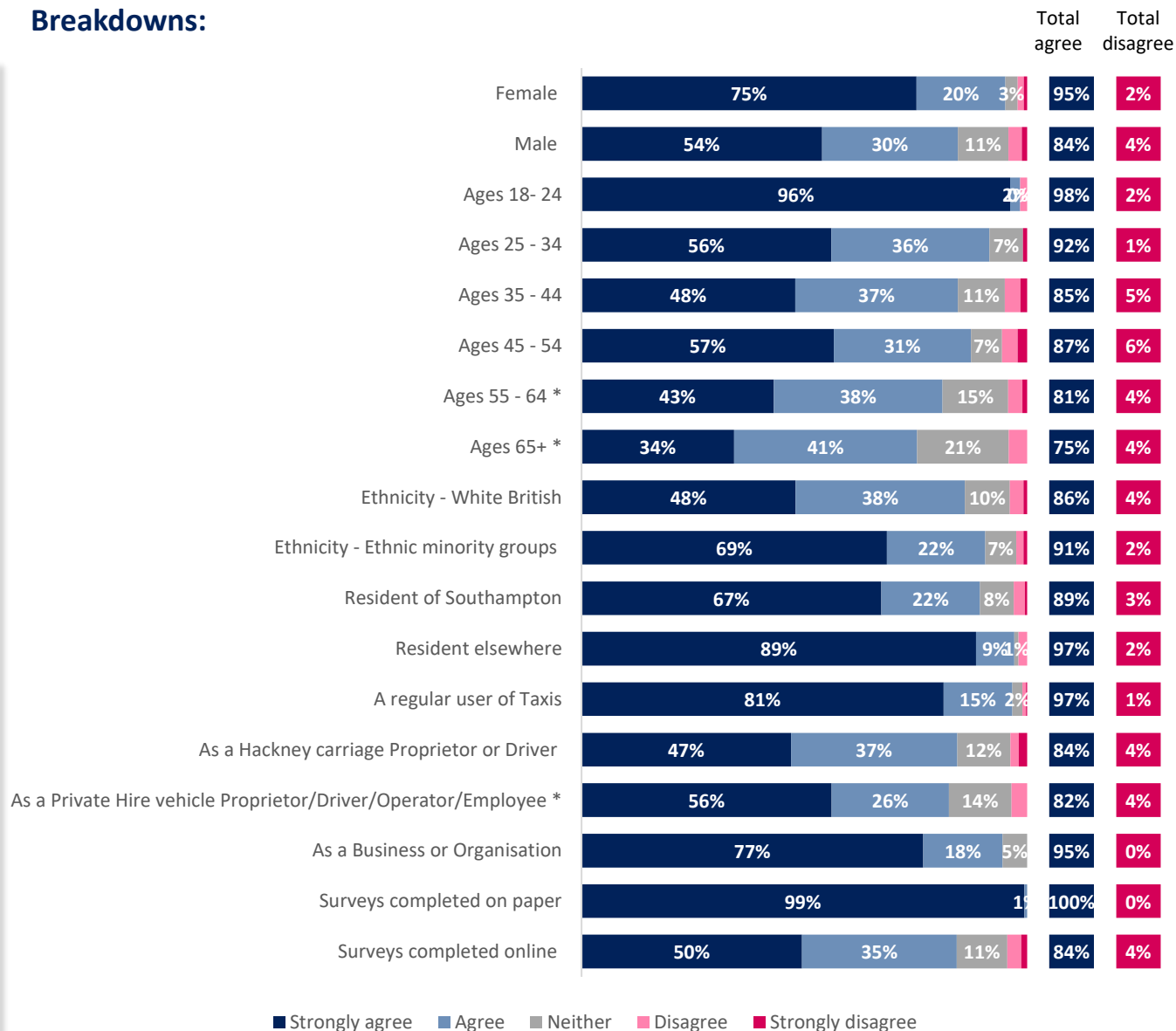


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## Key points:

- **87%** of respondents also **agreed** that the draft strategy provides sufficient information.
- Those **aged between 45 – 54 (6%)** held the **highest percentages** in disagreement.

## Breakdowns:

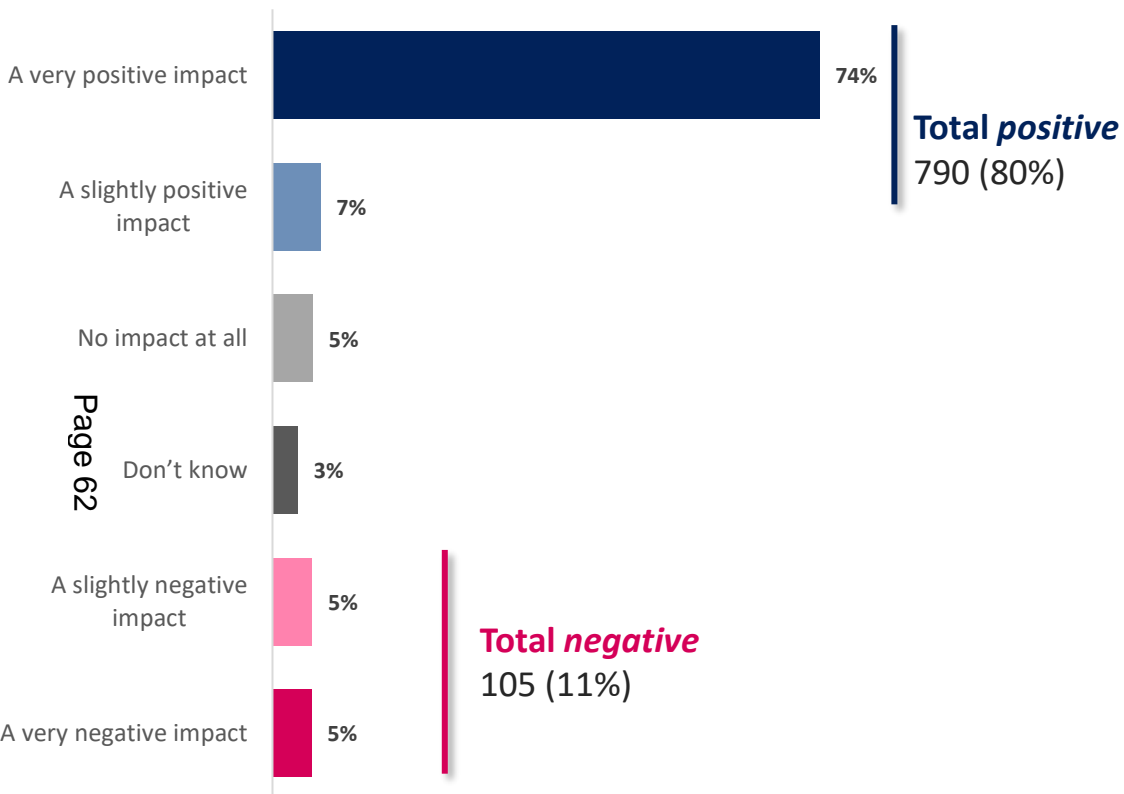


\*\*Sample size –fewer than 50 respondents \*Sample size –fewer than 100 respondents



# Impact of draft policy on you, your family, your business or the wider community

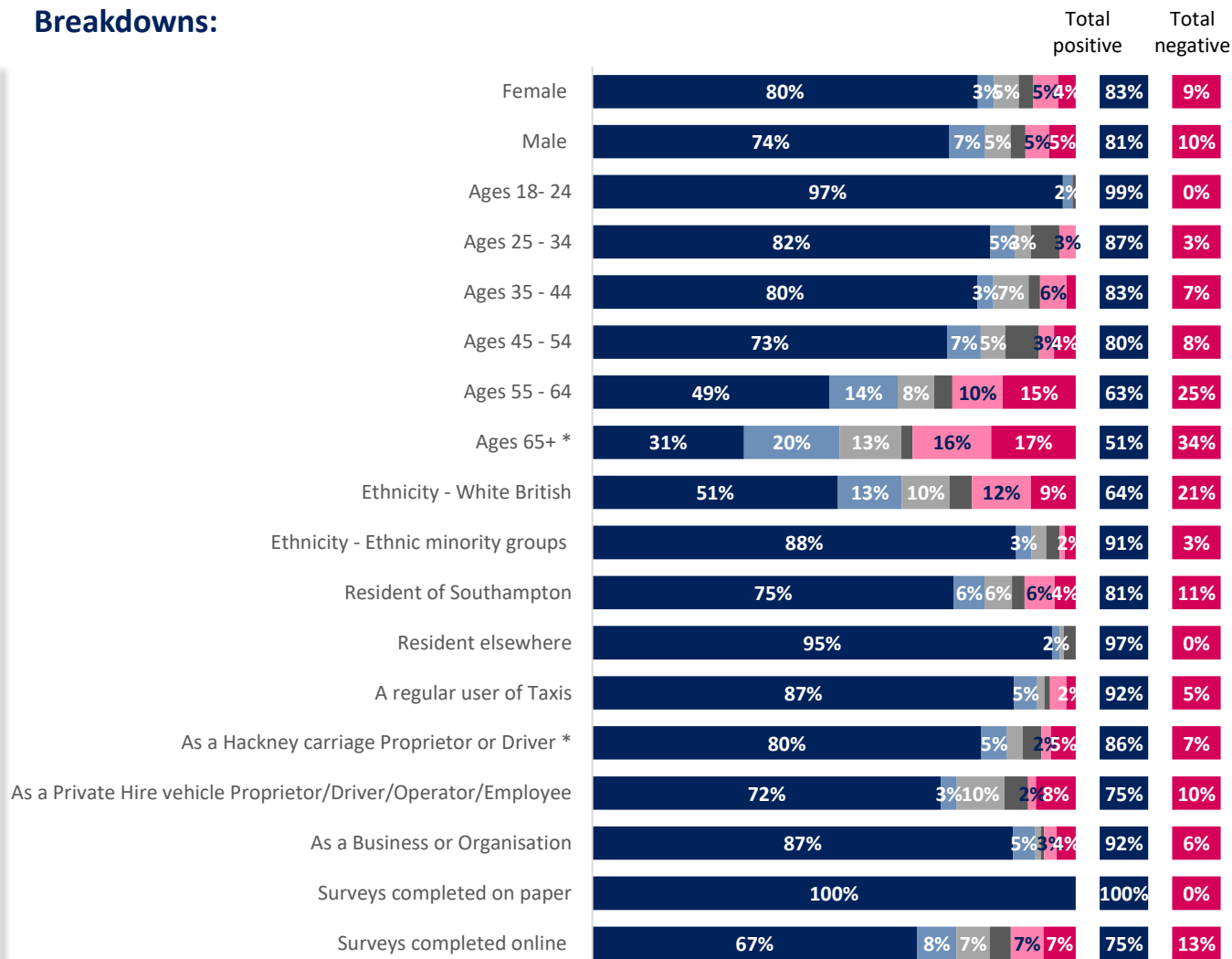
Total respondents: **983**



## Key points:

- **80%** of respondents believed the proposed draft policy would have a **positive impact** on themselves, their family, their businesses or the wider community.
- Although those **aged 65+** showed the highest concern for the draft policy having the **most negative impact at 34%**.

## Breakdowns:



■ A very positive impact    
 ■ A slightly positive impact    
 ■ No impact at all  
■ Don't know    
 ■ A slightly negative impact    
 ■ A very negative impact

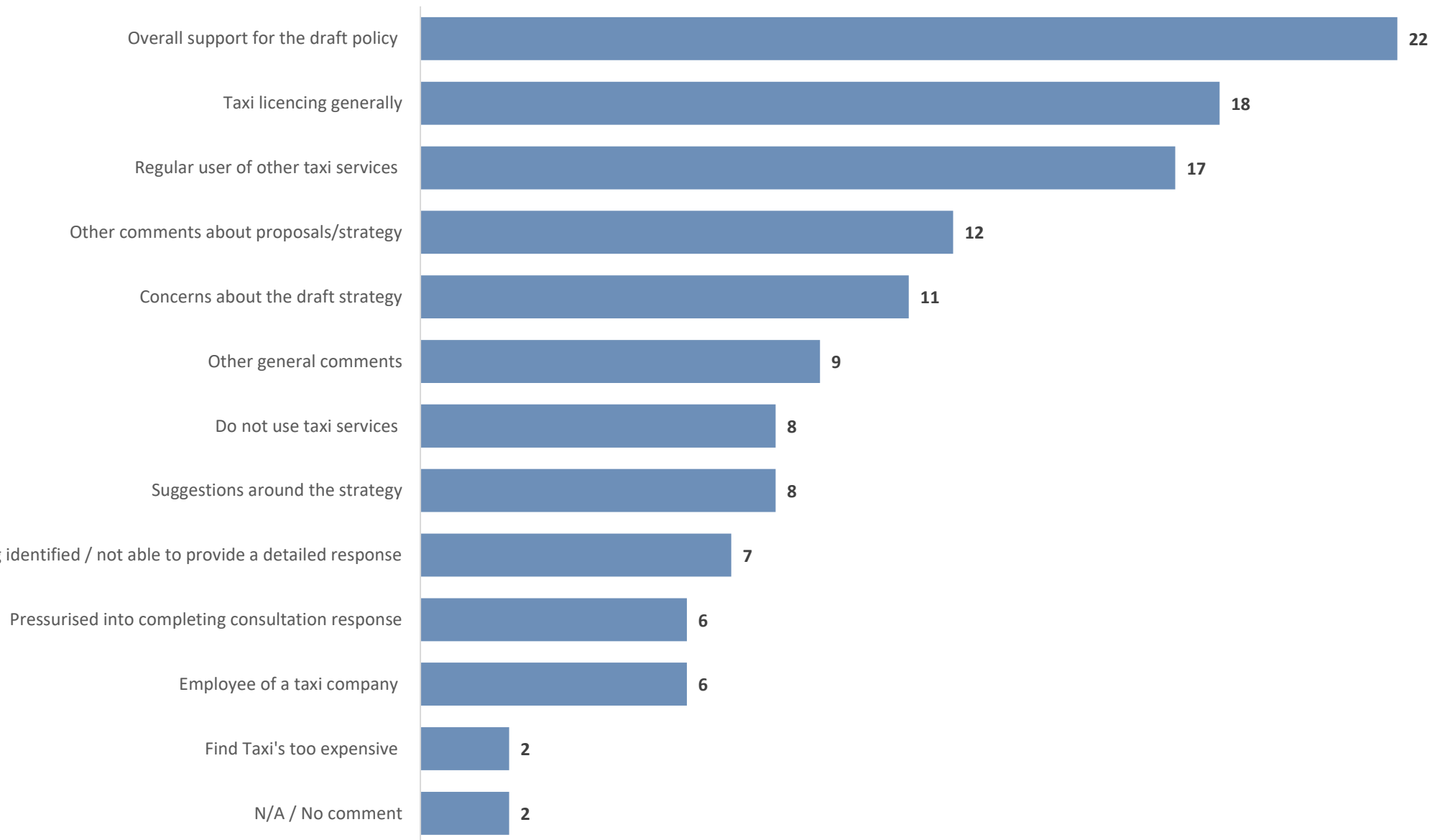
\*\*Sample size –fewer than 50 respondents \*Sample size –fewer than 100 respondents



## Free text analysis



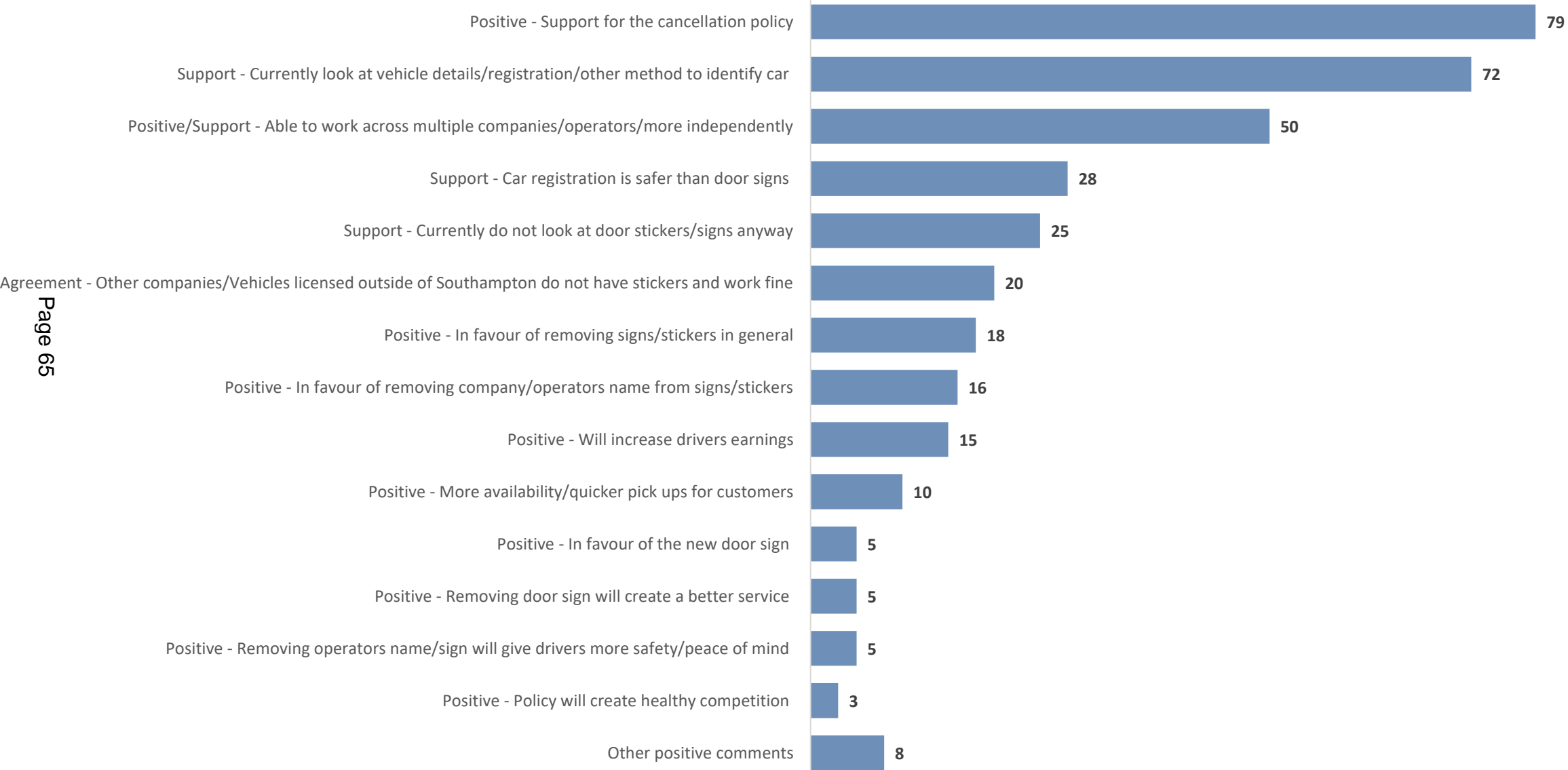
*The following graph shows the total number of respondents that made this point in a comment.*





# Positive comments about proposals

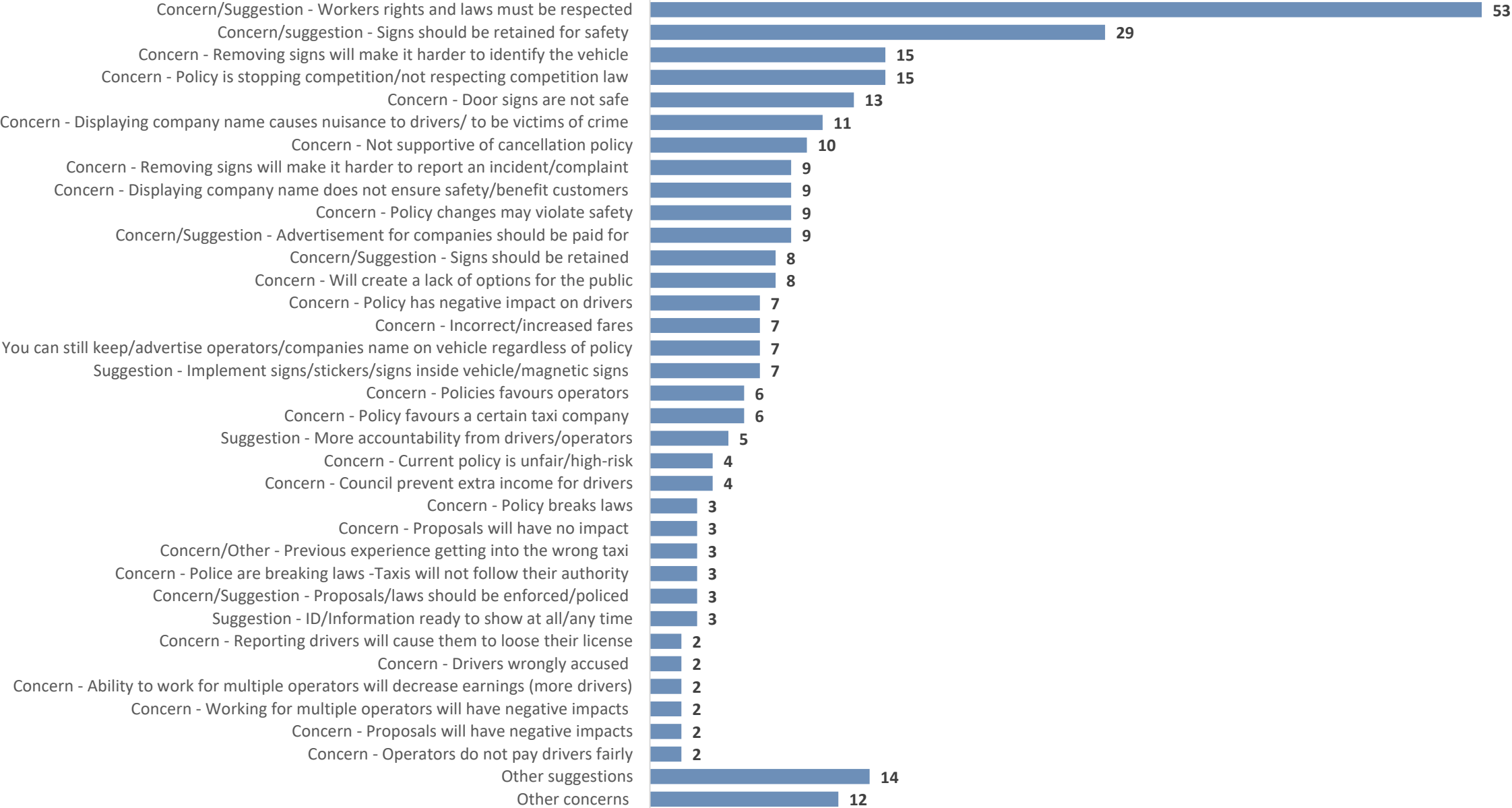
The following graph shows the total number of respondents that made this point in a comment.





# Concerns and suggestions about proposals

The following graph shows the total number of respondents that made this point in a comment.



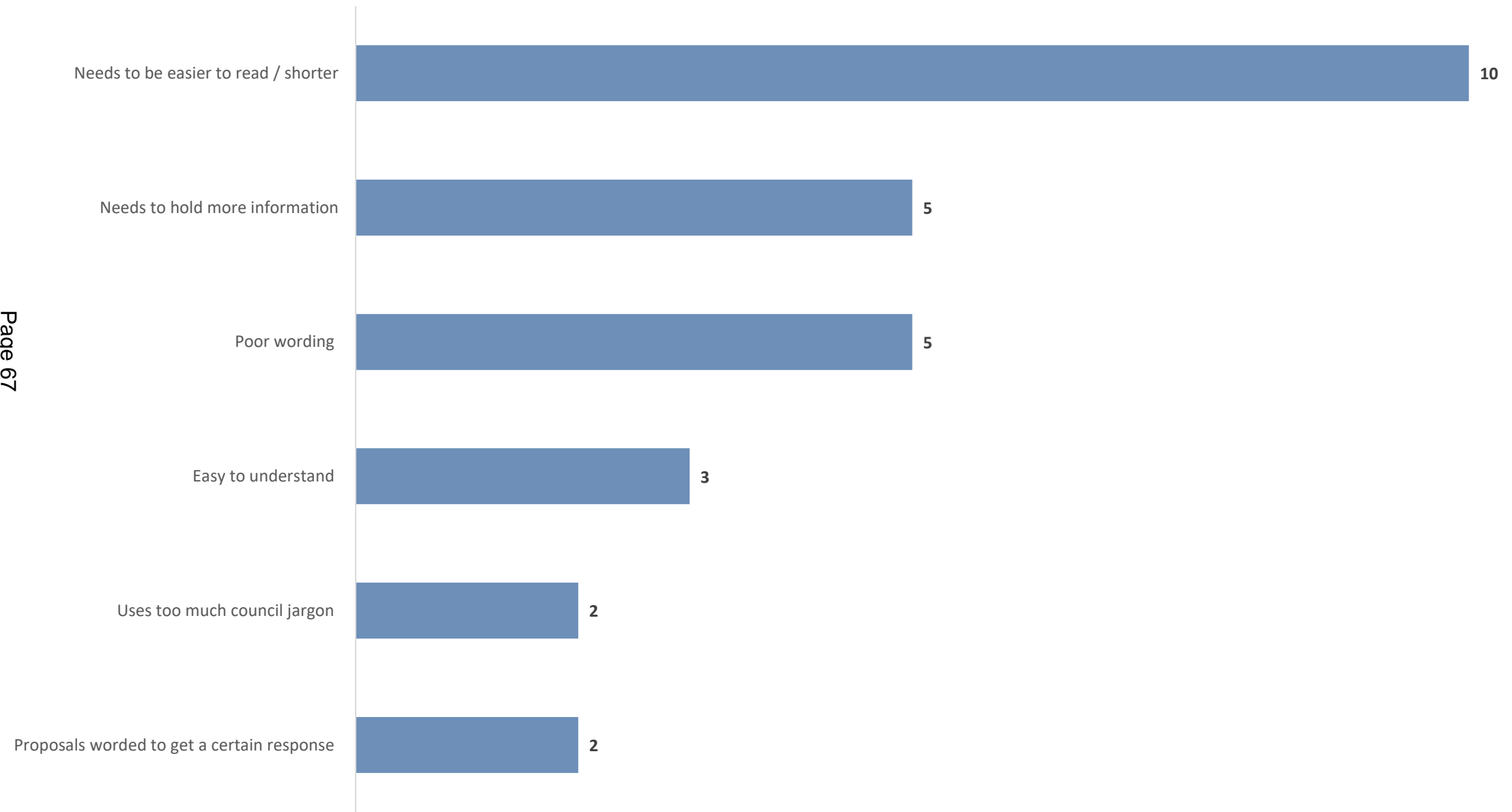




# Understanding the policy

*The following graph shows the total number of respondents that made this point in a comment.*

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## Considerations of the qualitative consultation feedback – Taxi Licensing Consultation

### Broad comments about the proposed strategy or Taxi Licensing.

Consultation feedback		Officer response	Actions proposed
Comment themes	Unique points and suggestions		
<b>Taxi licencing generally (18 comments)</b>	Private hire drivers cannot be held socially responsible for people who are intoxicated by alcohol or drugs which affect their decisions; In Barcelona, taxis there have a button they can press which immediately alerts police to the fact that they are in trouble; My recent experience is very bad with bookings not fulfilled, over 2 hours late and continual misinformation; taxi drivers should be considerate when parked up and not have all their lights on as it can be very blinding. Also, more considerate when parking anywhere to drop somebody off as it can cause an accident; Technology has made booking safer instead of these stickers; The system now works very well and does not need changing our customers are very happy that they know which company is picking them up.	Southampton licensed drivers are better protected than most with the inboard taxi cameras. Levels of service for private hire vehicles will normally be addressed by operators. Although technology does provide safety features not all of the taxi trades or public currently have those facilities.	Nil.
<b>Find Taxi's too expensive (2 comments)</b>	I don't use the taxis around the city, they are too expensive; Find taxi's too expensive.		
<b>Regular user of other taxi services (17 comments)</b>	Use other taxi services in Southampton; Mainly use a certain taxi company at nights; In London I use certain taxi companies; mainly use one taxi service.		
<b>Do not use taxi services (8 comments)</b>	Do not use the taxis around the city; do not use taxi's as disabled; Use taxis very rarely; Rely on buses more.		
<b>Pressurised into completing consultation response (6 comments)</b>	I had no choice but sign their petition, I do not support the petition; I feel pushed into signing petition to support current policy; I had to sign the petition otherwise I could get kicked out from my job.		
<b>Employee of a taxi company (6 comments)</b>	Work for a taxi company.	The conditions proposed are innovative and to our knowledge not in existence anywhere else, however evidence has previously been provided that shows a tendency for areas that do not require the display of operator details to have more cancelled jobs. The removal of the requirement to display operator names will assist start up businesses as they will be able to recruit existing drivers who can continue to work for an established operator. The word taxi does derive from hackney carriages but nowadays is commonly used as a term to cover both hackney carriage and private hire trades. The government uses this same language with the 'Statutory Taxi and private hire standards'.	Nil – full Equality Impact Assessment will be completed for any report to the committee.
<b>Concern about response being identified / not able to provide a detailed response (7 comments)</b>	I refuse to give too much information in case my identity comes out which would put my job at risk; I sign the petition which I don't agree with but I had no choice so I will not give too much on my information just in case this gets back to the company; As a driver I won't give too much information because I know I will be kicked out on the platform.		
<b>N/A / No comment (2 comments)</b>	None.		
<b>Overall support for the draft policy (22 comments)</b>	It's understandable; Support draft policy; Good change, moving with the time; Strongly agree; There is no safety issue with the draft policy.		
<b>Concerns about the draft strategy (11 comments)</b>	Parts of the draft policy is merely opinion and not based on facts; It will cause arguments and disagreements; This is what institution racism can look like. 2021 majority campaigners against the change where white, elected members voting on it white, a special guest also white. The Council applying control to majority of BAME drivers, why?; Policy prevents or makes it difficult for new businesses to enter the city and compete with existing businesses; Well Southampton is the only council where this is in place which is such a shame. I am not sure what it is but Havant, Chichester, new forest or even London have far better rules in place and make better sense; Ironically, I can't help but note that your "DRAFT TAXI LICENSING POLICY CONSULTATION" makes no distinction between "TAXIS" and "PRIVATE HIRE VEHICLES", which in Law are distinctly different, and are legislated for as such, and yet your Policy Statement does. One wonders if this is a slip of the pen, or an indication of attitude towards the Private Hire Trade, in that Southampton Council sees them as one and the same – which, of course, in Law they are not.		
<b>Suggestions around the strategy (8 comments)</b>	Private hire vehicles should have the same requirements as taxi's; Change sticker policy; Just leave it simple; Remove this stupid policy; Well, you should have a question do you agree with operator details should stay on private hire vehicle. Yes or no; we keep things simple to understand that we are in 2023 and with the advancement of Technology and minds we can easily implement Policies instead of making cars a cartoon character in all over the City; Private hire vehicles should have the same requirements as taxis; we recommend significant further consultation on a range of practical considerations, as detailed below. <ul style="list-style-type: none"> <li>• The definition of what would constitute a 'proper justification' for cancelling a trip.</li> <li>• Data privacy concerns: If a local authority has a record of cancellation data this may become publicly accessible via a Freedom of Information request with unforeseen and potentially negative implications for drivers and Operators alike.</li> <li>• Associated administrative burden and business impact on Private Hire Operators and drivers associated with reporting and tracking cancellations, for limited apparent benefit.</li> <li>• Analysis of current trip cancellation data to better understand whether this is a Southampton-wide driver issue or concentrated to a smaller subset of drivers.</li> </ul>	The livery requirements of both hackney carriages and private hire vehicles clearly differentiates between a hackney carriage, a private hire vehicle and an ordinary private car. We understand there are times when an accepted job will be cancelled for a valid reason, including by error. It is not practicable to list all scenarios and each case will be dealt with on its own merits. The current policy explains how matters will be dealt with.	Nil

Consultation feedback		Officer response	Actions proposed
Comment themes	Unique points and suggestions		
<b>Other comments about proposals/strategy (12 comments)</b>	The proposals are poorly crafted. It's not a proposal but imposition by the council on drivers. What right was created for drivers? Nothing. Proposal of choice on one hand, take away with stupid condition to report. As long as I own and drive, I have human right to choose and freedom to choose just like riders; We have a resident at our block who is no longer working as a taxi driver yet has retained his identifying licence plate and the taxi sign for the top of his car and uses both to conduct illegal activities. Forcing drivers to return this stuff would prevent them from doing this. [redacted personal information] Though I very much doubt you will bother to do anything to stop this man illegally using things he is not registered to use any longer; 13.2 Southampton City Council maintains a list of wheelchair accessible vehicles which can be here. The link in this section does not work ;Why were you planning to implement the changes in the first place?. Can't u register more than one driver to the car? (2-3) 4/5 yes fine to an extent but these will increase costs and overheads to both the Council and taxi company; Second those who struggle with technology they won't book the taxi from apps anyway and as a PH driver we always call through secure line upon arrival to let them know your taxi is here to make it easy for them. So, I highly recommend and request the council to pay attention to this ever-suffering PH trade.	The Freedoms of Information Act provides safeguards so personal data is unlikely to be disclosed. There is a small additional administration burden but it assists in protecting the public. Drivers have more choice with the proposal. Jobs can be cancelled for valid reasons. The comments on a driver retaining his plate have been investigated and all licences are in place.	
<b>Other general comments (9 comments)</b>	The other policy could be as it's now; Please do something about that; A company that is likely to disappoint is also one that customers should know about; Safety is paramount, Relive; I work in General hospital; What a disgraceful country we have become might as well be mirrored with North Korea. Dictatorship without any say; I wonder if majority of private hire drivers was not brown or from BAME background. And that this was a white struggle. Would this policy stayed as it is for such a long time? and would it be that difficult to get this changed; We are keen to work with local councils across the UK to explore this issue and how we, together, can best support private hire applicants.	Any increased costs are likely to be minimal.	

## Positive/Support/Agreement comments about proposals.

Consultation feedback		Officer response	Actions proposed
Comment themes	Unique points and suggestions		
<i>In favour of removing signs/stickers in general (18 comments)</i>	Fully support removing signs; display is not necessary; agreement to remove door stickers; stickers are a sign of the past; removing stickers will have a positive impact; removal of signs will improve the economic wheel; no need for door signs; there is no risk on removing signs.	Door signs assist in clearly identifying the vehicle as a private hire vehicle, we see vehicles from other areas with no livery and it makes them very difficult to distinguish from a normal private car. The proposal is to remove the requirement to display the operator detail	Nil
<i>In favour of removing company/operators name from signs/stickers (16 comments)</i>	Get rid of the operator's information from the private hire cars; no need for company name; agree to remove company name; removal of door sticker with company name will cause a positive impact for drivers.	Some members of public do still rely upon the door stickers to identify private hire vehicles. Not all companies or members of public use apps or text.	Nil
<i>Car registration is safer than door signs (28 comments)</i>	Female riders find using car registrations safer; vehicle registration is safer; car registration cannot be copied; vehicle registration sent through the app is safer.		
<i>Currently do not look at door stickers/signs anyway (25 comments)</i>	Never looked at door stickers – it's not safe; never look at door signs; riders do not use door signs.		
<i>In favour of the new door sign (5 comments)</i>	Support new sign; new sign is better and safer; new stickers we are supportive of, as this can be done most effectively at a local authority level.		
<i>Currently look at vehicle details/registration/other method to identify car (72 comments)</i>	Car registration through text & app is much safer; always go by vehicle registration and model; I look at app and confirm vehicle information; I check vehicle details and photo of the driver; customers in my view tend to use the car description.		
<i>Will increase driver's earnings (15 comments)</i>	Driver earnings will potentially increase; positive impact to earnings; removal of door sticker with company name will increase income; more work for drivers by multiple operators will open the door of economic stability; will encourage operators to pay better.	Nil	Nil
<i>Able to work across multiple companies/operators/more independently (50 comments)</i>	Able to work freely with multiple operators; if proposal 1 goes ahead it will have very positive impact; drivers will have more options; Being self-employed, it's completely up to drivers to choose who and when they work for and who they pick up.		
<i>Removing door sign will create a better service (5 comments)</i>	Will provide fair services to all customers; will give passengers better value for money; will lead to more affordable transportation options for passengers; help drivers deliver the maximum potential in a heavily invested working role.		
<i>More availability/quicker pickups for customers (10 comments)</i>	Potentially more availability of drivers for services; giving the public more availability/greater choice; will result in less waiting for cars to pick up.		
<i>Support for the cancellation policy (79 comments)</i>	More accountability for cancelled journeys; support for the cancel policy; it will stop drivers cancelling without good reason, this will improve service for riders.		
<i>Other companies/Vehicles licensed outside of Southampton do not have stickers and work fine (20 comments)</i>	In London there no stickers for taxis; hackney cars can work multiple firms and without displaying any door signs; In Brighton and Hove they have many signs including without company details; no problem without company information; Many non-Southampton cars operate in Southampton without issue with no stickers other than a rear plate; regularly use Bolt, Freenow and Uber - no door sign; Executive class company cars never had door signs and they running their businesses very well; many other authorities have this policy in place so there is no safety concerns.	Door signs were introduced in or around 2000 as a result of safety concerns at night with unlicensed vehicles picking up vulnerable people. Clearly identifying what type of vehicle it is improves the safety of the public. Executive companies are only excused livery etc when they evidence they only do contract work and are picking up known clients, not ad hoc bookings.	Nil
<i>Removing operators name/sign will give drivers more safety/peace of mind (5 comments)</i>	Drivers can sleep with a peace of mind that their car, parked outside cannot be identified as a private hire thus it might be safe; Agreeing to remove the operator stickers from the vehicles which will reduce the number vandalism in the city. Have witnessed windows been broken of taxis around Southampton; Many times, passengers knock on door thinking it's their taxi - signage attracts the public towards drivers, it's not safe; Removing operator name gives drivers more safety.		
<i>Policy will create healthy competition (3 comments)</i>	New policy will provide healthy competition for all; door sign change will help to bring about better and fair competition in Southampton; will increase competition in the trade.		
<i>Other positive comments (8 comments)</i>	It has some positive impact; draft policy is good; it respects workers' rights and safer for public; it will help the drivers and the customer and there will be no compromise of safety at all as we are electrically and digitally on up to date; we agree that adding this obligation to the Private Hire Operators' Licence Conditions would be a benefit to the trade; Livery -		

Consultation feedback		Officer response	Actions proposed
Comment themes	Unique points and suggestions		
	we support the recommendations in relation to livery, having long held the view that licensing authorities should not impose any livery requirements on operators; The environment will benefit due to shorter trips required by drivers to get to their pick up point; Amazing to see the council are doing everything to help those who drive PHV; Personally, I think the licencing team do a great job.		

## Concerns and suggestions about proposals.

Consultation feedback		Officer response	Actions proposed
Comment themes	Unique points and suggestions		
<b>Removing signs will make it harder to identify the vehicle (15 comments)</b>	There should be some kind of signage so the customer is aware of the vehicle they are getting into; limited eye sight and rely on display of large numbers to recognise a pickup taxi; Important to be aware which company the taxi and driver work for before getting in the vehicle; Customers generally use the operator badge on the door to identify which taxi is theirs and removing this would cause confusion; Outside bars and nightclub when you have two or three cars coming from same company no badge will cause confusion; Essential that Taxis have signage to look out for to stop approaching unmarked cars.	It is only the removal of the operator details that is proposed. Operators/drivers may need to take further steps to protect vulnerable customers.	Nil
<b>Removing signs will make it harder to report an incident/complaint (9 comments)</b>	Will be unsure who to complain too; Passengers need to be able to know who the driver is in case, for example, they are sexually assaulted by the driver; More difficult to keep track of issues.	As these conditions relate to private hire the passenger will know the company to complain to regards quality of service issues. Anything else ought to be reported to the police or licensing authority with booking details. Simply knowing which company the vehicle is operated by is not sufficient detail to identify a driver or vehicle.	Nil
<b>Reporting drivers will cause them to lose their license (2 comments)</b>	Private hire drivers can lose very easily their badge; If operators are allowed to report drivers to the licencing on a regular basis, I doubt they will abuse the whole reporting system and may cause many drivers losing their licences.		
<b>Drivers wrongly accused (2 comments)</b>	Against reporting drivers as some may report drivers wrongly with no evidence and that is not fair; Maybe a good reason for cancel can be switched with something not good and can affect drivers.	Merely cancelling job is not going to result in loss of licence. There will need to be other factors to show the driver is not fit and proper. The proposed changes need to be read in conjunction with the rest of the policy.	Nil
<b>Policies favours operators (6 comments)</b>	Some operators can abuse with this to revenge; Most of the points are in the favour of operators, the operators can dismiss any driver any time with false accusations, which is very normal; Southampton council is a disgrace for allowing this policy to give control over the drivers to companies .		
<b>Signs should be retained (8 comments)</b>	Removing identifying details is never a good idea; Prefer to know details of driver etc; Name and contact details of driver should be always on display; passengers should have a clear idea as to who the operator is for the journey.		
<b>Signs should be retained for safety (29 comments)</b>	No details of driver - not safe? Trust; The signage on private hire vehicles should be retained this is a safety aspect for the public; Wouldn't feel safe not knowing who was driving; Feel significantly less confident about the vehicle; Removing the requirement to display driver and operator details increases the chance of rogue drivers.	Legal requirement for drivers to wear their badge, this is not changing. The livery requirements still differentiate between different types of vehicle. Reporting of cancelled jobs reduces risks of passengers left at the roadside. Council legal opinion is current policy does not break the law, the council do not employ the drivers but licence them. This has not been tested through the courts. The removal of the operator details will negate this argument.	Nil
<b>Displaying company name does not ensure safety/benefit customers (9 comments)</b>	Company name does not provide any safety; Council mistaken in believing that the company name provides protection; Requirement of using door sign to make it safer is just another one of those council policies.		
<b>Policy changes may violate safety (9 comments)</b>	Safety could be violated; This just makes it a free for all for rogue driver /operators and does nothing to help the public, either safety; It allows for more fraudulent vehicles and drivers to transport our public; Lone women travelling in a taxi will be more at risk with this policy; Appreciate drivers need to work - but customer safety isn't being considered here at all.		
<b>Policy breaks laws (3 comments)</b>	Current policy is outdated and breaking laws; Policy now break laws, controlling self-employed workers; Does Laws mean anything to council licensing department?		
<b>Policy is stopping competition/not respecting competition law (15 comments)</b>	Southampton Council is stopping competition; Competition law must be respected; Better competition is needed; Competition Current policy discourages competition; Current conditions create a competition restriction.		
<b>Policy favours a certain taxi company (6 comments)</b>	Current policy favours one Taxi company; Southampton Council giving so much power and influence to a certain taxi company.		
<b>Will create a lack of options for the public (8 comments)</b>	Reducing options; Not giving consumers options; Customers will suffer from a poorer service, more cancellations and potentially vulnerable passengers being left stranded if multiple drivers who are working multiple platforms each cancel the small jobs continually; Less likely to use a taxi late at night from taxi rank if they're not using branded taxi companies livery; Sadly with poor night bus service you're not giving non-drivers many alternative options.		

Consultation feedback		Officer response	Actions proposed
Comment themes	Unique points and suggestions		
<b>Policy has negative impact on drivers (7 comments)</b>	Will council give money for the extra cost on fuel? Will council give money for Uber or Bolt extra income; Drivers would earn less money; May erode drivers' flexibility and freedom to choose if, when, and for how long they work; Will have to work for multiple companies and increase earnings to support family.	Believe the removal of operator details will make whole system more efficient and allow individual drivers increased opportunities to earn, however the change will not increase the volume of work for the trade as a whole. The police report from recorded crime there is no evidence to suggest taxis are being targeted. However they do suggest drivers empty the vehicles of any cash and items of value. Copying a doorsign indicates premeditation and requires some effort. Not having a doorsign makes it even easier to impersonate a licensed vehicle. These changes apply to pre booked work only. Hackney carriages operate under the table of fares set by the licensing authority. Operators can still advertise but they are not required to do so, the drivers can choose which operators they will work for. This could cause confusion for the public if a vehicle arrives after booking with operator A but it is displaying adverts for operator B.	
<b>Not supportive of cancellation policy (10 comments)</b>	Currently cancel many jobs after accepting for many reasons; Will not complete hire if the client is rude or disrespectful; Drivers should have the same rights to cancel as riders do; Job gets accepted by accident; Reject this condition strongly.		
<b>Displaying company name causes nuisance to drivers/ to be victims of crime (11 comments)</b>	It makes drivers vehicles a target for thieves; Public approach drivers when they are not working; Private hire vehicles a target for criminals; Company name and stickers on cars cause break ins; Car's attract anti-social behaviour; Countless incidents of damage to licensed vehicles when parked.		
<b>Door signs are not safe (13 comments)</b>	Current stickers are dangerous; Door sign is not safe; Door sign is dangerous at night-time; Anyone can copy and pretend.		
<b>Proposals will have no impact (3 comments)</b>	Would be no impact on the community or business at all; Theoretically little to no impact at all, but it depends which way it goes; Proposals 2-5 will only have +- impact.		
<b>Incorrect/increased fares (7 comments)</b>	Additional costs added to the fare; Because they all have become "under the sleeve snakes" and charging the customers excessively; If drivers are allowed to work for more than one operator then different tariffs will apply depending on operator. How will passenger know correct tariff being charged, as some have night rates, weekend rates, out of city rates etc while others don't.		
<b>You can still keep/advertise operators/companies name on vehicle regardless of policy (7 comments)</b>	If the policy changes, the operators can still advertise their company brand on the rear doors; why is a council misleading the public thinking the operators name be removed? Disgusting behaviour from Southampton licencing department in my opinion; You can keep or have operators name on vehicles; Operators will still be able to advertise so it's not completely getting removed.		
<b>Current policy is unfair/high-risk (4 comments)</b>	Current policy is unfair; Council is helping these companies to harm the drivers; Current policy is dangerous.	Proposal is to change the policy	Nil
<b>Ability to work for multiple operators will decrease earnings (more drivers) (2 comments)</b>	This is where the concern is working for one operator and there's not enough jobs to go around then we're not making much money and there is other taxi coming from different city and working in Southampton with multiple apps and taking more busy than Southampton taxi driver; Will mean more cars joining the company and some drivers working for two or three different operators which should not be allowed also less earnings when everyone's expenses are going up.	The drivers/vehicles licensed else where are currently working here anyway so bringing them into the Southampton regime will not reduce the volume of work but will improve safety and air quality as they will need to have a taxi camera and driver a cleaner vehicle.	Nil
<b>Working for multiple operators will have negative impacts (2 comments)</b>	Working for multiple sources is a conflict of interest; A driver with a grudge can do a lot of damage to the good reputation, built up over years, of a company; Drivers will be able to exploit the customers with little come back. Smaller companies with less integrity will not report or investigate indiscretions as thorough as a bigger better disciplined company.	There is no evidence to support these comments.	Nil
<b>Proposals will have negative impacts (2 comments)</b>	A very dangerous move if this is implemented; I feel the proposals will have a negative impact - (as no expert) but it reads to me as a lot of extra work for all concerned and I somehow feel it can or will tend to be pushed aside - or will cause companies /people /to give up this work.	There is no evidence to support these comments.	Nil
<b>Previous experience getting into the wrong taxi (3 comments)</b>	White taxi comes with no signs, and recently they also send West quay cars. One time I got in the wrong car because of the name on the doors, due three cars came at the same time; One night out. I got in the wrong taxi, three vehicles outside Edge club and I jumped in going by door sign. So, it's not safe to have company; 2 women mistook it for their taxi, got into the back seat and the driver proceeded to ask their postcode. The street pastor team spotted from the back, the car had no taxi plate, the team quickly opened the back car doors and asked the women to come out. They had no awareness this was not a taxi, the Team Leader had to explain this, they then realised the danger they had been in.	There is always going to be a certain amount of reliance on passengers getting into the correct vehicle but drivers should be checking this as well. The Street Pastor example is evidence of livery supporting public safety as the Street Pastors knew what a licensed vehicle should look like.	Nil
<b>Council prevents extra income for drivers (4 comments)</b>	I am driver, I am losing money; So why is the council stopping this extra income for the drivers; 10 & 11 Feb, Uber gave promotion offer. Total of extra £80 earnings. Due to current policy, I missed out on this bonus, I hold Southampton council for this. SCC is affecting how much I can earn.	Removal of the operator details will resolve this	Nil
<b>Operators do not pay drivers fairly (2 comments)</b>	Currently work for uber and maybe we will get tested fairly by them. They pay less money than other companies for example, Paying the drivers miserly less for the trips. Modern slavery is practically practiced by all these operators in Southampton.	The proposal increases the options for drivers	Nil

Consultation feedback		Officer response	Actions proposed
Comment themes	Unique points and suggestions		
<b>Police are breaking laws - Taxis will not follow their authority (3 comments)</b>	It's funny how Southampton licensing wants us drivers to follow the rules and the laws yet police officers managing this department are breaking the laws; Are we surprised ex police officer breaking the employment law with the current signage because that's the opinion he has well based on met report recently. Is not a good reflection.		Nil
<b>Other concerns (12 comments)</b>	Lack of sight; Not happy with the information given about how big the new signage will be; Nepotism and friends good job allocation is on peak; Proposal 3 & 4 unnecessary; The only way to avoid being assigned a driver is to avoid the operator; People with time-limited permission to be in the country are allowed to drive a hackney cab; The cost involved in employing staff for the extra conditions will be expensive and will be recouped through drivers subscriptions or percentages; New Student accommodation: <ul style="list-style-type: none"> <li>There are several recently built student accommodations that seem to have drop-off points built, but at least 2 I know have a bizarrely raised curbs to access these. They seem to be higher than normal curbs. Some you'd need a 4x4 to access them. Planning really needs to improve the drop off areas for the safety of our passengers.</li> <li>I also think it very odd the Uber drivers cannot drop off at Taxi ranks especially when they are empty, and loads are located near crossing and zig-zag lines. The drop-off points at Southampton Central is so small it's frankly dangerous. The worst thing about driving for me is finding a space where customers want to be put down and safely for them without out being shouted at for not dropping off where they think they should be.</li> </ul>	Livery needs to clearly identify the vehicle as a licensed private hire vehicle to promote public safety. Proposal 3 and 4 require the operator to take action to reduce the incidents of cancelled jobs and support the licensing authority to uphold public safety. The data required is generally held on a computer system and a report can be run with minimal input from staff. Planning are aware of issues and a matter of law prevents a private hire or any other vehicle using a rank.	Nil
<b>Concern/Suggestion - Proposals/laws should be enforced/policed (3 comments)</b>	Little or no enforcement of present laws regarding PH; Proposals will only have a positive impact if properly 'policed'; Will not work without proper enforcement - i.e., mandatory fines.	No legal authority to issue fines other than for smoking in a vehicle. Enforcement officers are active. Numbers of suspensions and revocations are significantly higher now than 10 years ago.	Nil
<b>Suggestion - More accountability from drivers/operators (5 comments)</b>	More accountability for cancelled journeys; Focus accountability for operators; There must be accountability not just for driver but the company that they work for along with being self-employed; Regularly updating the drivers that an operator employs will improve traceability and accountability in the event of complaints.	Agree	Nil
<b>Concern/Suggestion - Workers rights and laws must be respected (53 comments)</b>	Respect employment/workers' rights law; Local authority must respect workers' rights; Stop trying to control self-employed workers; Council must stop breaking workers' law.	See above	Nil
<b>Concern/Suggestion - Advertisement for companies should be paid for (9 comments)</b>	Council must pay drivers for free advertisement for these companies if name stays; Support Free advertisement for companies; Pay for previous advertisement.	Council not involved in the arrangement between vehicle proprietors and operators.	Nil
<b>Suggestion - ID/Information ready to show at all/any time (3 comments)</b>	All drivers to carry ID's and be ready to show at any time; Drivers badges should always be visible to all passengers in the car wherever they choose to sit; Perhaps a clear wallet displayed clearly inside.	Legal requirement for drivers to wear badges	Nil
<b>Suggestion - Implement signs/stickers/signs inside vehicle/magnetic signs (7 comments)</b>	Signage should be small; Permanent stickers with the company details; Magnetic operator panels/magnetic door stickers that can be removed or swapped; Additional PHV signs inside the vehicle.	Magnetic signs are a risk, likely to be stolen and potential to then be used by bogus driver.	Nil
<b>Other suggestions (14 comments)</b>	Stop slavery like Uber, Maybe half yearly reviews; If working for multiple operators then their main/usual operator should still be displayed, and leave it to the secondary operators to notify their customers if a non-regular driver on their platform will be dispatched/completing the job; Change the door policy; Increase safety for women; Hackney carriage taxi any colour must have roof sign; The Council should be regulating the cars and the drivers, not the drivers decisions and affairs; Companies should have in place the other policies regardless of whether or not driver details are displayed. Council should be putting more safeguards in place not taking them away and making it far more difficult to trace who the driver was. Plus there should be a requirement for drivers to return licence plates and other taxi paraphernalia when they stop driving; Driver time should be monitored as with HGV drivers; The taxi industry needs more checks into who are working for the companies, are the companies doing the responsibility of checking staff and reporting/ responding to complaints , who are driving day and night and what licenses are the drivers.	Impact of any policy will be reviewed. Arriving displaying a different operator is likely to cause confusion and in some cases anxiety with vulnerable individuals. Abandoning the colour scheme weakens the policy, making differentiation of types of vehicle more difficult. Additional conditions mitigate the risks as we see them of removing the operator detail. No legal status to allow us to monitor driver hours with tachographs. Policy requires robust checks of all drivers and DBS checks of all proprietors and operators. Operators	Nil



Consultation feedback		Officer response	Actions proposed
Comment themes	Unique points and suggestions		
		are required to record driver details on jobs allocated.	

**Understanding the policy.**

Consultation feedback		Officer response	Actions proposed
Comment themes	Unique points and suggestions		
<b><i>Uses too much council jargon (2 comments)</i></b>	As a resident all the jargon used is something I did not fully understand; Poorly written document clearly designed to mislead the public and elected members because if the policy goes ahead and changes the companies can still put the Brand on private hire vehicles. Another trickery played by licencing department in order to keep this policy.	Policy and conditions need to be written in such a manner they are not challengeable at court, without specific examples it is difficult to know which parts the author is referring to. No intention to trick anyone. Author identifies a point that needs addressing in that if operators do advertise measures need to be in place to prevent confusion	Amended condition for vehicle and driver preventing a vehicle displaying operator details working for another operator.
<b><i>Needs to be easier to read / shorter (10 comments)</i></b>	The question is not clear and have more than one answer; Not all the drivers are fluent in English and draft is written in strong official language; I understand it as I was in the industry others /public may not; Very complex details. Do not understand what is meant; Yes, could be clearer; The removal in proposal 1 adds further confusion to the customer i.e., who they have booked, who will turn up and while there is legislation preventing unauthorised use/display of a private hire vehicles this confusion only gives further temptation; It's very long and is just all plain text. Whilst this conveys the necessary information the average resident isn't going to bother to read all of it. Having just completed the Net Zero survey that document was much easier to read; However, we find the reference to make these reports "to the satisfaction of the Council" when read alone in the draft, unclear; The alternatives were confusing; Poorly written document clearly designed to mislead the public.	Feedback noted for next revision	Consider language at next review
<b><i>Needs to hold more information (5 comments)</i></b>	There is no mention of possible consequence to drivers that cancel jobs ,all be it legitimately and by which measure the council would use to punish offenders; The draft policy has not included the evidence from other councils that actually proves the door stickers is no longer required in this changing modern industry; The council is not providing enough information to the public; Southampton Council is a joke, this policy is outdated and no evidence based; It doesn't explain why Private Hire vehicles have to have the drivers name and number, and why a certain taxi company vehicles only have the company name and number displayed on the outside of vehicles. Surely, they should both have the drivers' details displayed clearly - preferably inside the cab on the back of the driver's seat.	Proposal is to remove the need to display operator details. Drivers by law are required to wear badges.	Nil

<b>Easy to understand (3 comments)</b>	The draft policy was fine to read; The draft policy was easy enough to read and understand; I understand it as I was in the industry.		
<b>Poor wording (5 comments)</b>	This question is poor. The answer for "you" "your family" "business" and "wider community" all have very different answers; This is a bad question. As each answer for, me, my family and my business and the wider community can and will be different; Southampton Council is a joke, this policy is outdated and no evidence based; No surprise licensing misleading the public, the politicians and the trade; Poorly written document clearly designed to mislead the public and elected members because if the policy goes ahead and changes the companies can still put the Brand on private hire vehicles. Another trickery played by licencing department to keep this policy.	Currently the council mandate the display of operator details, the proposal removes that mandate. It is then a choice for the proprietor of the vehicle to decide if they are to advertise the operator. Operators may offer subsidies for proprietors who advertise the company.	Nil
<b>Proposals worded to get a certain response (2 comments)</b>	However, this consultation is written to get the results the council want. The questions are directed to responses the council wants; but this Consultation is filled with loaded questions aimed at getting one certain response.		Nil



Department  
for Transport

# Taxi and Private Hire Vehicle Licensing

Best Practice Guidance for Licensing  
Authorities in England

Department for Transport  
Great Minster House  
33 Horseferry Road  
London SW1P 4DR



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# 1. Introduction

## Background

- 1.1 The Department for Transport has issued guidance on taxi and private hire vehicle licensing since 2006 to assist local authorities that have responsibility for the regulation of the taxi and private hire vehicle trades. This is updated periodically, taking into account stakeholder views and changes in the way the sector operates.
- 1.2 In 2020 the Government issued, for the first time, [Statutory Taxi and Private Hire Vehicle Standards](#) to safeguard the most vulnerable in society. The [Policing and Crime Act 2017](#) enabled the Secretary of State to issue these to licensing authorities; though the focus was on the use of their powers to protect children and vulnerable adults over 18 from harm, the measures will increase the safety of all passengers. Licensing authorities must give due regard to the Statutory Standards when setting their taxi and private hire vehicle licensing policies and procedures. This non-statutory best practice guidance complements the Statutory Standards, covering a range of issues outside the remit of the Statutory Standards.
- 1.3 Individual licensing authorities are still responsible for deciding their own policies and making decisions on individual licensing matters applying the relevant law and any other relevant considerations. This guidance is intended to assist licensing authorities, but it is only guidance and does not intend to give a definitive statement of the law; any decisions made by a local authority remain a matter for that authority.
- 1.4 The [Local Government Association's Councillors' Handbook on taxi and private hire vehicle licensing](#) advises that those responsible for licensing should communicate regularly with their counterparts in neighbouring authorities to ensure critical information is shared and decision-making is consistent and robust. By working together, local government can make sure that this vital service is safe, respected, and that it meets the needs of all those in their local communities.
- 1.5 This Guidance includes a number of annexes and links to relevant documents that licensing authorities may find useful to share with local partners (e.g. taxi or private hire vehicle providers).
- 1.6 This version of the best practice guidance replaces all previous versions and will subject to revision when necessary.

## Terminology

Taxis are referred to in legislation, regulation and common language as ‘hackney carriages’, ‘black cabs’ and ‘cabs’. The term ‘**taxi**’ is used throughout this guidance and refers to all such vehicles.

Private hire vehicles include a range of vehicles such as minicabs, executive cars, chauffeur services, limousines and some school and day centre transport services. The term ‘**private hire vehicle**’ is used throughout this guidance to refer to all such vehicles. The Department has issued [guidance](#) to assist providers and licensing authorities to consider whether a service requires licensing as a private hire vehicle.

## Scope of the best practice guidance

- 1.7 This Guidance does not seek to cover the whole range of possible licensing requirements. Instead, it seeks to concentrate on those issues that have caused difficulty in the past or that seem of particular significance. The law on taxi and private hire vehicle licensing contains many complexities which are beyond the scope of this Guidance. Licensing authorities will need to seek their own legal advice on issues that are particularly relevant to them.
- 1.8 The personal safety of passengers is critical; the Government has clearly set out measures that licensing authorities should take to safeguard passengers in the [Statutory Taxi and Private Hire Vehicle Standards](#). However, this guidance seeks to reinforce this message by highlighting other safety measures that can be taken.
- 1.9 Local licensing authorities have to consider a range of vehicles and services in the context of private hire vehicle licensing. The Department has produced guidance (Annex A) to assist local licensing authorities in deciding which vehicles and services require licensing under the private hire vehicle regime and which fall outside the private hire vehicle definition. The guidance sets out the key principles and characteristics which the Department considers define a private hire vehicle.
- 1.10 The guidance stresses that it remains for local licensing authorities to make decisions in the first instance and that, ultimately, the courts are responsible for interpreting the law.

## 2. The role of taxis and private hire vehicles

- 2.1 Taxis and private hire vehicles play a vital part in local transport, connecting residents to the local economy and in enabling businesses and residents to reach wider transport networks. All social groups use taxis and private hire vehicles. Groups that use them the most are low-income young women, amongst whom car ownership is low, and those with mobility difficulties.
- 2.2 The taxi and private hire vehicle sector is entirely demand-led. Though taxis are most often associated with journeys for leisure, social and business purposes, they are an important part of the transport network. Taxis and private hire vehicle services reduce the need for private car ownership, enable key workers to commute when other modes are unavailable, provide door-to-door transport for those that are not able to travel via other modes and assist on meeting the needs for home-to-school transport provision. Taxis and private hire vehicles have a particularly important role in the night-time economy getting people home safely late at night.

## 3. The role of licensing authorities

- 3.1 As stated in the [Statutory Taxi and Private Hire Vehicle Standards](#) issued by the Department to licensing authorities, the primary and overriding objective of licensing must be to protect the public. Licensing authorities should also be aware that, as well as ensuring taxi and private hire vehicle services are safe, the public have a reasonable expectation that the services available will be accessible and affordable.
- 3.2 It is for licensing authorities to ensure that their licensing policy and requirements are proportionate, so that passengers can choose from a wide range of safe services. As indicated above, the primary function of the licensing authority is public safety; however, an unduly stringent regime may restrict the supply of taxi and private hire vehicle services by putting up the cost of operation, or otherwise restricting entry to the trade. Licensing authorities should recognise that too restrictive an approach can be counter-productive, restricting the licensed trade to such an extent that the public resort to the use of unlicensed, unvetted and uninsured drivers and vehicles.
- 3.3 Licensing authorities are required under the Public Sector Equality Duty to pay regard to the need to eliminate conduct prohibited by the Equality Act 2010, to promote equality of opportunity and to foster understanding between people who share a protected characteristic and those who do not. It is beyond the scope of this document to identify actions which would demonstrate compliance with this duty, and ultimately only a court can do so definitively. We would however suggest that authorities:
- Maintain a body of evidence on the impact of services on people with different protected characteristics and use it to make policy decisions consistent with the Duty.
  - Consider how they can actively promote equality, such as by consulting regularly with users, planning strategically to provide services which meet their needs, and by prioritising actions which seek to eliminate discrimination or barriers to equal access.
  - Consider how to demonstrate the consideration given in a manner which promotes public awareness of the authority's inclusive approach to service support and provision.
- 3.4 Disability is a protected characteristic under the Equality Act 2010, and disabled people may face particular barriers accessing taxi and private hire vehicle services if authorities fail to regulate services inclusively and to uphold the rights of affected passengers. In our view, an inclusive service accessible to disabled people is one:

- Where there are sufficient vehicles meeting disabled people's access needs, to allow them to travel as easily, between the same locations and at the same times, as non-disabled people.
- Where policy decisions are informed by an accurate and up-to-date understanding of the experience and needs of disabled people with a range of visible and less visible impairments.
- Where action is taken proactively to improve the accessibility of the services supported.
- Where disabled people have confidence that services will meet their needs and that, if things go wrong, their concerns will be understood and investigated thoroughly.
- Where operators and drivers fail in their responsibilities, that appropriate enforcement action is taken to prevent its recurrence and protect other disabled passengers.

## The regulators' role

- 3.5 Licensing authorities are required under [section 22\(2\) of the Legislative and Regulatory Reform Act 2006](#), to have regard to the [Regulators' Code](#). The Code states that "Regulators should avoid imposing unnecessary regulatory burdens through their regulatory activities and should assess whether similar social, environmental and economic outcomes could be achieved by less burdensome means. Regulators should choose proportionate approaches to those they regulate, based on relevant factors including, for example, business size and capacity."
- 3.6 As with other regulators, licensing authorities' interventions should be limited to mitigating safety risks for passengers and drivers, and enabling fair competition within the trade by ensuring consistency of regulation and enforcement. Licensing authorities should actively promote inclusivity, equality and independence for disabled people and ensure that they only issue licences to those drivers that are fit and proper to hold one.
- 3.7 A need to intervene might be established through analysing complaints received or consulting with passengers and/or the trade. Licensing authorities should consider the wider impact of interventions. For example, some passengers would no doubt prefer to be carried in new, luxurious vehicles; the trade may oppose this as it would impose significant costs – but it is also likely to be contrary to the interests of many passengers as all fares would rise and availability would be reduced.

## The objective of regulation and consideration of policies

- 3.8 When formulating a taxi and private hire vehicle policy, the primary and overriding objective must be to protect the public. Ensuring high safeguarding requirements and processes, as set out in the [Statutory Taxi and Private Hire Vehicle Standards](#), is only one way in which licensing authorities can help ensure the personal safety of passengers. Ensuring local residents understand the distinction between the taxi and private hire vehicle trades and how each service can be legally engaged is very important. The key message needs to be that, unless you are hailing a locally licensed taxi in the street or at a stand, you should not get in any other vehicle unless you have pre-booked it and have received information from the operator to identify it. This messaging can be supported by a policy that makes taxis look distinct from other vehicles.

- 3.9 In addition to the safety of passengers, regulation should protect equality and enable fair competition. Once a need to intervene is established, licensing authorities should ensure that any policy changes would not have unintended negative consequences. Imposing unnecessary, poorly targeted licensing requirements may, to an extent, address a legitimate need but the negative impacts may outweigh any benefits.
- 3.10 For example, if a licensing authority established that the drivers they license have frequent collisions, it may set an objective to reduce these. The authority -might try to address this concern by requiring all drivers to have ten years' driving experience on the basis that 'experienced drivers are safer'. Such a requirement would however prevent an individual under the age of 27 entering the trade; this would be regardless of whether they held an advanced driving qualification. It is probable that such an individual is a safer driver than someone who passed their driving test ten years ago but has rarely driven since. While experience is generally useful, individuals should be able to evidence that they meet the objective of the policy rather than an arbitrary criterion.
- 3.11 Licensing authorities should ensure that their various licensing requirements are proportionate to the risk they aim to address or the policy objective they are seeking to achieve. The cost of a requirement, in terms of its effect on the availability of transport to the public, should be at least matched by its benefit. This might include increased safety or accessibility. A detailed, quantitative, cost-benefit assessment is not needed in each case, but local licensing authorities are urged to look carefully at the costs, financial or otherwise, imposed by each of their licensing policies and of the equality impacts as required by law.
- 3.12 The Competition and Markets Authority provided [guidance to licensing authorities](#) to consider when designing policy or regulations to assess their impact on competition and the interests of consumers. Their [competition impact assessment](#) guidelines are a useful tool in this process.
- 3.13 The guidelines contain four tests which help policy makers assess whether their proposals will limit competition:
- Will the measure directly or indirectly limit the number or range of suppliers?
  - Will the measure limit the ability of suppliers to compete?
  - Will the measure limit suppliers' incentives to compete?
  - Will the measure limit the choices and information available to consumers?
- 3.14 Consideration of these questions will help ensure local authorities are aware of the restrictions they may be introducing on competition and may encourage them to consider alternative courses of action where possible.
- 3.15 As well as setting licensing requirements and imposing conditions, licensing authorities may introduce byelaws to assist them in the regulation of the sector. The Department has provided an example set of byelaws (Annex B) and guidance on the process of making or amending byelaws (Annex C).

## Licensing authorities' resilience planning

- 3.16 Taxi and private hire vehicle licensing is a statutory function of local authorities and it is important that it continues during challenging times. However, during the COVID-19 pandemic, several licensing authorities did not accept new licence applications for a substantial period of time. Refusing to accept an application makes the licensing authority vulnerable to judicial review and reputational damage. New ways of working were implemented by many licensing authorities, including training via virtual meeting platforms, temporary measures / relaxation of licensing requirements, temporary licences, and self-declarations.
- 3.17 Licensing authorities should learn from the challenges presented by COVID-19 and review their contingency plans to improve the way they administer the system and make sure the statutory licensing function can continue if circumstances make 'normal' procedures and processes impossible.

## Licensing policy

- 3.18 As set out in the [Statutory Taxi and Private Hire Vehicle Standards](#), the Department recommends that all licensing authorities make publicly available a cohesive policy document that brings together all their procedures on taxi 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.

## Consultation at the local level

- 3.19 Licensing authorities should consult on proposed changes in licensing rules that may have significant impacts on passengers and/or the trade. Such consultation should include not only the taxi and private hire vehicle trades but also groups likely to be the trades' customers. Examples are groups representing disabled people, Chambers of Commerce, organisations with a wider transport interest (e.g. local transport user groups and other transport providers), women's groups, local traders, and local multi-agency safeguarding arrangements. It may also be helpful to consult with night-time economy groups (such as Pubwatch) if the trade is an important element of dispersal from the local night-time economy's activities.
- 3.20 Any decision taken to alter the licensing regime is likely to have an impact on the operation of the taxi and private hire vehicle sector in neighbouring areas. Licensing authorities should engage with these areas to identify any concerns and issues that might arise from a proposed change. Many areas convene regional officer consultation groups or, more formally, councillor liaison meetings; this should be adopted by all authorities.

## Changing licensing policy and requirements

- 3.21 Any changes in licensing requirements should be followed by a review of the licences already issued. If a need to change licensing requirements has been identified, this same need is applicable to those already in possession of a licence. That is not, however, to suggest that licences should be automatically revoked overnight: for

example, if a vehicle specification is changed, then it is proportionate to allow those that would not meet the criteria to have the opportunity to adapt or change their vehicle. The same pragmatic approach should be taken to driver licence changes - if requirements are changed to include a training course or qualification, a reasonable time should be allowed for this to be undertaken or gained. The implementation schedule of any changes that affect current licence holders must be transparent and communicated promptly and clearly.

- 3.22 Licensing authorities must consider each case on its own merits. Where there are exceptional, clear and compelling reasons to deviate from a policy, then they should consider doing so. Licensing authorities should record the reasons for any deviation from the policies that are in place.



## 4. Accessibility

- 4.1 There are around 13.9 million disabled people in the UK, representing 20% of the population, a proportion that is expected to rise as the average age of the population increases. National Statistics published in the current Family Resources Survey showed that the proportion of people in England who reported a disability was 21%. As people age, the incidence of disability increases, with 40% of over 60s and 75% of over 80s being disabled, meaning that disability will become a fact of life for an increasing number of people, which may not always appear obvious.
- 4.2 Disabled people are particularly reliant on taxi and private hire vehicle services, either because they may not have access to a private car, are unable to use public transport, or because the built environment is insufficiently accessible to meet their needs. This can mean that the availability of an accessible, affordable taxi or private hire vehicle service can make the difference that allows them to live their life the way they want to, and ultimately, to fulfil their potential.
- 4.3 The Government wants disabled people to be able to travel easily, confidently and without additional cost, and it is important that all transport services play their part in making this a reality.
- 4.4 The way in which people are disabled and the specific barriers they face may not always be obvious. Licensing authorities and providers of taxi and private hire vehicle services must therefore anticipate the needs of people whose access needs may be more apparent, such as wheelchair users and assistance dog owners, as well as those with less visible impairments, including people with autism or mental illness.
- 4.5 Every taxi and private hire vehicle passenger is an individual, each with their own unique wishes and requirements, none more than a disabled passenger using services. It is, however, important to recognise that there are certain access barriers which will be familiar to people with similar impairments, which authorities should take time to understand.

### Accessibility barriers

- 4.6 Many disabled people face physical barriers when accessing transport services. This may be because the built environment includes features which are difficult for them to use, such as steps, or it may be because vehicle designs cannot accommodate a

particular size of wheelchair. Some barriers to the provision of taxi and private hire vehicle services include:

- Ranks provided with inadequate space to deploy a ramp.
- Waiting areas lacking seating for people unable to stand for long periods.
- Inadequate supply of wheelchair accessible vehicles to ensure that every passenger can travel when and where they want to.
- Vehicle designs which do not accommodate larger or heavier wheelchairs.
- Private hire vehicles required to pick up passengers in large or complex car parks, such as at airports or railway stations.
- Street design which prevents taxis and private hire vehicles from stopping close to destinations.

4.7 To mitigate these physical barriers authorities must ensure that due regard is given to the Public Sector Equality Duty (PSED) (see [section 149 of the Equality Act 2010](#)) when taking decisions concerning the provision of taxi and private hire vehicle services and supporting infrastructure, and that reasonable adjustments are made to remove barriers preventing disabled people from accessing taxi and private hire vehicle services.

4.8 Licensing authorities should also:

- Consult with disabled passengers regularly on their experience of using taxi and private hire vehicle services, and ensure that their feedback informs service development.
- Incentivise the uptake of wheelchair accessible vehicles where mandating them would be inappropriate.
- Consider specifying that wheelchair accessible vehicles should be capable of carrying wheelchairs larger than the reference size.
- Work with airports, station operators and other locations where large numbers of passengers access private hire vehicle services to ensure that pre-booked passengers can always access their vehicle safely and easily.
- Exercise discretion on application of other vehicle requirements if they would prevent suitable wheelchair accessible vehicles from being brought into service where there is unmet demand.

## Communication barriers

4.9 Disabled people may experience communication barriers when booking taxis or private hire vehicles or completing journeys. These may be related to a sensory impairment, such as blindness or deafness, or due to a cognitive impairment or autism. Taking time to understand the communication needs of individual passengers can make them feel more confident when using services. Communication barriers might include:

- Inability to book a taxi or private hire vehicle where using a telephone is the only option.
- Inability to book a taxi or private hire vehicle where the use of an app, inaccessible to visually impaired people, is the only option.
- Difficulty identifying the vehicle and seeking assistance from its driver.

- Difficulty communicating with drivers, particularly when conducted through a screen separating the driver and passenger compartments.
  - Inability of some passengers to understand the driver and to provide information necessary for completing the journey.
  - Inability for some passengers to read a meter (if fitted).
- 4.10 To mitigate these communication related barriers, authorities should take the relevant actions provided in the other sections of this guidance and ensure that:
- information provided in hard copy in vehicles and in public places (such as libraries or private hire vehicle offices) is also available in alternative accessible formats, including large print and Braille.
  - Authority websites, including any pages relating to the taxi and private hire vehicle services and procedures for making complaints, comply with current [accessibility guidance](#), including [WCAG 2.1 accessibility standard](#) to Level AA as a minimum for digital content.

## Barriers relating to the carriage of assistance dogs

- 4.11 There are around 6,000 assistance dog partnerships in the UK, supporting disabled people to navigate the built environment, respond to sounds they cannot hear, react to health emergencies, and interact with objects and obstacles. They are often vital for their owners' ability to live independently, confidently and safely, yet 22% of those surveyed by the Guide Dogs for the Blind Association in 2014 had been refused carriage by a taxi or private hire vehicle driver during the previous year. The main barriers faced by assistance dog owners when using these services include:
- The outright refusal of carriage.
  - The provision of a sub-standard service because of a wish not to carry an assistance dog.
  - Longer waits for booked vehicles due to operators allocating only drivers willing to convey passengers accompanied by assistance dogs.
  - The charging of higher fares or additional fees.
  - Requiring the assistance dog to travel in a separate compartment to its owner.
  - The failure of local authorities to prosecute drivers even where sufficient evidence exists, preventing affected passengers from having their legal rights upheld.

## Confidence barriers

- 4.12 Many disabled people lack confidence to use public transport services including taxis and private hire vehicles. They may have had negative experiences in the past or read about accessibility issues that others have experienced. Social media now makes it simple for disabled people, and others, to share accounts of being refused carriage or of licensing authorities failing to take decisive action against drivers who discriminate, and this can exacerbate perceptions that such services are not accessible. Confidence related barriers might include:
- The expectation that services will not be accessible, leading disabled people not to travel, or to use other less convenient or safe means.

- The fear of confrontations which can ensue when attempting to travel with mobility equipment or an assistance dog.
- The fear of being charged too much or taken on a circuitous route.
- Anxiety linked to mental health or other conditions, exacerbated by previous negative experiences or a fear of not being provided with appropriate assistance.
- A lack of confidence in accessibility issues being investigated effectively and drivers facing sanctions where appropriate.

4.13 To mitigate these confidence-related barriers authorities should take the relevant actions provided in the other sections of this guidance and:

- Provide information publicly on the accessibility of taxi and private hire vehicle services, and the action that will be taken if they fall short of reasonable expectations.
- Always ensure that passengers are kept informed about the progress of investigations into complaints they have made, and that they understand the rationale for any resulting decision on action to be taken.
- Include in operator and driver facing communications testimonials of passengers who face confidence-related barriers when using taxis and private hire vehicles.
- Provide handouts explaining how confidence can be undermined by poor service.
- Support local travel training initiatives to support disabled people to access taxi and private hire vehicle services independently.
- Invite positive feedback on the accessibility of services, and champion inclusive behaviour, perhaps through communications, awards or other incentives.

## Supporting an inclusive service

4.14 Licensing authorities are uniquely placed to ensure that taxi and private hire vehicle services within their jurisdiction actively promote equality and independence for disabled people. By ensuring drivers and operators understand how to provide every customer with the assistance they need, authorities can ensure disabled people can travel with confidence that their needs will be met.

4.15 By taking action to ensure there are sufficient wheelchair accessible vehicles to satisfy passenger demand, authorities can ensure that wheelchair users need no longer structure their lives around the times and locations when vehicles accessible to them are likely to be available. And, by taking prompt and robust action to investigate and prosecute licensees in response to cases of discrimination, authorities can ensure that every operator and driver treats seriously their role in providing an inclusive service.

4.16 Supporting an accessible service is an integral aspect of licensing authorities' role, therefore, it is important that authorities make the provision of an inclusive service a core strategic aim, and that they consider the factors which can influence the extent to which such services meet the needs of all passengers.

## Inclusive Service Plan

4.17 All licensing authorities should develop and maintain an Inclusive Service Plan (ISP), either as a standalone document or as an integral element of their [Local Transport Plan](#). The ISP should describe:

- The demand for accessible services in their area, from wheelchair users and non-wheelchair users, and from people with both visible and less-visible impairments, and an assessment of the extent to which that need is currently being met.
  - The authority's strategy for making transport more inclusive generally, and specifically in relation to taxi and private hire vehicle provision.
  - The steps that the authority will take to improve the inclusivity of the taxi and private hire vehicle services it supports, including timescales for their completion.
  - That the courses or assessments authorities require applicants to undertake are suitable for a range of participants e.g. including older drivers.
- 4.18 ISPs should be developed collaboratively with organisations representing the interests of disabled people and people with other protected characteristics. This should be based on accurate and up-to-date evidence of need and usage. To support the production and updating of an ISP, authorities should survey existing and potential disabled passengers at least every three years, building an understanding of the extent to which the vehicles and services provided by taxi and private hire vehicle fleets adequately support the needs of all passengers and whether driver training needs are being met.
- 4.19 ISPs should be policy documents first and foremost, intended to demonstrate publicly authorities' commitment to improving accessibility continually. They may, however, also serve to demonstrate to passengers the steps being taken to improve services. Authorities should consider how the content can be made more accessible to the public. They should in any case always be made available on authority websites and in alternative accessible hard copy formats, consistent with authorities' legal equalities duties.
- 4.20 Unfortunately, too many disabled people still report receiving inadequate service from taxi and private hire vehicle operators and drivers, or a lack of support from licensing authorities when they report alleged discrimination. In the three years after rules on the carriage of wheelchair users were introduced, over 30% of authorities had not implemented them, denying disabled passengers of the right to be treated like anybody else. Two decades have passed since the law made it illegal for taxis and private hire vehicles to refuse an assistance dog and yet today too many owners report that they continue to be refused carriage.
- 4.21 It is clear that disabled people continue to face barriers when using taxis and private hire vehicles, for example from unhelpful drivers, vehicles with too high a step or a lack of handholds or being refused carriage and left waiting at the kerbside. All authorities should take steps to ensure that policy makers and staff dealing with the public understand the barriers that disabled people can face when using transport services. Therefore, relevant authority staff should complete disability awareness training.

## Assistance for all passengers

- 4.22 Drivers and operators have specific duties not to discriminate against passengers in wheelchairs or who are accompanied by assistance dogs. However, they also have general duties not to discriminate against anybody on account of their protected characteristics and to provide proactively reasonable adjustments that permit

disabled passengers specifically to access their services. Although such duties are enforced by disabled people through the Civil Courts, authorities have a role to play in creating an expectation that every potential passenger should be valued, regardless of any protected characteristic, and that any passenger requiring reasonable assistance is provided with it. As a matter of course, drivers should help passengers to stow mobility aids, pushchairs and luggage, to ensure that vulnerable passengers leave the vehicle safely away from traffic, and support customers to use card readers or count their change. Authorities can reinforce this through communications and training but could also include relevant requirements in licensing requirements or byelaws, which can be enforced against later.

- 4.23 All licensing authorities must ensure that due regard is given to the Public Sector Equality Duty (PSED) (see [Section 149 of the Equality Act 2010](#)) when taking decisions concerning the provision of taxi and private hire vehicle services and supporting infrastructure. Licensing authorities must also ensure that reasonable adjustments are made to remove physical barriers preventing disabled people from accessing taxi and private hire vehicle services, including the adoption of any policies affecting the carriage of assistance dogs or the investigation and prosecution of drivers alleged to have discriminated against their owners.
- 4.24 Licensing authorities should provide a straightforward, accessible means of reporting alleged instances of discriminatory behaviour, including a dedicated email address and a telephone number. They should also take proactive steps to investigate allegations, interview passengers, and seek relevant evidence from operators and partner agencies.
- 4.25 Cases should be prosecuted where there is sufficient evidence to identify the driver and substantiate the claims made. The guidance on the assessment of convictions provided with the [Statutory Taxi and Private Hire Vehicle Standards](#) states that where an applicant has a conviction involving or connected with discrimination in any form, a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed. Licensees convicted of such offences should be subject to the same standards.
- 4.26 Where a complaint about discrimination is received that will not result in a conviction, licensing authorities should consider a range of outcomes and take appropriate action based on the balance of probabilities. Licensing sanctions should be considered, such as suspension or revocation. The licensing authority must give full consideration to the available evidence before any decision is made and the licensee should be given the opportunity to state their case. This may mean no action is taken and the complaint recorded, a suspension until disability and equality awareness training/assessment is completed, or revocation of a licence and a refusal to issue another for a lengthy period.

## 5. Enforcing the licensing regime

- 5.1 This section reiterates the importance of this function as outlined in the [Statutory Taxi and Private Hire Vehicle Standards](#).
- 5.2 Implementing an effective framework for licensing authorities, to ensure that a full range of information is made available to suitably-trained decision makers who are supported by well-resourced officials, is essential to a well-functioning taxi and private hire vehicle sector. Whilst this helps prevent the licensing of those that are not deemed 'fit and proper', it does not ensure that those already licensed continue to display the behaviours and standards expected.

### Mystery Shoppers

- 5.3 Spot checks and “mystery shopping” can be a powerful tool in identifying drivers and operators that are not complying with the requirements and standards an authority should expect of its licensees. This tool can be particularly useful in identifying those which discriminate against disabled passengers, particularly when evidencing ad hoc incidents can be difficult for the passengers concerned.
- 5.4 Authorities have used disabled staff volunteers to run such exercises, targeting locations or particular operators linked to complaints about discrimination, with enforcement officers on hand to take evidence to support potential future prosecutions. Publicising the use of such approaches may act as a deterrent to licensees considering refusing carriage to an assistance dog owner or wheelchair user.

### Joint authorisation of enforcement officers

- 5.5 Licensing authorities should, where the need arises, jointly authorise officers from other authorities so that compliance and enforcement action can be taken against licensees from outside their area. An agreement between licensing authorities to jointly authorise officers enables the use of enforcement powers regardless of which authority within the agreement employs the officer and which issued the licence. This will mitigate the opportunities for licensees to evade regulation. Such an agreement will enable those authorities to take action against vehicles and drivers that are licensed by the other authority when they cross over boundaries. A model for agreeing joint authorisation is contained in the [LGA Councillors' handbook](#).

## The Community Safety Accreditation Scheme

- 5.6 The Community Safety Accreditation Scheme (CSAS) is a voluntary scheme under which chief constables can choose to accredit employed people already working in roles that contribute to maintaining and improving community safety with limited but targeted powers. These roles include neighbourhood wardens, hospital security guards, park wardens, shopping mall guards and train guards and local authority enforcement officers.
- 5.7 The scheme creates a framework for public and private bodies to work in partnership with the police, providing additional uniformed presence in communities and capitalising on the skills and information captured by those already engaged with the community.
- 5.8 All schemes are managed, monitored and assessed at a local level by the responsible police force. Main benefits of the scheme include:
- Increasing uniformed presence on the streets (CSAS accredited persons wear the uniform of their employing organisation, with an identification badge endorsed by the local police force).
  - saving valuable police time in community safety.
  - promoting partnership working and the two-way exchange of information and intelligence between agencies.
- 5.9 For more information about CSAS in your area, please contact your local force through [www.police.uk](http://www.police.uk).

## Setting expectations and monitoring

- 5.10 Licensing authorities should ensure that licensees are aware of the policies to which they must adhere, are properly informed of what is expected of them, and the repercussions for failing to do so.
- 5.11 The provision of a clear, simple and well-publicised process for the public to make complaints about drivers, vehicles and operators will enable authorities to target compliance and enforcement activity. This will provide a further source of intelligence when considering the renewal of licences and of any additional training that may be required. It is then for the licensing authority to consider if any intelligence indicates a need to suspend or revoke a licence in the interests of public safety or due to discriminatory behaviour, or to prosecute drivers in the Magistrates' Court for evidenced breaches of sections 165, 168 or 170 of the Equality Act 2010.
- 5.12 Authorities should note that it can be particularly difficult for disabled passengers, including those who are visually impaired, to provide evidence of incidents. They may not, for instance, always be able to identify a driver visually. Authorities should still investigate such reports thoroughly, including taking statements from passengers, drivers and witnesses, and seeking evidence from partner agencies and from private hire vehicle operators (where relevant). It is our view that prosecuting drivers and operators for offences under the Equality Act 2010, rather than relying solely on licensing sanctions, is proportionate to the harm caused by such discrimination and is



vital to increasing the confidence of disabled passengers to use services. We therefore recommend that cases are prosecuted where sufficient evidence exists and doing so would be in the interest of the inhabitants of the area. Blanket policies on not prosecuting offences may be incompatible with authorities' wider equalities duties.

## Points-based enforcement systems

- 5.13 Some licensing authorities operate a points-based system, which allows minor breaches of the rules to be recorded and considered in context, while referring those with persistent or serious breaches to the licensing committee (or other bodies charged with reviewing). This has the benefit of consistency in enforcement and makes better use of the licensing committee's time.
- 5.14 Points incurred should remain on the record for a fixed period. The usual duration of a driver and private hire vehicle operator licence is three and five years respectively. To ensure that all past behaviour is taken into account when considering whether to grant a new licence, the Department recommends that points should remain on the record from the date of the incident for 3 years for drivers and 5 years for private hire vehicle operators.. Licensing authorities should however consider whether a review is undertaken in situations where points are incurred within a shorter period; for example, a year as this may indicate rapidly deteriorating standards or unsatisfactory conduct.
- 5.15 It should be noted that reaching a points limit must not result in an automatic action but should be used to trigger a review of the conduct of the licensee and whether further action is necessary to address any concerns. Such action might be undertaking additional training not just a suspension or revocation.
- 5.16 Well-directed enforcement activity by the local licensing authority benefits not only the public but also the responsible people in the taxi and private hire vehicle trades. Indeed, it could be argued that public safety depends upon licensing authorities having an effective enforcement mechanism in place. This includes actively seeking out those that operate outside the licensing system, not just those who come forward seeking the appropriate licences. The resources devoted by licensing authorities to enforcement will vary according to local circumstances, including, for example, any difficulties with touting by unlicensed drivers and vehicles (a problem in some urban areas). Local authorities will also wish to liaise closely with the police. Multi-agency enforcement exercises (involving, for example, the Department for Work and Pensions) have proved beneficial in some areas.
- 5.17 Local licensing authorities often use enforcement staff to check a range of licensed activities (such as premises selling alcohol, market traders etc.) as well as the taxi and private hire vehicle trades, to make the best use of staff time. But it is desirable to ensure that taxi and private hire vehicle enforcement effort is at least partly directed to areas where there is an evening or late-night economy, when problems such as touting and illegal standing or plying for hire tend most often to arise. In formulating policies to address these issues, licensing authorities should be aware of the [Sentencing Council's guidelines](#) that specifically consider taxi touting/soliciting for

hire and ensure those considering cases are aware of these and further guidelines on [offences committed for 'commercial' purposes](#).

- 5.18 As part of enforcement, local licensing authorities will often make spot checks, which can lead to their suspending or revoking vehicle licences. They will wish to consider carefully which power should best be used for this purpose. They will note, among other things, that [Section 60 of the Local Government \(Miscellaneous Provisions\) Act 1976](#) provides a right of appeal for the licence-holder; [Section 68](#), which is also sometimes used, does not permit an appeal until two months from the date of notice; this can complicate any challenge by the licence-holder.
- 5.19 [Section 61\(2B\) Local Government \(Miscellaneous Provisions\) Act 1976](#) and [section 17\(2\) of the Private Hire Vehicles \(London\) Act 1998](#) enable licensing authorities to suspend or revoke a taxi or private hire vehicle driver's licence with immediate effect on the grounds that it is in the interest of public safety. It should be stressed that this power can only be used where safety is the principal reason for suspension or revocation and where the risk justifies such an approach. It is expected that, in the majority of cases, drivers will continue to work pending appeal and that this power will be used in one-off cases. But the key point is that the law says that the power must only be used in cases which can be justified in terms of safety. The Department is not proposing to issue any specific guidance on this issue, preferring to leave it to the discretion of licensing authorities as to when the power should be used.

## Suspension and revocation of driver's licenses

- 5.20 [Section 61\(1\) of the Local Government \(Miscellaneous Provisions\) Act 1976](#) and [section 17\(1\) of the Private Hire Vehicles \(London\) Act 1998](#) provide licensing authorities with the ability to suspend or revoke a driver's licence.
- 5.21 The grounds for suspension outside of London under the 1976 Act are:
- (a) that the driver has since the grant of the licence
    - (i) been convicted of an offence involving dishonesty, indecency or violence; or
    - (ii) been convicted of an offence under or has failed to comply with the provisions of the Town Police Clauses Act 1847 or of the relevant part of the 1976 Act; or
  - (b) any other reasonable cause
- 5.22 The grounds for suspension in Greater London under the 1998 Act are:
- (a) that the driver has since the grant of the licence
    - (i) been convicted of an offence involving dishonesty, indecency or violence; or
    - (ii) been convicted of an immigration offence or required to pay an immigration penalty; or

(b) the licensing authority is for any other reason no longer satisfied that the licence holder is fit to hold such a licence; or

(c) the licence holder has failed to comply with any condition of the licence or any other obligation imposed on him by or under the 1998 Act.

5.23 Following the High Court's decision in *Singh-v-Cardiff City Council* 2012 EWHC 1852 Admin, the interim suspension (pending investigation or trial) of a licence is no longer practicable. A decision to suspend a licence is a final decision and should not be made before a reasoned determination has been made that one of the above grounds has been met.

5.24 Before any decision is made, the licensing authority must give full consideration to the available evidence and the driver should be given the opportunity to state their case. As with the initial decision to license a driver, this determination should be reached based on probability, not on the burden of beyond reasonable doubt. If a period of suspension is imposed, it cannot be extended or changed to revocation at a later date.

5.25 A decision to revoke a licence does not prevent the reissuing of a licence if further information is received that would alter the balance of probability, nor does a suspension prevent a subsequent decision to revoke. The decision to suspend or revoke is based on the evidence available at the time it made the determination. New evidence may, of course, become available later.

5.26 New evidence may be produced at an appeal, leading the appeal court to a different decision to that reached by the licensing authority. Alternatively, an appeal may be settled by agreement between the licensing authority and the driver on terms which, in the light of new evidence, becomes the appropriate course. If, for example, the allegations against a driver were now, on the balance of probability, considered to be unfounded, a suspension could be lifted and if the licence was revoked, an expedited re-licensing process used.

5.27 A suspension may still be appropriate if it is believed that a minor issue can be addressed through additional training or following a review of the individual circumstances where the limit of a points-based system is met. In this instance, the licence would be returned to the driver once the training has been completed without further consideration. This approach is clearly not appropriate where the licensing authority decides that, based on the information available at that time and on the balance of probability, the driver presents a risk to public safety.

## 6. Driver licensing

### Duration of driver licences

6.1 The [Local Government \(Miscellaneous Provisions\) Act 1976](#) (as amended), the [Private Hire Vehicles \(London\) Act 1998](#) and the [Plymouth City Council Act 1975](#) set a standard length of three years for taxi and private hire vehicle driver licences. Any shorter duration licence should only be issued when the licensing authority thinks it is appropriate in the specific circumstances of the case. For example, where the licence holder's leave to remain in the UK is time-limited, the licensee has requested a shorter duration or the licence is only required to meet a short-term demand. Taxi and private hire vehicle licences should not be issued on a 'probationary' basis.

### Fit and proper test

6.2 The [Statutory Taxi and Private Hire Vehicle Standards](#) sets out the approach licensing authorities should take in respect to the fit and proper test. However, in addition to those checks provided in the Statutory Standards, as a minimum, the Department would expect all applicants to undergo an assessment of their medical fitness.

### Disability awareness

6.3 Drivers should be trained in disability awareness or have their knowledge and skills assessed. Drivers should also be encouraged, through targeted and general communications, to uphold the highest standards of customer service. The training or assessment should include but not be limited to:

- The features of an inclusive, high quality service.
- Appropriate attitudes, behaviours and skills.
- Assistance that can be provided to all passengers.
- The protected characteristics, and related Equality Act 2010 duties.
- Understanding the different barriers that disabled people face when using taxis and private hire vehicles, and how they might be identified.
- The role of taxis and private hire vehicles in enabling disabled people to be independent and the role of drivers and operators in facilitating this.
- How to communicate with people with different communication needs.

- How to assist people with a range of visible and less visible impairments.
  - Supporting wheelchair users to board, alight and travel in safety and comfort whilst seated in their wheelchair.
  - Legal obligations towards disabled passengers and the consequences of not complying with them.
  - An assessment of the trainee's knowledge and skills.
- 6.4 [The REAL disability equality training programme](#) created on behalf of the Department for Transport, which includes common content for all modes as well as content developed for taxi and private hire vehicle drivers, should be considered when assessing disability awareness training needs.
- 6.5 Licensing authorities should encourage drivers to learn British Sign Language, including contributing to related costs.

## Driver proficiency

- 6.6 The Road Safety Statement published in 2019 stated that “The need to improve road safety does not end with the driving test; nor does it exclude those who drive or ride professionally or as part of their job.” Licensing authorities should require taxi and private hire vehicle drivers to evidence a higher degree of driving ability as would be expected of a professional driver.
- 6.7 The application of a higher standard than private motorists is considered appropriate and proportionate and is consistent with other elements of taxi and private hire vehicle driver licensing, e.g. medical and vision assessments.

## Acceptance of non-UK driving licences

- 6.8 Individuals can drive legally in the UK with non-UK car and motorcycle licences for up to 12 months. Some individuals will then be required to (or may wish to) exchange a licence issued by another country. A [tool](#) is available to provide more information on which licences must be exchanged as well as the requirements and processes involved.

## Medical and vision assessment

- 6.9 There is general recognition that it is appropriate for taxi and private hire vehicle drivers to have more stringent medical standards than those applicable to normal car drivers because:
- they carry members of the general public who have expectations of a safe journey;
  - they are on the road for longer hours than most car drivers; and
  - they may have to assist disabled passengers and handle luggage.
- 6.10 Licensing authorities should apply the Group 2 medical required for an entitlement to drive lorries (category C) and for buses (category D). For category C and D licences, the Group 2 licensing entitlements must be renewed every 5 years or at age 45, whichever is the earlier, until the age of 65 when they are renewed annually without

an upper age limit. Shorter category C and D licences may be issued for medical reasons. [Annex D](#) provides further information.

- 6.11 All initial category C and D licence applications require a medical assessment by a registered medical practitioner (recorded on the D4 form). The same assessment is required again at 45 years of age and on any subsequent reapplication. More information on the [Group 2 medical assessment](#) is available online.
- 6.12 It is the responsibility of licensing authorities to assess the medical information they receive and decide whether a taxi or private hire vehicle licence should be issued. It is not the responsibility of the medical professional that provides the information. Licensing authorities should seek the same information to inform their decision as required by the DVLA for category C and D licences. It is therefore suggested that the DVLA's Medical Examination Report (D4) is used as a template for licensing authorities to gather relevant information.
- 6.13 Medical professionals can obtain advice from the DVLA on fitness to drive. Doctors and other healthcare professionals are always welcome to seek advice about a particular driver identified by a unique reference number, or about fitness to drive in general. More [information on this process](#) is available online.

## Immigration checks

- 6.14 The [Immigration Act 2016](#) (section 37 and Schedule 5) amended existing licensing regimes in the UK to prevent illegal working in the taxi and private hire vehicle sector, as drivers and operators. Licensing authorities are prohibited from issuing a licence to anyone who is disqualified by reason of their immigration status, and they discharge their duty by conducting immigration checks. The Home Office have provided [guidance for licensing authorities](#) on this matter.
- 6.15 Being disqualified from holding a licence by reason of their immigration status means that the person is in the UK illegally, is not permitted to work, or is permitted to work, but is subject to a condition that prohibits them from holding a licence in this sector.
- 6.16 The requirement to check the immigration status of licence applicants is in addition to and does not amend or replace the existing 'fit and proper' test.

## Age limits

- 6.17 It is not appropriate to set a maximum age limit for drivers. Medical fitness to drive should be regularly assessed (see 6.9 - 6.11). Minimum age limits, beyond the statutory periods for holding a full driver licence, also seem inappropriate. Applicants should be assessed on their merits, and to do otherwise may in any case be contrary to the [Equality Act 2010](#), unless such restrictions can be justified in the public interest.

## Language proficiency

- 6.18 The [Statutory Taxi and Private Hire Vehicle Standards](#) recommend that a licensing authority's test of a driver's proficiency should cover both oral and written English

language skills. Written proficiency is relevant because this could affect a driver's ability to understand written documents, such as policies and guidance relating to the protection of children and vulnerable adults, and applying this to identify and act on signs of exploitation. Oral proficiency will be relevant in identifying potential exploitation through communicating with passengers and their interaction with others.

- 6.19 Language proficiency will bring wider passenger benefits to those set out in the [Statutory Taxi and Private Hire Vehicle Standards](#) in terms of the driver's ability to demonstrate an understanding of the desired destination, an estimation of the time taken to get there and other common passenger requests and for the driver to provide a legibly written receipt upon request.

## Vocational training and assessment

- 6.20 The [Statutory Taxi and Private Hire Vehicle Standards](#) are clear that all drivers should be required to undertake safeguarding training to understand policies and guidance relating to the protection of children and vulnerable adults to identify and act on signs of exploitation.
- 6.21 Whilst the minimum recommended requirements for safeguarding and disability awareness training could be met by requiring drivers to undertake vocational qualifications, it does not have to be delivered through this route. As set out in [section 3](#) of this document, licensing authorities should be able to demonstrate that any licensing conditions or requirements over and above that recommended by Government are justified and proportionate.
- 6.22 Vocational qualifications provide a 'snapshot' of learning as they are awarded based on the curriculum of the course at the time it is taken. The training required of drivers will naturally evolve over time and so a vocational qualification may need to be supplemented with further training and assessment. An example of this is the inclusion of '[county lines](#)' awareness as part of safeguarding. Though the potential benefits of increased customer service are noted, licensing authorities should not require applicants for a licence to have obtained a vocational qualification.

## Topographical knowledge

- 6.23 Taxi drivers need a good working knowledge of the area for which they are licensed because taxis can be hired immediately, directly with the driver, at ranks or on the street and so drivers are not able to prepare a route. Licensing authorities should therefore require prospective taxi drivers to pass a test of local topographical knowledge as a pre-requisite to the first grant of a licence. The Department's view is that the stringency of the test should reflect the complexity or otherwise of the local geography, in accordance with the principle of ensuring that barriers to entry are not unnecessarily high.
- 6.24 Private hire vehicles are not legally available for immediate hiring. To hire a private hire vehicle the prospective passenger must go through an operator, so the driver will have an opportunity to check the details of a route before starting a journey and plan or enter it in a navigation system. Licensing authorities may set private hire vehicle drivers a topographical test, but are not required to do so.

## Intended use

- 6.25 Holders of taxi licences are permitted to operate as a private hire vehicle anywhere in England and Wales, reflecting that taxi drivers may be required to carry passengers beyond the boundary of their licensing authority, the 'compellable area'. We are aware that a number of licensing authorities have introduced a taxi 'intended use' policy when considering licence applications and that these policies are reducing the number of taxis working predominantly as a 'private hire vehicle' in other areas.
- 6.26 Licensing authorities should require an applicant for a taxi driver licence to declare that they intend to work predominately within the licensing authority's area. The residential address provided by the application should be considered in assessing the likelihood of this declaration being adhered to when assessing an application for a taxi driver licence.

## Vehicle condition check

- 6.27 The driver of a vehicle is always legally responsible for its condition while in use. Licensing authorities should therefore require drivers to conduct a daily walkaround check as part of a driver's core role.
- 6.28 A driver or responsible person should undertake a daily walkaround check before a vehicle is used. These checks should be carried out before the vehicle is driven on the road each day. Where more than one driver will use the vehicle during the day's running, the driver taking charge of a vehicle should make sure it is roadworthy and safe to drive by carrying out their own walkaround check.
- 6.29 Drivers should be required to retain the vehicle checklist as proof that they have undertaken the required vehicle check. Drivers should be made aware that they may be subject to sanctions if they are unable to produce this. Further sanctions may result against them, as well as vehicle proprietors, if they are found using a defective vehicle, especially if the condition of the vehicle is such that it is obvious no routine checks have occurred over a number of days. An example checklist is provided at Annex E.



## 7. Private Hire Vehicle Operator licensing

- 7.1 The objective in licensing private hire vehicle operators is, again, the safety of the public, who will be using operators' premises and the vehicles and drivers arranged through them. The [Statutory Taxi and Private Hire Vehicle Standards](#) sets out relevant safeguarding checks for operators, including criminality checks. In addition, the Department consider it appropriate to ensure that private hire vehicle operators administer their business correctly. Licensing authorities should consider the following as part of their assessment.

### Fit and proper test

- 7.2 Checking open source information, cross checking information with Companies House and requesting financial records can help licensing authorities assure themselves that the company is suitable to be licensed.

### Disability awareness

- 7.3 All staff in customer facing roles should be trained in disability awareness, or have their knowledge and skills assessed, and be encouraged through targeted and general communications to uphold the highest standards of customer service. Training or assessment should include but not be limited to:
- The features of an inclusive, high quality service.
  - Appropriate attitudes, behaviours and skills.
  - Assistance that can be provided to all passengers.
  - The protected characteristics, and related Equality Act 2010 duties.
  - Understanding the different barriers that disabled people face when using private hire vehicles, and how they might be identified.
  - The role of private hire vehicles in enabling disabled people to be independent and the role of operators in facilitating this.
  - How to communicate with people with different communication needs.
  - How to assist people with a range of visible and less visible impairments.
  - Legal obligations towards disabled passengers and the consequences of not complying with them.
  - An assessment of the trainee's knowledge and skills.

- 7.4 The [REAL disability equality training programme](#) created on behalf of the Department for Transport, which includes common content for all modes, as well as content developed for [taxis and private hire vehicles](#), should be considered when assessing disability awareness training needs. Licensing authorities should require operators to ensure that any digital booking platforms comply with the [WCAG 2.1 accessibility standard](#) to Level AA as a minimum.
- 7.5 Cases should be prosecuted where there is sufficient evidence to substantiate offences under section 165, section 168 or section 170 of the [Equality Act 2010](#), or where an operator has discriminated against a passenger or failed to make reasonable adjustments under the same Act.

## Private hire vehicle operators – Duration of licences

- 7.6 The [Local Government \(Miscellaneous Provisions\) Act 1976](#) (as amended) and the [Private Hire Vehicles \(London\) Act 1998](#) set a standard length of licence of five years for private hire vehicle operators. Any shorter duration licence should only be issued when the licensing authority thinks it is appropriate in the specific circumstances of the case. For example, the licence holder's leave to remain in the UK is time-limited, the licensee has requested a shorter duration, or the licence is only required to meet a short-term demand. Private hire vehicle operator licences should not be issued on a 'probationary' basis.

## Insurance

- 7.7 It is appropriate for a licensing authority to check that appropriate public liability insurance has been obtained.

## Health and Safety responsibilities

- 7.8 Health and safety law creates duties on businesses where requirements apply to workers in the same way as they do for employees. Guidance from the Health and Safety Executive (HSE) ([Health and safety for gig economy, agency and temporary workers - HSE](#)) outlines the different type of workers and what is expected of businesses who use their services.
- 7.9 In practice, this means establishing effective management arrangements and carrying out an assessment of the risks to workers while they are at work, and to other people who may be affected by their work activities. Any assessment should identify the significant risks affecting workers and others, and, importantly, identify measures to reduce those risks. For example, this includes how to ensure work-related road safety (see [Driving for work](#) for further guidance), training requirements and the provision and use of any personal protective equipment..
- 7.10 In the Department's view, although it may not be the role of licensing authorities to enforce Health and Safety legislation, it is reasonable for any breaches of this to be considered as part of the 'fit and proper' test. As stated in this guidance, the primary and overriding objective must be to protect the public.

## Compliance with employment law

- 7.11 It is not within the scope of this guidance to offer an opinion on the employment status of private hire vehicle drivers, nor is it for licensing authorities to decide on these matters: only the courts can make rulings on employment status.
- 7.12 In the Department's view, where an employment tribunal or a court of law has ruled on the employment status of a driver or drivers working for an operator, whether the operator is complying with that decision in respect of the driver(s) referred to in the ruling, should reasonably be considered by a licensing authority as part of the 'fit and proper' test for a private hire vehicle operator.

## 8. Vehicle licensing

- 8.1 The legislation gives local authorities a wide range of discretion over the types of vehicle that it can license as taxis or private hire vehicles. Some authorities specify conditions that in practice can only be met by purpose-built vehicles but the majority license a range of vehicles.

### Specification of vehicle types that may be licensed

- 8.2 Normally, the best practice is for local licensing authorities to adopt the principle of specifying as many different types of vehicle as possible. Indeed, licensing authorities should set down a range of general criteria, leaving it open to the taxi and private hire vehicle trades to put forward vehicles of their own choice which can be shown to meet those criteria. In that way, there can be flexibility for new vehicle types to be readily taken into account.
- 8.3 Licensing authorities should give very careful consideration to a policy that automatically rules out particular types of vehicle or prescribes only one type or a small number of types of vehicle. For example, the Department believes authorities should be particularly cautious about specifying that only purpose-built taxis can be licensed, given the strict constraint on supply that that implies. Nevertheless, purpose-built vehicles are amongst those that a licensing authority could be expected to license. It may also be too restrictive to automatically rule out considering Multi-Purpose Vehicles, or to license them for fewer passengers than their seating capacity (provided that the capacity of the vehicle is not more than eight passengers).
- 8.4 The owners and drivers of vehicles may want to make appropriate adaptations to their vehicles to help improve the personal security of the drivers. Licensing authorities should look favourably on such adaptations, but, as mentioned in paragraph 8.35 below, they may wish to ensure that modifications are present when the vehicle is tested and not made after the testing stage.

### Vehicle Safety Ratings

- 8.5 The increasing ability of a car to reduce or prevent injury during an impact is reported as having had the most significant effect on road casualty totals in recent years. Although numbers have remained broadly consistent since 2010, they still indicate [30% fewer fatalities in 2018](#) than a decade earlier.

- 8.6 [Euro NCAP](#) is an independent, not-for-profit, organisation which is widely recognised by the motor industry and road safety professionals as providing motorists with objective information on the crash safety of passenger cars. The 1-5 star rating helps consumers compare the safety potential of different models and is based on assessment in four important areas:
- Adult Occupant Protection (for the driver and passengers).
  - Child Occupant Protection.
  - Vulnerable Road User Protection (pedestrians and cyclists).
  - Safety Assist, which evaluates driver assistance (e.g. lane keeping and autonomous emergency braking) and occupant status (e.g. seat belt reminders and driver monitoring) technologies.
- 8.7 Evolving vehicle regulations and consumer information have supported this trend and a 2019 research paper from Sweden considered differences in real-world injury outcome for occupants in cars rated by Euro NCAP. It concluded that the risk of fatal injury was reduced by 40% for occupants of a 5-star rated car when compared with an equivalent 2-star rated car.
- 8.8 Licensing authorities should consider the safety benefits to passengers, drivers and pedestrians of vehicles which have received a higher NCAP rating where these have been assessed.

## Seating capacity

- 8.9 Licensing authorities are responsible for deciding how many passengers a taxi or private hire vehicle is licensed to carry. Whilst the Vehicle Registration Certificate (V5C) issued by the Driver and Vehicle Licensing Agency states the seating capacity of a vehicle, licensing authorities are entitled to restrict the passenger carrying capacity in the interest of convenience and comfort. However, authorities should consider the principles set out in the [Competition and Market Authority's guidance](#). It may however be unreasonable, undesirable or even a safety risk for passengers to have to operate folding seats to exit the vehicle: the ease of this in an unfamiliar vehicle in an emergency situation should be considered.
- 8.10 When considering the carriage of children, [The London Cab Order 1934](#) (applying to hackney cabs in London) states "in computing such number [i.e. the maximum number of passengers that can be carried], an infant in arms shall not count as a person and two children under 10 years of age shall count as one person." While this matter is not addressed in other taxi and private hire vehicle legislation, some local authorities have used this approach when assessing if an excess number of passengers have been carried.
- 8.11 [The Motor Vehicles \(Wearing of Seatbelts\) Regulations 1993](#) also contain relevant provisions when considering passenger numbers. For instance, in taxis and private hire vehicles where there is no fixed partition between the rear seats and the driver, children aged over three years must use an adult seat belt in the rear of the vehicle if an appropriate seat belt is not available. This would therefore impose an upper limit on the number of such children that could be carried by these vehicles.

- 8.12 Given the implications for the safety of passengers, the Department considers a practical solution would be for taxis and private hire vehicles to carry no more people than the number of seatbelts available, regardless of passenger age. Though rear-facing seats do not require a seatbelt, they often are equipped with one.

## Motorcycles

- 8.13 It is recognised that some licensing authorities may wish to license motorcycles as private hire vehicles. To assist those authorities the Department has published [guidance](#) which outlines the standards and conditions which the Department considers to represent best practice when licensing motorcycles as private hire vehicles.

## Tinted windows

- 8.14 The rules for tinted vehicle windows are available on [gov.uk](#). For most cars on the road today, the minimum light transmission for windscreens is 75% and 70% for front side windows. Vehicles may be manufactured with glass that is darker than this fitted to windows rearward of the driver, especially in luxury, estate and people carrier style vehicles.
- 8.15 If the objective of the authority's prohibition of tinted windows is to address a concern that illegal activity is taking place in a vehicle, the evidence for this should be established and alternative options should be considered, for example, CCTV in vehicles. When licensing vehicles, authorities should be mindful of this as well as the significant costs and inconvenience associated with changing glass that conforms with the requirements of [vehicle construction regulations](#).
- 8.16 In the absence of evidence to show that a requirement for the removal of factory fitted windows is necessary and proportionate, licensing authorities should not require their removal as part of vehicle specifications. However, authorities should carefully consider the views of the public and the trade when considering the acceptance of 'after-market' tinting.

## Imported vehicles: type approval

- 8.17 It may be that, from time to time, a local authority will be asked to license a taxi or private hire vehicle that has been imported independently (by somebody other than the manufacturer). Such a vehicle might meet the local authority's criteria for licensing, but the local authority may nonetheless be uncertain about the wider rules for foreign vehicles being used in the UK. Such vehicles will be subject to the 'type approval' rules. For passenger cars up to 10 years old at the time of first GB registration, this means meeting the technical standards of either a GB Vehicle Type approval or an Individual Vehicle Approval.
- 8.18 Most registration certificates issued since late 1998 should indicate the approval status of the vehicle. The technical standards applied (and the safety and environmental risks covered) under each of the above are proportionate to the number of vehicles entering service. Further information about these requirements

and the procedures for licensing and registering imported vehicles can be seen at [www.gov.uk/importing-vehicles-into-the-uk/overview](http://www.gov.uk/importing-vehicles-into-the-uk/overview).

## Emergency equipment

- 8.19 The National Fire Chief Council (NFCC) recommend that licensing authorities require fire extinguishers to be provided in vehicles, should ensure that suitable and sufficient training is received by the drivers.
- 8.20 The NFCC's advice is that if a licensing authority elects not to require drivers to undertake training on the safe way to tackle a vehicle fire, vehicles should not be required to carry fire extinguishers and drivers advised to get out and stay out of the vehicle and call 999, rather than attempting to firefight.

## Vehicle testing

- 8.21 Licensing authorities must only license vehicles that are safe. It is therefore appropriate and proportionate that authorities require vehicles to pass rigorous safety checks. There is considerable variation between local licensing authorities on vehicle testing, including the related but separate question of age limits. The following can be regarded as best practice:
- 8.22 **Frequency of vehicle tests:** The legal requirement is that private hire vehicles which are at least three years old, and all taxis, must be subject to an MOT test or its equivalent at least once a year. Local authorities may obtain a designation from the Secretary of State for Transport to issue 'Certificates of Compliance'. The requirements of the test normally include those in an MOT test but may also include an inspection by a licensing officer to ensure the vehicle meets the relevant local requirements for issuing a taxi or private hire vehicle licence e.g. cleanliness of the vehicle inside and outside, correct plates displayed etc. Certificates of Compliance are entered onto the same national databases as MOTs to allow online licensing of vehicles and prevent erroneous enforcement action.
- 8.23 An annual test for licensed vehicles of whatever age (including vehicles that are less than three years old) seems appropriate in most cases, unless local conditions suggest that more frequent tests are necessary. More frequent tests may be appropriate for older vehicles which may be more prone to mechanical defects (see 'Vehicle age limits' below). More information is provided in the Environmental considerations section.
- 8.24 **Monitoring Diligence:** Licensing authorities should, where possible, obtain details of the test, including failures. This means that frequent failures can be raised with the proprietor and authorities can consider whether they are content that the proprietor is taking sufficient action to monitor and maintain the safety of their vehicles.
- 8.25 **Criteria for tests:** For mechanical matters, it seems appropriate to apply the same criteria as those for the MOT test to taxis and private hire vehicles. The MOT test on vehicles first used after 31 March 1987 includes checking of all seat belts. However, taxis and private hire vehicles provide a service to the public, so it is also appropriate

to set criteria for the internal condition of the vehicle, for example, wheelchair fixings and restraint straps, though these should not be unreasonably onerous.

- 8.26 **Number of testing stations:** There is sometimes criticism that local authorities provide only one testing centre for their area (which may be geographically extensive), so it is good practice for local authorities to consider having more than one testing station. There could be an advantage in contracting out the testing work, and to different garages. In that way the licensing authority can benefit from competition in costs (The Driver and Vehicle Standards Agency - DVSA - may be able to assist where there are local difficulties in provision of testing stations). Authorities should require testing stations to provide to them the outcomes of all examinations carried out, this includes where vehicles were subject to advisory notices. A vehicle proprietor should ensure that a vehicle is in safe and satisfactory condition.
- 8.27 Licensing authorities should ensure that their testing standards are publicised and easily obtainable by applicants for vehicle licences.

## Vehicle age limits

- 8.28 The frequency of testing required (see 'frequency of vehicle tests' above) to ensure the ongoing safety of vehicles is a separate issue to the setting of maximum age limits at first licensing, or maximum age limits beyond which an authority will not licence a vehicle. The setting of an arbitrary age limit may be inappropriate and counterproductive and result in higher costs to the trade and ultimately passengers. For example, a maximum age for first licensing may have adverse unintended consequences; a five-year-old used electric vehicle will produce less emissions than a new Euro 6 diesel or petrol fuel car – enabling the trade to make use of previously owned vehicles will assist it to transition more rapidly to zero emission vehicles and improve air quality.
- 8.29 Licensing authorities should not impose age limits for the licensing of vehicles but should consider more targeted requirements to meet its policy objectives on emissions, safety rating and increasing wheelchair accessible provision where this is low.

## Personal security

- 8.30 The personal security of taxi and private hire vehicle drivers and staff must be considered. [Section 17 of the Crime and Disorder Act 1998](#) requires local authorities and others to consider crime and disorder reduction while exercising all their duties. Authorities should ensure that such adaptations (e.g. partitions in vehicles) do not prevent drivers from fulfilling their legal obligations towards disabled passengers.
- 8.31 In order to emphasise the reciprocal aspect of the taxi and private hire vehicle service, licensing authorities should make available signs or notices which set out not only what passengers can expect from drivers, but also what drivers can expect from passengers who use their service. Annex F contains two samples which are included for illustrative purposes but licensing authorities are encouraged to formulate their own, in the light of local conditions and circumstances. Licensing authorities should



seek to build good links between the taxi and private hire vehicle trades and the local police force, including participation in any Community Safety Partnerships.

8.32 The [Health and Safety Executive](#) list the installation of CCTV with visible signage as a successful measure to improve safety. Community Safety Partnerships are also required to invite public transport providers and operators to participate in the partnerships. Research has shown that anti-social behaviour and crime affects taxi and private hire vehicle drivers and control centre staff. It is therefore important that the personal security of those working in the sector is considered.

## Partitions in vehicles

8.33 Vehicles used by the trade that are not purpose built are unlikely to have a partition between the front and rear of the vehicle which may provide protection for the driver from assault. Partitions can be made from materials that withstand a knife attack or hard body impact and can be fitted and taken out easily. There has been an increase in the installation of partitions in vehicles in response to the COVID-19 outbreak though these are intended to mitigate the risk of viral infection.

8.34 The fitting of in-vehicle partitions must not cause the vehicle to be a danger to anyone in the vehicle or on the road, in compliance with regulation 100 of the [Road Vehicles \(Construction and Use\) Regulations 1986](#). In order that the partition is effective in providing a means to separate drivers and passengers, the front passenger seat should not be included in the seating capacity of the vehicle licence where a partition is fitted. Guidance published by the Department on the fitting of [screens for taxis and private hire vehicles to reduce the spread of COVID](#) provides advice on the design characteristics of screens newly installed in vehicles.

8.35 Licensing authorities may wish to ensure that such modifications are present when the vehicle is tested and not made after the testing stage.

## In-vehicle visual and audio recording – CCTV

8.36 The [Statutory Taxi and Private Hire Vehicle Standards](#) set-out the Department's position on this matter; that CCTV can provide additional deterrence to prevent crime and investigative value when it occurs. The use of CCTV can provide a safer environment for the benefit of taxi and private hire vehicle passengers and drivers by:

- Deterring and preventing the occurrence of crime.
- Reducing the fear of crime.
- Assisting the police in investigating incidents of crime.
- Assisting insurance companies in investigating motor vehicle accidents.

8.37 The Statutory Standards state that all licensing authorities should consult to identify if there are local circumstances which indicate that the installation of CCTV in vehicles would have either a positive or an adverse net effect on the safety of taxi and private hire vehicle users, including children or vulnerable adults, and taking into account potential privacy issues. Signs in the vehicle are required to highlight the presence of CCTV to passengers and an extra indicator is required to show when audio recording has been activated. The Department's view is that CCTV in vehicles can enhance

both drivers' and passengers' safety and consideration of the merits of CCTV by licensing authorities must include both aspects.

- 8.38 Licensing authorities should review the [Statutory Taxi and Private Hire Vehicle Standards](#) for further information on consideration of mandating CCTV in taxis and private hire vehicles.
- 8.39 Other security measures include guidance, talks by the local police and conflict avoidance training. The Department has issued guidance for taxi and private hire vehicle drivers to help them improve their personal security. These are attached at Annex G and Annex H.

## Vehicle identification and signage

- 8.40 Members of the public can often confuse private hire vehicles with taxis, failing to realise that they are not available for immediate hire and that a private hire vehicle driver can only fulfil pre-booked requests. Greater differentiation in signage will help the public to distinguish between the two elements of the trade. To achieve this, licensing authorities should seek to minimise the profile of private hire vehicles as these can only be legally engaged through a booking with a licensed operator.
- 8.41 Licensing authorities should not permit roof signs of any kind on private hire vehicles. Regardless of the wording required on such a sign it is likely to increase awareness of the vehicle and the likelihood of being mistaken for a taxi. This increases the success of those illegally standing or plying for hire and may lead to confrontation when private hire vehicle drivers refuse a request for a journey that has not been pre-booked.
- 8.42 Licensing authorities should not impose a livery requirement on private hire vehicles. The more distinctive a private hire vehicle is made to appear, the greater the chance that this might be confused with a taxi. To assist the distinction further, licensing authorities should prevent private hire vehicles from being the same colour as its taxis, unless they are easily identifiable i.e. they are purpose-built vehicles as is the case in many of our cities.
- 8.43 Licensing authorities' private hire vehicle signage requirements should be limited to the authority licence plate or disc and a "pre-booked only" door sign.
- 8.44 This approach enables passengers to be given the clear and consistent message that you should only get in a vehicle that 'looks like a taxi' unless you have pre-booked a private hire vehicle and have received information from the operator to identify it.
- 8.45 A private hire vehicle driver and proprietor are free to work with more than one operator and licensing conditions or requirements that effectively tie a vehicle or driver into an exclusive relationship with an operator should not be implemented or should be discontinued where these are currently imposed. Examples of such policies are a requirement for the private hire vehicle to display the name of the operator under which it is operating by means of a permanent or semi-permanent

sign, or to require a driver to advise the operator who they intend to work for and require notification in advance of any change.

- 8.46 Where an exclusive relationship exists between the vehicle proprietor, driver and operator, a licensing authority should consider permitting the display of operator details in a discreet manner so as to not undermine the overall objective of enabling the public to differentiate easily between taxis and private hire vehicles. This might, for example, be through small branding on the rear of the vehicle. Restrictions on the use of terms which might lead to confusion among the public are detailed in section 64 of [The Transport Act 1980](#) in respect of roof-signs, To assist the public in differentiating taxis from private hire vehicles, similar restrictions should be applied to all signage on private hire vehicles; signs which include the word “taxi” or “cab”, whether singular or plural, or any word of similar meaning or appearance to any of those words, whether alone or as part of another word should not be permitted.
- 8.47 Licensing authorities should only exempt the display of a licence plate by a private hire vehicle in exceptional circumstances. ‘Executive hire’ services are licensed as private hire vehicles and licensing authorities should assure themselves that, given the signage on private hire vehicles will be negligible, there is sufficient justification to exempt these vehicles from a requirement to display a small plate or disc in the absence of an effective means to prevent the vehicle being used for ‘normal’ private hire work.

## Environmental considerations

- 8.48 The UK is committed to a 2050 net zero target. This puts the UK on track to end our contribution to climate change, becoming one of the first major economies to legislate for net zero emissions. On transport, Government is phasing out the sale of new petrol and diesel cars and vans by 2030, and, from 2035, all new cars and vans must be zero emissions at the tailpipe.
- 8.49 Where Clean Air Zones are introduced, local authorities will already be working to address local environmental considerations under the [Clean Air Zones Framework](#). More widely, local licensing authorities, in discussion with those responsible for environmental health issues, will wish to consider how its vehicle licensing policies can and should support any environmental policies adopted by the local authority. This will be particularly important in designated Air Quality Management Areas or low/ultra-low emission zones.
- 8.50 Licensing teams should work with council colleagues with air quality and climate responsibilities to ensure taxi and private hire vehicle fleets play their part in work to tackle local emissions. Leading areas cite largescale change in these fleets needs a longer-term strategy, with a coordinated approach across council teams and local trades, that considers licencing requirements, other supportive policies (e.g. try before you buy scheme), and, in the context of moving to a fully zero emission vehicle fleet, a strategy for supporting the installation of electric vehicle charge points.
- 8.51 Taxis and private hire vehicles that operate predominantly in urban areas can be significant contributors to poor local air quality, if not properly maintained and

regularly checked, due to their higher usage. This might suggest that emissions testing for vehicle that use petrol and diesel (including hybrids and range extenders) should be carried out more frequently than the annual MOT vehicle test/inspection.

- 8.52 Local authorities should carefully and thoroughly assess the impact of vehicle emission requirements to enable the sector to plan for the future. The short-term objective should be to mitigate the harm from internal combustion engines through the setting of high EURO emission standards e.g. EURO 6 but, in the long-term, the trade will have to transition to zero emission vehicles. Licensing authorities should set out their long-term plan as soon as possible.
- 8.53 In response to local air quality concerns,, many licensing authorities are considering how to support the use of ultra-low or zero emission vehicles given the growing [range of vehicles](#) available. As stated in the 'Vehicle age limit' section', greater flexibility regarding the age of vehicles licensed can result in more rapid improvement in air quality than mandating new 'clean' internal combustion engine vehicles.

## An accessible fleet

- 8.54 The physical accessibility of vehicles used to provide taxi and private hire vehicle services is a significant factor in the inclusivity of the overall service provided. Wheelchair accessible vehicles are essential for wheelchair users who are unable to transfer from their wheelchair to the vehicle, or who prefer to travel in their wheelchair.
- 8.55 Licensing authorities should understand the demand for mixed fleets in its area and ensure that, when issuing licences, it has the right mix of vehicles. They should recognise that some designs of wheelchair accessible vehicles may not be suitable for some ambulant disabled passengers.
- 8.56 Licensing authorities should assess the demand for wheelchair accessible vehicles in its area on a three-yearly basis and publish the results. If demand is not currently met, it should also provide an explanation about how the licensing authority plans to meet this demand. Licensing authorities should consider ways to incentivise an increase in wheelchair accessible vehicle provision. This may consist of licence fee rebates, access to bus lanes where agreed with the local Highways Authority, relaxation of other licensing requirements where it would otherwise be difficult to source appropriate wheelchair accessible vehicles, priority roadway access and, in the case of taxis, rank access.

## Inclusive vehicle specifications

- 8.57 The design of non-wheelchair accessible vehicles licensed for use as taxis or private hire vehicles can also have a bearing on their accessibility. This guidance advises authorities to adopt the principle of setting down general criteria for vehicles and allowing drivers and operators to demonstrate how their vehicles fulfil them. When setting minimum criteria for newly licenced vehicles, authorities should consider factors which could influence the accessibility of vehicles to disabled passengers, including:

- The ease with which passengers can enter and leave the vehicle, including the height of steps and the positioning of seats.
- The space available for assistance dogs to remain with their owner in the vehicle.
- The space available for folded mobility aids in addition to other items of luggage.
- The comfort and safety with which disabled people can use them.

## Wheelchair Accessible Vehicles (WAVs)

- 8.58 The Government’s 2018 statutory guidance ‘[Access for wheelchair users to taxis and private hire vehicles](#)’ recommends that WAVs large enough to accommodate a passenger seated in a “reference wheelchair” should be designated formally as being “wheelchair accessible” for the purposes of section 167 of the [Equality Act 2010](#). This reflects the Department’s view that a vehicle which is only able to accommodate smaller wheelchairs would not be accessible to the majority of wheelchair users. Authorities should also maintain a consistent policy on their support or otherwise for WAVs which wheelchair users enter through the rear door. Many wheelchair users find boarding and travelling in such vehicles can be easier and more comfortable, and authorities should consider permitting their use where this is not already the case.
- 8.59 Whilst we do not currently recommend that newly licensed WAVs meet minimum size requirements, we are currently reviewing our continued use of the reference wheelchair standard and may provide a steer on this point in future guidance.
- 8.60 For some passengers in wheelchairs, only vehicles which enable them to board, alight from and travel whilst remaining in their wheelchair are accessible and it is important that sufficient vehicles of this category are available to provide an acceptable service.
- 8.61 Other wheelchair users may be able to transfer onto the seat of a car, with or without assistance, with the wheelchair stored in the vehicle’s boot during the journey. For such passengers, and for some ambulant disabled people, for whom high steps and large open spaces may be difficult to negotiate, traditional WAVs may be challenging to access.
- 8.62 Licensing authorities should adopt policies on the minimum standards for WAVs, noting that some passengers need to use wheelchairs larger and heavier than the [Reference Wheelchair](#). It is worth noting that, at the time of issuing, the reference wheelchair standard is being reviewed and that the post-consultation version may include updated guidance on its use.
- 8.63 A truly inclusive transport system is one where a mixed fleet is available, where wheelchair users can travel as easily as anybody else, and this means ensuring that there are sufficient suitable vehicles to serve their needs. Though for some passengers, particularly ambulant disabled people whose ability to walk is impaired, the high steps and large floor areas of traditional WAVs can constrain their access.
- 8.64 Licensing authorities should assess the demand for WAVs within their jurisdiction at least every three years and take appropriate steps to ensure that the supply of suitably accessible vehicles meets the demand for them.

8.65 The assessment, targeted proportion, and details of the steps that will be taken to achieve it should be documented in the authority's [Inclusive Service Plan](#) (see 4.17-4.21).

## Accessibility equipment

8.66 Authorities should consider the benefits of requiring additional accessibility equipment to be provided in vehicles beyond that which might be included in a standard vehicle specification, noting that the benefits to disabled customers in terms of their confidence and willingness to travel cannot always be monetised. Authorities should, as a minimum, require the installation of hearing loops in vehicles where an internal screen is fitted, in order to support passengers who are deaf or hard of hearing to communicate with drivers.

8.67 Authorities should also investigate options for making the payment process more accessible for visually impaired passengers. Whilst not widely used in the UK, "talking" meters are used in other countries, and some payment card readers are more accessible than others. Implementing such interventions could support more disabled passengers to use taxi and private hire vehicle services with confidence.

8.68 Licensing authorities should ensure that such modifications are present when the vehicle is tested and not made after the testing stage.

## Assistance dogs

8.69 To mitigate barriers relating to the carriage of an assistance dog, authorities must ensure that due regard is given to the Public Sector Equality Duty (PSED) (see [Section 149 of the Equality Act 2010](#)) when taking decisions concerning the provision of taxi and private hire vehicle services. This includes adoption of any policies affecting the carriage of assistance dogs in taxis and private hire vehicles or the investigation and prosecution of drivers alleged to have discriminated against their owners.

8.70 Licensing authorities should:

- Remind operators and drivers regularly of their duties under sections 168 to 171 of the [Equality Act 2010](#), including the authority's intention to prosecute those that refuse to comply.
- Make it simple for passengers to report alleged instances of illegal discrimination relating to the carriage of assistance dogs.
- Investigate all such alleged instances, and prosecute drivers where sufficient evidence is identified.
- Where drivers are legally exempt from carrying assistance dogs, provide them with a card confirming this in large print and Braille, in addition to the statutory exemption notice.
- Invite operators and drivers to meet with assistance dog owners and learn about the role they play.
- Work with organisations, such as the Guide Dogs for the Blind Association, to produce hand out material which can be provided to operators and drivers.

- Require drivers to accept the carriage of assistance dogs in training, familiarising operators and drivers with the role of respective dogs, and helping the dogs to learn to behave appropriately when travelling by taxi or private hire vehicle.
- Build relationships with private hire vehicle operators to encourage proactive reporting of drivers alleged to have discriminated against passengers with assistance dogs, and provision of relevant evidence to support the authority's investigation.

## 9. Quantity restrictions of taxi licences outside London

### Legal powers

- 9.1 The present legal provision on quantity restrictions for taxis outside London is set out in [section 16 of the Transport Act 1985](#). This provides that the grant of a taxi licence may be refused for the purpose of limiting the number of licensed taxis if, but only if, the licensing authority is satisfied that there is no significant unmet demand for taxi services in their area.
- 9.2 In the event of a challenge to a decision to refuse a licence, the local authority concerned would have to establish that it had, reasonably, been satisfied that there was no significant unmet demand.

### Impacts of quantity restrictions

- 9.3 The Competition and Markets Authority was clear in its 2017 guidance on the [Regulation of taxis and private hire vehicles: understanding the impact of competition](#) that “Quantity restrictions are not necessary to ensure the safety of passengers, or to ensure that fares are reasonable. However, they can harm passengers by reducing availability, increasing waiting times, and reducing the scope for downward competitive pressure on fares.”
- 9.4 Most local licensing authorities do not impose quantity restrictions; the Department regards that as best practice. Where restrictions are imposed, the Department would urge that the matter should be regularly reviewed. The matter should be approached in terms of the interests of the travelling public:
- What benefits or disadvantages arise for them as a result of the continuation of controls?
  - What benefits or disadvantages would result for the public if the controls were removed?
  - Is there evidence that removal of the controls would result in a deterioration in the amount or quality of taxi service provision?
  - Are there alternative ways in which the issue could be addressed?



- 9.5 If alternative measures could be used to achieve the same effect, then the Department believes these should be used in preference to quantity restrictions.
- 9.6 It has been observed that where quantity restrictions are imposed, vehicle licence plates command a premium, often of tens of thousands of pounds. This indicates that there are people who want to enter the taxi market and provide a service to the public, but who are being prevented from doing so by the quantity restrictions.

## Demand surveys

- 9.7 If a local authority does nonetheless take the view that a quantity restriction can be justified in principle, there remains the question of the level at which it should be set, bearing in mind the need to demonstrate that there is no significant unmet demand. This issue is usually addressed by means of a survey. It will be necessary for the local licensing authority to carry out a survey sufficiently frequently to be able to respond to any challenge to the satisfaction of a court. An interval of three years is commonly regarded as the maximum reasonable period between surveys.
- 9.8 The following points should be considered when conducting a survey on quantity restrictions:
- Waiting time at ranks.
  - Waiting time for street hailing.
  - Waiting time for telephone/online/app engagement;
  - Latent demand (those that would choose to travel by taxi but do not due to excessive waiting times).
  - Peak demand (the most popular times for consumers to use taxis should not be discounted as atypical).
- 9.9 The financing of demand surveys should be paid for by the local taxi trade through general revenues from licence fees. Other funding arrangements may call in to question the impartiality and objectivity of the survey process.

## Consultation on quantity restrictions

- 9.10 As well as statistical demand surveys, assessment of quantity restrictions should include consultation with all those concerned, including user groups. User groups that typically use taxis (and/or private hire vehicles) the most include people with mobility difficulties, women, older people and those that are less likely to have access to a car (those in areas with lower-than-average household income or where parking difficulties make ownership more problematic). The views of the retail and hospitality sector (including hoteliers, operators of pubs and clubs and visitor attractions) should also be sought and considered, recognising that most taxi (and private hire vehicle) journeys are for leisure and shopping purposes.
- 9.11 The role taxis can play in dispersing the public that have enjoyed the night-time economy should not be ignored. Alongside pre-booked private hire vehicles, taxis may be the only means by which people can return home. Excessive waits for vehicles may lead to conflict among passengers or the increased use of unlicensed, unvetted and uninsured drivers and vehicles, both of which may then result in

increased call upon police resources: they should therefore be consulted on any restrictions.

- 9.12 All Local Transport Plans are expected to promote the use of active or public transport; taxis are frequently used for the 'first and last mile' of longer journeys that could be made using public transport. The views of the providers of other transport modes (such as train operators) should also be sought and considered if a quantity restriction is to be imposed.
- 9.13 All the evidence gathered in a survey should be published, together with an explanation of what conclusions have been drawn from it and why. If quantity restrictions are to be continued, their benefits to consumers and the reason for the particular level at which the number is set should be set out.

## Reviewing quantity restrictions

- 9.14 The Department's view is that licensing authorities that elect to restrict taxi licences should review this decision and, if the policy continues, the quantity at least every three years. The Department also expects the justification for any policy of quantity restrictions to be included in the Local Transport Plan process where this is their responsibility. A recommended list of questions for local authorities to address when considering quantity controls is at Annex I.

## 10. Taxi fare rates

### Legal powers

- 10.1 Licensing authorities have the power to set maximum taxi fares for journeys within their area, and most do so. There is no power to set fares for private hire vehicles. Unlike most licensing functions, the setting of fares is an executive function, not a council function.

### Setting taxi fare rates

- 10.2 Maximum fare rates should be designed with a view to practicality and reviewed regularly, including any variability of the fare rates dependent on time of day or day of the week. Authorities should consider adopting a simple formula for deciding on fare changes as this will increase understanding and improve the transparency of the process for passengers. The Department recommends that in reviewing fare rates, authorities should pay particular regard to the needs of the travelling public, with reference both to what it is reasonable to expect people to pay but also to the need to give taxi drivers the ability to earn a sufficient income and so incentivise them to provide a service when it is needed. There is likely to be a case for higher fare tariffs at times of higher demand to encourage more drivers to make themselves available or when the journeys are required at anti-social times.
- 10.3 The Competition and Markets Authority recognised in its 2017 [report](#) the need for licensing authorities to be responsive to patterns of demand, that they “should monitor waiting times and consider adjusting the regulated fare cap to address mismatches between supply and demand. Addressing such mismatches is likely to benefit passengers.”

### Price competition in taxi fares

- 10.4 Taxi fare tariffs are a maximum, and in principle are open to downward negotiation between passenger and driver. It is not good practice to encourage such negotiations at ranks, or for on-street hailing; there would be risks of confusion and security problems.

10.5 Licensing authorities should however make it clear that published fares rates are a maximum. The growing use of telephone and electronic means to hire taxis means that passengers may benefit from competition and price comparison among taxi intermediaries. It is perfectly legitimate for taxi intermediaries to advertise discounted fares, such as '5% discount from fares.'

# 11. Taxi ranks and roadside infrastructure

- 11.1 Taxi ranks can provide a useful interchange between modes of transport and a focal point for taxis and passengers at peak periods. There are a number of aspects that should be considered when assessing the number and location of taxi ranks, including how ranks contribute to a wider transport policy and its success in delivering accessible transport as disabled users are less able to seek alternatives.
- 11.2 When providing new taxi ranks or redesigning areas of the built environment in which existing ones are located, authorities should seek to locate ranks as close as possible to transport interchanges and other key destinations that they serve in order to minimise walking distances for passengers and follow the Department for Transport's [Inclusive Mobility](#) guidance and other sources of best practice in accessible street design.
- 11.3 The provision of taxi ranks should be subject to regular review. This will help local authorities establish whether a change is required to current provision and how to make necessary amendments to ranks for the benefit of the travelling public. The Department's view is that a review every three years strikes the right balance between the burden placed on licensing authorities and being responsive to changes in passenger uptake or changing patterns in people flow.
- 11.4 Taxi ranks late at night can become a hotspot for anti-social behaviour. These problems can be mitigated or even solved through a taxi marshal scheme in busy town and city centres. Such schemes can be jointly funded by taxi drivers and local licensing authorities. Marshals can help local authorities support their night-time economy by fostering public confidence in taxis by encouraging users to form an orderly queue, eliminating potential flashpoints and moving people quickly and efficiently. It is also an opportunity to prevent the use of unlicensed vehicles plying for hire.
- 11.5 If feasible, a short-term waiting area for drivers of taxis picking up disabled passengers should be considered. This could be an area of the footway with a kerb assigned as a setting-down/picking-up point for people using taxis that have ramps designed for transfer directly to the footway.
- 11.6 Wheelchair access to most taxis is on the nearside, though some taxis load wheelchair users through the rear door or the far side door. Where taxi ranks are

being designed or redeveloped, they should be designed to facilitate access into all vehicle types without creating safety risks for either customers or drivers.

- 11.7 Licensing authorities should work with local authority partners to ensure that vehicle priority measures, parking and waiting restrictions do not prevent disabled passengers from being picked up and/or dropped off close to their origin or destination. Care should also be taken to ensure that facilities for cyclists do not prevent access to the kerbside for long distances.
- 11.8 Authorities should also work with the operators of facilities served by a high volume of private hire vehicles to ensure that safe spaces are provided for drivers to collect passengers, without requiring them to navigate busy car parks alone.

## 12. Taxi zones

- 12.1 The areas of some local licensing authorities are divided into two or more zones for taxi licensing purposes. Drivers may be licensed to ply for hire in one zone only. Zones may exist for historical reasons, perhaps because of local authority boundary changes.
- 12.2 The Department recommends the abolition of these zones. This would chiefly benefit the travelling public. Zoning tends to diminish the supply of taxis and the scope for customer choice – for example, if 50 taxis were licensed overall by a local authority, but only 25 of them were entitled to ply for hire in each zone. It can be confusing and frustrating for people wishing to hire a taxi to find that a vehicle licensed by the relevant local authority is nonetheless unable to pick them up (unless pre-booked) because they are in the wrong part of the local authority area. Abolition of zones can also reduce costs for the local authority, for example through simpler administration and enforcement. It can also promote fuel efficiency, because taxis can pick up a passenger anywhere in the local authority area, rather than having to return empty to their licensed zone after dropping a passenger in another zone.
- 12.3 It should be noted that, in 2008, the Government made a Legislative Reform Order that removed the need for the Secretary of State to approve amalgamation resolutions made by local licensing authorities. Although these resolutions no longer require the approval of the Secretary of State, the statutory procedure for making them – in paragraph 25 of schedule 14 to the [Local Government Act 1972](#) – remains the same.

## 13. Flexible transport services

- 13.1 It is possible for taxis and private hire vehicles to provide flexible transport services in a number of different ways. Such services can play a valuable role in meeting a range of transport needs, especially in rural areas – though potentially in many other places as well.
- 13.2 The Department encourages local licensing authorities, as a matter of best practice, to play their part in promoting flexible services in order to increase the availability of transport to the travelling public. This can be done partly by drawing the possibilities to the attention of taxi and private hire vehicle trade. It also should be borne in mind that vehicles with a higher seating capacity than the vehicles typically licensed as taxis (for example those with 6, 7 or 8 passenger seats) may be used for flexible services and should be considered for licensing in this context.
- 13.3 The main legal provisions under which flexible services can be operated are:
- **Shared taxis and private hire vehicles – advance bookings** (section 11, [Transport Act 1985](#)): licensed taxis and private hire vehicles can provide a service at separate fares for passengers sharing the vehicle. The operator takes the initiative to match up passengers who book in advance and agree to share the vehicle at separate fares (lower than for a single hiring). An example could be passengers being picked up at home to go to a shopping centre or returning from the shops to their homes. The operator benefits through increased passenger loadings and total revenues.
  - **Shared taxis – immediate hiring** (section 10, [Transport Act 1985](#)): such a scheme is at the initiative of the local licensing authority, which can set up schemes whereby licensed taxis (not private hire vehicles) can be hired at separate fares by people from ranks or other places that have been designated by the authority. Authorities are required to set up such a scheme if holders of ten per cent or more of the taxi licences in their area ask for one. The passengers pay only part of the metered fare and without pre-booking, but the driver receives more than the metered fare.
  - **Taxi and private hire vehicle buses** (section 12, [Transport Act 1985](#)): owners of licensed taxis and private hire vehicles can apply to the Traffic Commissioner for a ‘restricted public service vehicle (PSV) operator licence’. The vehicle owner can then use it to provide a bus service for up to eight passengers. The route must be registered with the Traffic Commissioner and must have at least one stopping place in the area of the local authority that licensed the taxi, though it can go beyond it. The bus service will be eligible for Bus Service Operators Grant (subject to certain conditions) and taxi/private hire vehicle buses can be used for local authority



subsidised bus services. The benefits are that the travelling public have another transport opportunity opened for them, whilst taxi and private hire vehicle owners have another business opportunity.

## 14. Local Transport Plans and Strategy

- 14.1 The [Transport Act 2000](#) as amended by the [Local Transport Act 2008](#), requires local transport authorities in England outside London to produce and maintain a Local Transport Plan (LTP), having regard to Government policy.
- 14.2 LTPs relate to transport to, from and within their area. It is a practical document which sets out in detail the authority's transport policies over a given period. This includes local objectives, strategy and an implementation plan highlighting what measures will be taken to achieve local plans.
- 14.3 All modes of transport including taxi and private hire vehicle services have a valuable part to play in overall transport provision, and so local licensing authorities have an input into delivering the LTPs. The key policy themes for such services could be availability and accessibility. LTPs can cover:
- Quantity controls, if any, and plans for their review;
  - Licensing conditions, with a view to safety but also to a good supply of taxi and private hire vehicle services;
  - Taxi fares;
  - On-street availability, especially through provision of taxi ranks;
  - Vehicle accessibility for people with disabilities;
  - Encouragement of flexible services.
- 14.4 The [Greater London Authority Act 1999](#) places a similar duty on the Mayor of London. The Mayor must publish a transport strategy to develop and implement policies for the promotion and encouragement of safe, integrated, efficient and economic transport facilities and services to, from and within Greater London. As above, taxi and private hire vehicle services have a valuable part to play in overall transport provision.

## 15. Tax checks in taxi and private hire vehicle licensing

- 15.1 HMRC is introducing a tax registration check (tax check) for renewed applications in England and Wales to drive taxis and private hire vehicles and to operate a private hire vehicle business. It will apply to applications made from 4 April 2022.
- 15.2 An applicant who wishes to renew a licence will need to carry out a tax check. The licensing authority will have to obtain confirmation from HMRC that the applicant has completed the check before being able to consider their renewed licence application.
- 15.3 The new rules aim to address part of the hidden economy by helping applicants for taxi and private hire vehicle driver and operator licences to understand their tax obligations and by making access to the licences they need to trade conditional on completing a tax check.
- 15.4 The new rules will apply to applications made by individuals, companies and partnerships, including Limited Liability Partnerships. Licensing authorities will be required to signpost first-time applicants to HMRC guidance about their potential tax obligations and obtain confirmation that the applicant is aware of the guidance before considering the application.
- 15.5 Where the application is not a first-time application (a renewed application) the licensing body must, before considering the application, obtain confirmation from HMRC that the applicant has completed a tax check.
- 15.6 An applicant will carry out a tax check by providing information to enable HMRC to satisfy itself that the applicant has told HMRC about income earned under the licence. The check will verify that a person has complied with an obligation to notify their chargeability to tax, where such an obligation applied. The check is intended to be quick and easy to complete, and HMRC is developing a digital system to facilitate it. Additional help will also be available to individuals who are digitally excluded or need extra support.
- 15.7 HMRC has published [guidance](#) for licensing authorities and applicants on how to complete checks.

# Annex A: Guidance Note on private hire vehicle licensing

## Introduction

1. This note relates to private hire vehicles in England only, as responsibility for licensing policy is devolved in all nations of the United Kingdom.
2. The Department for Transport is not in a position to provide definitive statements; to do so would be to give the impression that the Department was responsible for interpreting the law. The Department is not responsible for interpreting the law – that is a matter for the courts.
3. However, in those ‘grey areas’ of the legislation where it is not clear whether a particular service should be licensed or not, it is reasonable that the Department should offer a view about the extent of private hire vehicle licensing and, where possible, indicate the considerations which, in the Department’s view, are relevant to an assessment of whether or not a particular service should require a licence.
4. This note sets out the key principles and characteristics which the Department considers define a private hire vehicle service and, against that background, offers a straightforward view about whether the various services falling within a grey area should require licences.
5. We would expect that this guidance note would have a degree of persuasive value in terms of assisting with licensing authority decision-making. But, any transport providers reading this note should be aware that it does not carry the force of law and the Department would strongly urge those who are in any doubt about their legal position to seek independent legal advice.
6. The fundamental purpose of the private hire vehicle licensing regime is to establish a position where passengers can use these vehicles with a high degree of confidence about their safety. This principle is at the heart of the [Statutory Taxi and Private Hire Vehicle Standards](#). It is not however the Department’s intent to attempt to regulate car-sharing that is not carried out for commercial purposes, the decision to share a vehicle and costs are a matter for the individuals involved.

7. We would encourage licensing authorities to think carefully about the burden which would be placed on people and organisations who are in the “grey areas” if they were to impose a requirement for private hire vehicle licensing. Whilst licensing authorities must first and foremost comply with the legislative requirements, in cases of genuine ambiguity we would urge licensing authorities to ask themselves – particularly in cases where the activity in question is already regulated or assessed in respect of wider duties being carried out – whether there is any real need to oblige these people or organisations to acquire licences.
8. It should be stressed that the key principles set out in part one of this guidance note are designed to assist with licensing authorities’ consideration of any given case where the decision is not clear-cut. It is not designed to be a “tick-box” exercise which leads automatically to a “yes” or “no”. It is the responsibility of licensing authorities to reach informed decisions based on an assessment of each case and this note is designed to help them do so.

## Part one – Key principles

### Definition in private hire vehicle licensing

9. Section 80 of the Local Government (Miscellaneous Provisions) Act 1976<sup>1</sup> defines a private hire vehicle as:
 

“A motor vehicle constructed or adapted to seat fewer than nine passengers, other than a hackney carriage or public service vehicle or a London cab or tramcar, which is provided for hire with the services of a driver for the purpose of carrying passengers”
10. The Act defines “operate” as “in the course of a business to make provision for the invitation or acceptance of bookings for a private hire vehicle”.
11. Section 1 of the [Private Hire Vehicles \(London\) Act 1998](#) defines a private hire vehicle as:
 

“...a vehicle constructed or adapted to seat fewer than nine passengers which is made available with a driver for hire for the purpose of carrying passengers, other than a licensed taxi or a public service vehicle;”
12. The Act defines a private hire vehicle operator as:
 

“...a person who makes provision for the invitation or acceptance of, or who accepts, private hire bookings”
13. It is clear that a range of vehicles could potentially fall within this definition – certainly more vehicles than those which are solely used to provide a conventional “minicab” service. Licensing authorities will be aware of existing case law in this area and this guidance note is not intended to conflict with any of the binding principles already established by the courts. However, in the Department’s opinion, there remains an

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<sup>1</sup> The definition in the Private Hire Vehicles (London) Act 1998 is similar though not identical.

element of flexibility for licensing authorities to take a balanced view of the specific facts of any one case. This guidance note attempts to assist licensing authorities with their decision making by setting out what the Department considers are relevant considerations and example parameters as to which services should have their vehicles treated as private hire vehicles and which should not.

14. It should be stressed that this is the Department's view of what the law means; it represents our best effort to clarify issues which have not been clarified by the courts. We recognise that in due course the courts might interpret the law differently from the view set out in this guidance note. In those circumstances, we would look again at this guidance note.
15. In the Department's view, whether private hire vehicle licensing is required in a particular case will depend on a careful assessment of all the facts. The Department would discourage licensing authorities from adopting blanket policies on particular types of services, for example a policy which requires all childminders who drive a child to school to be licensed, as often consideration of the specific facts of how a particular vehicle is used will be necessary to reach a decision.
16. In offering advice about what is and what is not a private hire vehicle, the Department considers that there are some key principles which should underpin the decision-making process.
17. These principles should not be considered as decisive factors but we would recommend that licensing authorities when deliberating over a particular service where it is not clear whether or not licensing should apply, ask themselves the following questions – and consider the points which the Department offers as a guide.

**Question 1: Is there a commercial benefit?**

*If the driver or the operating organisation / person would usually derive a commercial benefit, it should be subject to further scrutiny.*

*If the carrying of passengers usually yields no commercial benefit, it is unlikely to require licensing.*

18. A key characteristic of a typical private hire vehicle operator and driver is that they would usually charge a fare at a commercial rate that will generate a profit.
19. Accordingly, if the driver of a vehicle used for carrying passengers is doing no more than collecting expenses, then the vehicle should not, in the Department's view, be subject to private hire vehicle licensing.
20. The definition of private hire vehicle in legislation refers to a vehicle being "provided for hire". Case law has established that there does not need to be the payment of money for a hiring to take place. However, where there is a commercial benefit, there may be a hiring. When assessing the question of commercial benefit, licensing authorities should look at whether a commercial rate is usually charged as part of all the circumstances.

21. An assessment of whether or not the service derives a commercial benefit can be equally applied to any organisation acting as an operator of the service as well as a driver. However, in the Department's opinion, case law in this area allows licensing authorities to form a balanced and fair view of whether a vehicle is being provided for hire rather than taking a strict and inflexible approach to remote or minor consequential commercial benefits.

**Question 2: Is carrying passengers in a vehicle with fewer than nine passenger seats an ancillary part, or a main part, of the overall service?**

*If carrying passengers is a main part, or an obviously separate and identifiable part, the service is more likely to require further scrutiny.*

*If carrying passengers is an ancillary part, the service is less likely to require licensing.*

22. A characteristic of a typical private hire vehicle operation is that the operator wants to transport passengers from a start point to a destination; that is the main purpose of the business.
23. It is clear that there are a number of services provided by various people and organisations which involve carrying passengers as a purely incidental and minor part of the wider service. When looking at services where there is an element of doubt as to whether or not private hire vehicle licensing should apply, the Department considers it relevant to look at the overall services being provided and the characteristic use of any vehicles in question.
24. The Department's view is that licensing authorities are responsible for making a considered decision as to whether or not licensing should apply if the carrying of passengers is a genuinely incidental and minor part of a wider service being provided. In the Department's opinion, a distinction can be drawn between those services where carrying passengers is a genuinely incidental part of a larger service and those operations which have a separate identifiable service of carrying passengers.
25. For example, "courtesy lifts" are a feature of many businesses which are not dedicated to transporting passengers. Many of these businesses will provide courtesy lifts on an informal basis – i.e. on the basis that a lift can be provided to customers who request such a service if a car is available at the time and someone is free to drive the customer, but no guarantee is given. This type of incidental service can be contrasted with those operations which provide dedicated transportation as part of a wider service. For example, a company organising a sporting event which agrees to organise transportation for the players or officials, is providing separate organised transportation services regardless of the fact that transportation may be a small and incidental part of the overall service.

**Question 3: Has the driver been vetted to provide the wider service of which driving is a part?**

*If the driver has not been vetted for wider work, the Department considers that the service is likely to require further scrutiny.*

*If the driver has been vetted for wider work, the Department considers that the service is less likely to require licensing.*

26. The Department considers that licensing authorities should take a pragmatic approach to licensing, taking account of the underlying objective of licensing – safety. When considering services where there is doubt as to whether or not PHV licensing should apply, the Department considers it relevant to investigate whether or not drivers have been assessed by an organisation in the context of their wider role (for which driving passengers is just one part). This is particularly relevant where the drivers have, for example, undergone a Disclosure and Barring Service check for that wider role.
27. One example might be in the case of care workers who use their cars to transport clients from time to time; they are likely to have been vetted for that work. In cases where it is not clear whether a service should be licensed or not, the Department considers that there is a greater need to subject drivers who have not been assessed in this manner under a separate licensing regime than those who have.

**Question 4: Is the driver under any explicit or implicit obligation to undertake any duties or tasks beyond driving (and assisting with entry/exit and assisting with luggage)?**

*If the driver's duties are restricted to driving and assisting with luggage, the Department considers that the service is more likely to require licensing.*

*If the driver has wider duties beyond those associated with driving, the Department considers that the service is less likely to require licensing.*

28. This element is directed at the sorts of duties undertaken by people who are in a position of care or responsibility in respect of the passenger being carried in the vehicle. For example, in the case of genuine ambulances, the Department considers it relevant that drivers clearly have wider responsibilities for the care of their patients.
29. Similarly, childminders have a wider responsibility and specific duties relating to the children in their care. Another example would be those who provide secure escort and custody services where drivers are under wider obligations in relation to the transport of passengers to ensure that they cannot abscond.



**Question 5: Does the service require a specific qualification or level of training on the part of the driver which goes beyond the driving and courtesy skills associated with conventional private hire vehicle services?**

*If the driver does not require any specific qualifications or training which go beyond driving and general customer care, the Department considers that the service is more likely to require licensing.*

*If the driver must have specific qualifications or training which go beyond driving and general customer care, the Department considers that the service is less likely to be private hire.*

30. Private hire vehicle drivers are experts in their field and we would, of course, expect them to discharge their duties by utilising their skills to the full. However, this element of the consideration process is directed at the sorts of specialist skills which a driver must possess in order to undertake the wider work of which driving is a part. For example, the driver of an ambulance would be expected to undergo specialist training before being allowed to start work.

**Question 6: Would Parliament have had this service in mind in passing the legislation governing private hire vehicles?**

*If Parliament would have had this sort of service in mind when passing the relevant legislation, the Department considers that the service is more likely to be private hire.*

*If Parliament would not have had this sort of service in mind when passing the legislation, the Department considers that the service is less likely to be private hire.*

31. This final question is included to assist licensing authorities in cases which are finely balanced where the authority is struggling to reach a decision. It relates back to the fundamental point of this guidance note which is made at the outset about taking a common-sense approach to licensing.
32. Whilst ultimately it is a matter for the courts to interpret the legislation with reference to any particular service, the Department is firmly of the opinion that in passing the relevant legislation, Parliament believed that it was establishing a regulatory mechanism for dealing with conventional private hire vehicles – albeit a range of vehicles – but whose principal purpose was to transport passengers.
33. Legislation by its very nature is regularly applied to situations outside of Parliament's original thinking and must constantly be interpreted to keep pace with innovation and a changing world. However, where there is an element of ambiguity in legislation and its application is unclear, Parliamentary intention can be a valid tool to aid in its interpretation.
34. In the Department's opinion, consideration of this final question adds weight to the argument that those services which form minor or incidental parts of other services should not require licensing, for example courtesy lifts provided by garages or transport provided by child minders.

## Insurance

35. The issue of insurance does not feature in this guidance note as relevant to the question of whether or not a particular service falls within the private hire vehicle licensing regime. However, the Department views correct insurance cover as an extremely important issue which may, of course, be affected by an assessment of whether or not a particular service is operating within the private hire vehicle regime.
36. Licensing authorities should make enquiries about the insurance cover held by transport providers as part of their investigations and decision-making process. Licensing authorities should communicate to transport providers the importance of checking with their insurance provider that the services they are providing are adequately covered by the relevant policy of insurance and stress that any conclusions reached in the licensing process will not necessarily be relevant to an assessment of whether or not the insurance policy is adequate.

## Part two - Sector-specific guidance

37. This section of the guidance note deals with those sectors which might be considered as being a “grey area” in the context of private hire vehicle licensing. It takes each sector in turn and, using the key principles outlined in part one, offers a general opinion on whether they should be licensed as private hire vehicles.
38. As mentioned above, licensing authorities should look at the specific facts of any one case and reach a conclusion based on those individual facts rather than automatically placing particular types of services into the licensed or non-licensed category.

## Stretched limousines

39. The Department considers that most stretched limousine operations (where the vehicle has fewer than nine passenger seats) are likely to fall within the private hire vehicle licensing regime.
40. Essentially these vehicles are luxury versions of conventional “minicabs”. They are in the business of transporting passengers, normally in a group, from a pick-up point to a destination. They focus on providing this service in a luxurious way, but they are, nevertheless, providing a straightforward transportation service.
41. The operator will, of course, want to be sure that the driver is highly skilled in terms of customer service. However, aside from the size and quality of the vehicle and the possibility of in-vehicle entertainment, there is no discernible difference in the function and service provided between a conventional minicab and a stretched limousine.
42. The Department’s best practice guidance provides further information about the licensing of stretched limousines, for example approval certification, how to test the vehicles and how to establish the number of seats.

43. Taking account of the principles set out in part one of this guidance note, the Department takes the view that typical stretched limousine operations should be licensed because they involve:

- a commercial benefit on the part of the driver/organiser;
- the carrying of passengers as a main part of the service;
- drivers who are unlikely to have been vetted for wider work;
- driver duties which are restricted to driving and assisting with luggage; and
- the sort of service which Parliament would have had in mind when passing the relevant legislation.

### Chauffeur/Executive drivers

44. The Department considers that most chauffeur/executive operations are likely to fall within the private hire vehicle licensing regime.

45. It seems to the Department that the primary function of a chauffeur/executive driver and vehicle is to transport passengers from 'A' to 'B', albeit in a higher quality vehicle than a conventional private hire vehicle. As with stretched limousines, the Department, whilst recognising that the drivers might have a more dedicated focus on higher quality customer care, considers that chauffeur vehicles would fall within the private hire vehicle category.

46. The Department would take this opportunity, though, to highlight for licensing authorities section 75(3) of the 1976 Act which allows them to modify requirements for the display of plates on vehicles and the wearing of badges by drivers.

47. Taking account of the principles set out in part one of this guidance note, the Department takes the view that typical chauffeur/executive car operations should be licensed because they involve:

- a commercial benefit on the part of the driver/organiser;
- the carrying of passengers as a main part of the service;
- drivers who are unlikely to have been vetted for wider work;
- driver duties which are restricted to driving and assisting with luggage; and
- the sort of service which Parliament would have had in mind when passing the relevant legislation.

48. Licensing authorities should remind chauffeur/executive car drivers and owners of the importance of making all bookings through a licensed operator. This is particularly important in "one-man-band" cases where the owner of the vehicle is also the driver and takes the bookings themselves; they would need a separate private hire vehicle operator's licence.

## Event Management Companies

49. The Department considers that companies which provide a dedicated transport service for events should be subject to private hire vehicle licensing.
50. The Department is aware of the existence of companies who specialise in providing transport services for events or those who specialise in the organisation or management of events, of which, a part includes the provision of transport services.
51. Due to the numbers of people involved in, or attending, the event in question, organisers often want to call in a specialist company to provide transport. Nevertheless, these vehicles are providing a dedicated transport service and the company itself is acting as an operator in terms of arranging the hirings.
52. Of course, each operation must be assessed individually, but in general terms, the Department considers that these companies are acting as private hire vehicle operators and the vehicles and drivers used by them should be licensed.
53. It may well be the case that the drivers' customer care obligations go slightly beyond the requirements associated with a conventional private hire driver, but the essential nature of the work is to provide transport from 'A' to 'B'.
54. Taking account of the principles set out in part one of this guidance note, the Department recognises that typical event management operations might involve duties beyond driving, but considers that they should be licensed because they involve:
  - a commercial benefit on the part of the driver/organiser;
  - the carrying of passengers as a main part of the service;
  - drivers who are unlikely to have been vetted for wider work; and
  - the sort of service which Parliament would have had in mind when passing the relevant legislation.

## Ambulances

55. The Department considers that "genuine ambulances" do not fall within the private hire vehicle licensing regime.
56. We recognise that there is a great deal of debate about what constitutes a genuine ambulance and a wide range of vehicles and operations appear to come under the broad "ambulance" heading.
57. It seems to the Department that "genuine ambulances" fall into two categories:
  - emergency/specialist ambulance vehicles – likely to accommodate a stretcher and specialist equipment, and to require the presence of health professionals. Licensing authorities may wish to make use in this connection of the fact these vehicles are

exempt from vehicle excise duty by virtue of the Vehicle Excise and Registration Act 1994<sup>2</sup> and cannot be used for "social" hirings.

- vehicles which operate as part of a formal Patient Transport Service<sup>3</sup> – usually non-emergency, planned transport of patients, where the booking will only be made if the person to be carried has been assessed by a health professional as having a medical need for transport; these vehicles will be contracted to a health care provider and cannot be used for "social" hirings.
58. Licensing authorities can verify with the owner of a vehicle that it is being used in connection with such a contract. An exemption from vehicle excise duty as mentioned under the first bullet point might also be relevant. Patient Transport Services encompass a wide range of vehicles, ranging from specialist to less specialist types, to allow for transport consistent with a patient's needs.
  59. It is these categories of vehicle/service which the Department has in mind in reaching the conclusion that "genuine ambulances" do not need to be licensed. And, it should be stressed that the vehicles referred to in the second category above are vehicles solely dedicated to patient transport service work; if the vehicles, at other times, carry out social hirings then they would not fall into this category.
  60. There is a category of vehicle/service which the operator might describe as an ambulance because it carries out predominantly transport work involving medical-related journeys, but which the Department does not recognise as a genuine ambulance.
  61. These vehicles transport passengers to and from hospitals and other medical facilities on an ad-hoc basis but do not fall within either of the above two categories. They might, for example, be under the control of an operator who has made a commercial decision to provide a dedicated service involving medical-related journeys, but the key point is that if they do not (i) meet the definition of "ambulance" in the Vehicle Excise and Registration Act 1994; or (ii) operate under the auspices of a formal Patient Transport Service, then the Department would advise that they are likely to be private hire vehicles.
  62. It may well be the case that other considerations apply (taking account of the six questions in part one of this guidance note) but they are unlikely to be ruled out of private hire vehicle licensing because they are ambulances.

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<sup>2</sup> Schedule 2 to the Vehicle Excise and Registration Act 1994 identifies an ambulance as a vehicle which is exempt from road tax; it defines an ambulance as:

A vehicle which -

- (a) is constructed or adapted for, and used for no other purpose than, the carriage of sick, injured or disabled people to or from welfare centres or places where medical or dental treatment is given, and
- (b) is readily identifiable as a vehicle used for the carriage of such people by being marked "Ambulance" on both sides

<sup>3</sup> In the Department's view, "a formal Patient Transport Service" can be taken here to include services contracted to private healthcare providers, subject to the other requirements identified in this paragraph being met.

63. Taking account of the principles set out in part one of this guidance note, the Department recognises that genuine ambulance services derive a commercial benefit, but consider that they should not be licensed because they involve:

- drivers who are likely to have been vetted for wider work;
- drivers who have wider duties beyond those associated with driving;
- drivers who must have specific qualifications or training which go beyond driving and general customer care; and
- the sort of service which Parliament would not have had in mind when passing the legislation.

## Volunteers

64. The Department considers that genuine volunteers who receive no recompense or receive only enough to cover their actual expenses are unlikely to fall within the private hire vehicle licensing regime.
65. The definition of “operate” in relation to private hire vehicles outside of London means “in the course of business to make provision for the invitation or acceptance of bookings for a private hire vehicle”. The Department considers that volunteer services are unlikely to be run in the course of a business and therefore will not require licensing.
66. Under the London legislation, operators do not have to be acting in the course of a business in order to fall under the licensing regime. However, under both regimes, the definition of “private hire vehicle” states that the vehicle must be “provided for hire”. This requirement is more likely to be satisfied if there is some form of commercial benefit to the person providing the vehicle.
67. The Government recognises the importance of volunteers who willingly give their own time to assist others and are not paid a wage for doing so. It is important that they should continue to be able to do so in order to contribute towards social inclusion objectives.
68. It should be noted that car sharing is a quite lawful and legitimate form of transport provision. The rules governing car sharing are contained in section 1(4) of the Public Passenger Vehicles Act 1981.
69. In determining whether a particular volunteer service is operating legitimately outside the private hire vehicle licensing regime, one useful method of calculating the profitability or otherwise of the service might be to consider whether the individual would be required to pay tax on any profit they made on approved mileage allowance payments claimed. HM Revenue and Customs (HMRC) has published [guidance](#) on this.
70. The Department recognises that the licensed trade has concerns about the total mileage undertaken by some volunteer drivers which they consider amounts to being in the business of providing transport in such a way as to make a profit. Furthermore, in addition to drivers, licensing authorities will be aware that the fundamental question of whether or not a commercial benefit is derived from the service can

equally be applied to any organisation acting as an operator of the service in question.

71. As mentioned in part one of this Guidance Note, licensing authorities should make a balanced and fair assessment of whether or not a 'commercial benefit' is derived in any particular case, rather than taking a strict and inflexible approach to this question.
72. The Department reached its conclusion that most volunteer drivers do not fall within the private hire vehicle licensing regime because of the nature of the activity in relation to the definition in the legislation. If a driver chooses to offer a substantial amount of time to this activity, this does not change the essential nature of the work; indeed, the HMRC's rules take account of the fact that some drivers will be undertaking substantial mileage and the rates reflect this.
73. Taking account of the principles set out in part one of this guidance note, the Department considers that in most cases volunteer drivers should not be licensed because:
  - the service involves no commercial benefit; and
  - it is not something that Parliament would have had in mind when passing the legislation.

### Care and support worker services

74. The Department considers that most car journeys undertaken in the context of care and support services do not fall within the private hire vehicle licensing regime.
75. This section refers to people who provide regulated or unregulated care and support to adults in their own homes, in community settings, in residential or nursing care homes or as part of [Shared Lives](#) schemes.
76. The provision of a transport service in this context can be either where a member of staff within a care home drives one of the residents to, for example, the shops or a health appointment; or where a care worker visits a person in their own home for the purpose of providing a general care package, of which driving them to the shops, to an appointment or to any other activity is one part. This includes cases where care is funded by a personal budget, Direct Payment or the individual's own money.
77. Taking account of the principles set out in part one of this guidance note, the Department considers that people providing care and support services should not be licensed because:
  - the carrying of passengers is an ancillary part of the service;
  - the driver is likely to have been vetted for wider work;
  - the driver will have wider duties beyond those associated with driving;
  - the driver is likely to have specific qualifications or training which go beyond driving and general customer care; and
  - Parliament would not have had this sort of service in mind when passing the legislation.

## Childminders

78. The Department considers that car journeys undertaken in the context of most typical childminding arrangements would not fall within the private hire vehicle licensing regime.
79. We recognise that there is a variety of childminding arrangements and, on examining the facts of particular cases, there may well be circumstances where this principle does not apply. However, the Department's guidance in the above statement reflects a typical childminding arrangement where a childminder uses their own car to transport one or more children to and from, for example, school.
80. This conclusion reflects the principles underlying most of the questions in part one of the guidance note. A childminder will have undergone a whole raft of suitability checks and the service they provide goes well beyond driving. It seems to the Department to be unnecessarily burdensome for childminders to be drawn into the private hire vehicle licensing regime.
81. Childminders are already vetted; they are carrying out work where the driving element is incidental rather than central, they require specialist skills and they have responsibilities to the passengers which go beyond driving.
82. The Department considers it unlikely that a court would conclude that Parliament intended that the majority of the many thousands of childminders across England and Wales should have to obtain private hire vehicle licences in order to be able to transport children in their care.
83. Taking account of the principles set out in part one of this guidance note, the Department considers that typical childminders should not be licensed because:
  - the carrying of passengers is an ancillary part of the service;
  - the driver is likely to have been vetted for wider work;
  - the driver will have wider duties beyond those associated with driving;
  - the driver is likely to have specific qualifications or training which go beyond driving and general customer care; and
  - Parliament would not have had this sort of service in mind when passing the legislation.

## Rental car companies / Garages

84. The Department considers that most informal courtesy lifts offered by, for example, rental car companies or garages would not fall within the private hire vehicle licensing regime.
85. It is quite common for rental car companies and garages to provide a 'courtesy lift' service for customers – perhaps because they have dropped off the rental car at the company's office and need to get back into town, or, in the case of garages, because the car needs to stay at the garage for repair and the owner needs to get home. Such lifts are provided as an ancillary service to the main purpose of the business.



86. The Department recognises that an assessment of the individual facts of each case will be necessary. In reaching the conclusion that most services of this nature would fall outside of the licensing regime, the Department has taken the view that most services will be of an 'informal' nature. By this the Department means that the service will not usually be a contractual arrangement or form part of the contract for wider services and will not be advertised as such. A service of this nature will usually be provided on the basis that a lift may be available if a vehicle is available and a member of staff is free at the time, but no guarantee is given. Furthermore, vehicles are usually used on an ad hoc basis rather than specific vehicles being allocated for this purpose – the vehicles are simply part of the hire fleet or garage test cars which are predominantly used for other purposes. However, a more formal arrangement or the allocation of specific cars purely for the purpose of courtesy lifts and no other, or limited other, functions would suggest that the service is more likely to fall within the licensing regime.
87. These types of companies do not dedicate themselves to the transportation of passengers; they simply offer lifts as a convenience to their customers as an informal and ancillary service to their main business. The Department does not consider that Parliament had this sort of service in mind when it passed the national private hire vehicle licensing legislation in 1975, 1976 nor that in 1998 which applies in London. Whilst it is clear that an assessment of the individual facts of any one case will be necessary, the Department would encourage licensing authorities to take a pragmatic approach to these types of grey area services. In the Department's opinion, a distinction can be drawn between those companies who offer an informal and ad hoc courtesy lift service making use of any available cars and staff and those companies who provide a separate dedicated transport service for customers. As discussed in part one, in assessing the fundamental question of whether the service derives a commercial benefit, the Department would once again urge licensing authorities to make a balanced and fair assessment on the individual facts of any one case.
88. Taking account of the principles set out in part one of this guidance note, the Department considers that rental car companies/garages should not be licensed because:
- the carrying of passengers is an ancillary part of the service; and
  - Parliament would not have had this sort of service in mind when passing the legislation

### Secure escort and custody services

89. The Department considers that services which involve the escort and custody of people sentenced or remanded to custody, secure accommodation or alternative youth detention accommodation are not private hire vehicles.
90. There is a whole category of service provision involving the transportation of people who are sentenced to be remanded to custody and must be carried from, for example, a prison or young offenders institution, to a court. An important consideration is that these services require the involvement of specialists who are in a particular position of authority and responsibility. In order to carry out their duties,

the drivers have undertaken training in physical control methods and have had criminal record checks.

91. The Department takes the view that the special characteristics of this work take them outside the realm of private hire vehicle licensing. What is most crucial is the element of control which the drivers have, and, going back to the first principles outlined in part one, the drivers will already have been assessed for their wider responsibilities.
92. There is a further category of transport closely allied to this but which is more in the nature of social care than secure care, for example journeys involving contact visits for children in care and transporting children who have absconded from care homes. The Department's advice is to take account of the general principles outlined in part one of this note in reaching a decision, most particularly is determining whether the drivers have already been assessed for the purposes of carrying out this work and whether they have had specialist training relating to their wider care responsibilities.
93. In general terms the Department considers that these services should not fall within the private hire vehicle licensing regime, but we recognise that there might be services where these characteristics do not feature and they are simply a private hire vehicle operator which has decided to serve a niche market.
94. Taking account of the principles set out in part one of this guidance note, the Department considers that secure escort and custody services should not be licensed because:
  - the driver is likely to have been vetted for wider work;
  - the driver will have wider duties beyond those associated with driving;
  - the driver is likely to have specific qualifications or training which go beyond driving and general customer care; and
  - Parliament would not have had this sort of service in mind when passing the legislation.

Department for Transport

March 2022

# Annex B: Model Byelaws for Hackney Carriages

## Byelaws

Made under section 68 of the Town Police Clauses Act 1847, and section 171 of the Public Health Act 1875, by the council of [name of council] with respect to hackney carriages in [name of district].

## Interpretation

- Throughout these byelaws “the Council” means [name of council] and “the district” means [name of district].

## Provisions regulating the manner in which the number of each hackney carriage corresponding with the number of its licence, shall be displayed

(a) The proprietor of a hackney carriage shall cause the number of the licence granted to him in respect of the carriage to be legibly painted or marked on the outside and inside of the carriage, or on plates affixed thereto.

(b) A proprietor or driver of a hackney carriage shall -

- not wilfully or negligently cause or suffer any such number to be concealed from public view while the carriage is standing or plying for hire; and
- not cause or permit the carriage to stand or ply for hire with any such painting marking or plate so defaced that any figure or material particular is illegible.

## Provisions regulating how hackney carriages are to be furnished or provided

The proprietor of a hackney carriage shall:-

- provide sufficient means by which any person in the carriage may communicate with the driver;
- cause the roof or covering to be kept water-tight;
- provide any necessary windows and a means of opening and closing not less than one window on each side;
- cause the seats to be properly cushioned or covered;
- cause the floor to be provided with a proper carpet, mat or other suitable covering;
- cause the fittings and furniture generally to be kept in a clean condition, well maintained and in every way fit for public service;
- provide means for securing luggage if the carriage is so constructed as to carry luggage; and
- provide at least two doors for the use of persons conveyed in such carriage and a separate means of ingress and egress for the driver.

<sup>4</sup>The proprietor of a hackney carriage shall cause any taximeter with which the carriage is provided to be so constructed, attached and maintained as to comply with the following requirements, that is to say –

- the taximeter shall be fitted the turning of which will bring the taximeter into action and cause the word “HIRED” to appear on the face of the taximeter;
- the taximeter shall be capable of being locked in such a position that it is not in action and that no fare is recorded on the face of the taximeter;
- when the the taximeter is in action there shall be recorded on the face of the taximeter in clearly legible figures, a fare not exceeding the rate or fare which the proprietor or driver is entitled to demand and take for the hire of the carriage by time as well as for distance in pursuance of the tariff fixed by the Council;
- the word “FARE” shall be displayed on the face of the taximeter in plain letters so as clearly to apply to the fare recorded thereon;
- the taximeter shall be so placed that all letters and figures on the face thereof are at all times plainly visible to any person being conveyed in the carriage, and for that purpose the letters and figures shall be capable of being suitably illuminated during any period of hiring; and
- the taximeter and all the fittings thereof shall be so affixed to the carriage with seals or other appliances that it shall not be practicable for any person

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<sup>4</sup> (a) An assurance should be given that proprietors of cabs already fitted with taximeters will have no difficulty in complying with the byelaws relating to taximeters and, where the byelaws will require all cabs to be fitted with meters, that the other proprietors will be able to obtain and fit suitable meters and “FOR HIRE” signs by the time the byelaws may be expected to come into operation.

(b) Where the Council wishes to require all cabs to be fitted with a taximeter, the following form of words may be used:

“The proprietor of a hackney carriage shall cause the same to be provided with a taximeter so constructed, attached and maintained as to comply with the following requirements, that is to say:

(c) Where taximeters are not in use and their use cannot be foreseen, model byelaws 4, 5 and 6 may be omitted. If they are omitted, the heading preceding model byelaw 5 should remain.

to tamper with them except by breaking, damaging or permanently displacing the seals or other appliances.

**Provisions regulating the conduct of the proprietors and drivers of hackney carriages plying within the district in their several employments, and determining whether such drivers shall wear any and what badges**

The driver of a hackney carriage provided with a taximeter shall –

- when standing or plying for hire, keep the device fitted in pursuance of the byelaw in that behalf locked in the position in which no fare is recorded on the face of the taximeter;
- before beginning a journey for which a fare is charged for distance and time, bring the taximeter into action so that the word “HIRED” is legible on the face of the taximeter and keep it in action until the termination of the hiring; and
- cause the display of the taximeter to be kept properly illuminated throughout any part of a hiring which is between half-an-hour after sunset and half-an-hour before sunrise, and also at any other time at the request of the hirer.

A proprietor or driver of a hackney carriage shall not tamper with or permit any person to tamper with any taximeter with which the carriage is provided, with the fittings thereof, or with the seals affixed thereto.

The driver of a hackney carriage shall, when plying for hire in any street and not actually hired –

- proceed with reasonable speed to one of the stands appointed by the Council;
- if a stand, at the time of his arrival, is occupied by the full number of carriages authorised to occupy it, proceed to another stand;
- on arriving at a stand not already occupied by the full number of carriages authorised to occupy it, station the carriage immediately behind the carriage or carriages on the stand and so as to face in the same direction; and
- from time to time, when any other carriage immediately in front is driven off or moved forward cause his carriage to be moved forward so as to fill the place previously occupied by the carriage driven off or moved forward.

A proprietor or driver of a hackney carriage, when standing or plying for hire, shall not make use of the services of any other person for the purpose of importuning any person to hire such carriage.

The driver of a hackney carriage 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 alighting from the vehicle.

The proprietor or driver of a hackney carriage who has agreed or has been hired to be in attendance with the carriage at an appointed time and place shall, unless delayed or

prevented by some sufficient cause, punctually attend with such carriage at such appointed time and place.

A proprietor or driver of a hackney carriage shall not convey or permit to be conveyed in such carriage any greater number of persons than the number of persons specified on the plate affixed to the outside of the carriage.

If a badge has been provided by the Council and delivered to the driver of a hackney carriage he shall, when standing or plying for hire, and when hired, wear that badge in such position and manner as to be plainly visible.

The driver of a hackney carriage so constructed as to carry luggage shall, when requested by any person hiring or seeking to hire the carriage -

- convey a reasonable quantity of luggage;
- afford reasonable assistance in loading and unloading; and
- afford reasonable assistance in removing it to or from the entrance of any building, station or place at which he may take up or set down such person.

### **Provisions fixing the rates or fares to be paid for hackney carriages within the district and securing the due publication of such fares**

The proprietor or driver of a hackney carriage shall be entitled to demand and take for the hire of the carriage the rate or fare prescribed by the Council, the rate or fare being calculated by a combination of distance and time unless the hirer express at the commencement of the hiring his desire to engage by time.

<sup>5</sup>Where a hackney carriage furnished with a taximeter is hired by distance and time the proprietor or driver thereof shall not be entitled to demand and take a fare greater than that recorded on the taximeter, save for any extra charges authorised by the Council which it may not be possible to record on the face of the taximeter.

The proprietor of a hackney carriage shall cause a statement of the fares fixed by council resolution to be exhibited inside the carriage, in clearly distinguishable letters and figures.

The proprietor or driver of a hackney carriage bearing a statement of fares in accordance with this byelaw shall not wilfully or negligently cause or suffer the letters or figures in the statement to be concealed or rendered illegible at any time while the carriage is plying or being used for hire.

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<sup>5</sup> This provision should be included whether or not taximeters are introduced in case they are introduced on a voluntary basis before further byelaws are made. Page 152

### **Provisions securing the safe custody and re-delivery of any property accidentally left in hackney carriages, and fixing the charges to be made in respect thereof**

The proprietor or driver of a hackney carriage shall immediately after the termination of any hiring, or as soon as practicable thereafter, carefully search the carriage for any property which may have been accidentally left therein.

The proprietor or driver of a hackney carriage shall, if any property accidentally left therein by any person who may have been conveyed in the carriage be found by or handed to him

- carry it as soon as possible and in any event within 48 hours if not sooner claimed by or on behalf of its owner, to the office of the Council<sup>6</sup> and leave it in the custody of the officer in charge of the office on his giving a receipt for it; and
- be entitled to receive from any person to whom the property shall be re-delivered an amount equal to five pence in the pound of its estimated value (or the fare for the distance from the place of finding to the office of the Council, whichever be the greater) but not more than five pounds.

### **Penalties**

Every person who shall offend against any of these byelaws shall be liable on summary conviction to a fine not exceeding Level 2 on the Standard Scale and in the case of a continuing offence to a further fine not exceeding two pounds for each day during which the offence continues after conviction therefor.

### **Repeal of Byelaws<sup>7</sup>**

The byelaws relating to hackney carriages which were made by ..... Council<sup>8</sup> on the ..... day of ..... and which were confirmed by .....<sup>9</sup> on the ..... day of ..... are hereby repealed.

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<sup>6</sup> It may be desired to substitute "a police station in the district". In this case, an assurance will be required that the consent of the police has been obtained

<sup>7</sup> If there are no byelaws in force upon the subject, this should be stated and the clause struck out

<sup>8</sup> State the names in full of all local authorities whose byelaws are to be repealed

<sup>9</sup> State the confirming authority

# Annex C: Hackney carriage byelaws: Guidance and the byelaw making process

## Introduction

The purpose of this guidance note is to assist local licensing authorities in England who are considering making hackney carriage byelaws under section 68 of the Town Police Clauses Act 1847.

## Byelaws or conditions of licence?

As a first step, licensing authorities will want to consider whether their regulatory objectives - in terms of exerting controls over taxi owners and drivers - can best be achieved by attaching conditions to licences or by making byelaws. Conditions can be attached to hackney carriage vehicle licences by virtue of section 47 of the Local Government (Miscellaneous Provisions) Act 1976.

It appears to have been accepted amongst local licensing authorities that the judgment in the case of *Wathan v Neath and Port Talbot CBC* [2002 EWHC 1634] established a principle that there was no power available in law to attach conditions to a hackney carriage driver's licence.

The Department's view is that the decision in *Wathan* is being misinterpreted; and that the power to grant a licence to a hackney carriage driver under section 46 of the Town Police Clauses Act 1847 implies a power to attach conditions to that licence.

*Hewison v Skegness Urban District Council* [1963 1 QB 584] held that whether or not an authority could impose conditions to a licence depended on what the statutory power to



grant the licence said or implied. In deciding whether conditions can be imposed on a hackney carriage driver's licence, certain considerations must be taken into account, including (i) whether or not the statutory regime contains preconditions for the grant of a licence - an absence of statutory criteria makes it easier to imply a power to impose conditions; and (ii) enforcement. There is a mechanism to enforce any breach of a condition under section 50 of the 1847 Act and section 61 of the 1976 Act.

These considerations have informed our view that the power to grant a licence to a hackney carriage driver under section 46 of the 1847 Act implies a power to attach conditions to that licence.

By contrast, in the case of *Wathan v Neath and Port Talbot CBC*, the court was asked if section 57 of the Local Government (Miscellaneous Provisions) Act 1976 empowers authorities to attach conditions to a hackney carriage driver's licence. The court held that it did not, because section 57 concerns licence applications and whether conditions should be attached to a licence. We accept the conclusion of the court in relation to the question put to it; section 57 does not, as the judgment makes clear, confer a power to impose conditions. However, this was, in our view, because section 57 impliedly assumes that there was already such a power, presumably deriving from section 46 of the 1847 Act.

We recognise that there are arguments against this view, and it will be a matter for each licensing authority, in conjunction with its own legal advisers, to determine whether it is proper to attach conditions to a licence. Ultimately, of course, whether section 46 provides such a power will be a matter for the courts to decide.

While, in the Department's opinion, there is no need - at least on legal grounds - for licensing authorities to abandon their conditions of licence and re-enact the relevant obligations or prohibitions in byelaws, some local licensing authorities might decide that hackney carriage byelaws suit their purposes better than conditions of licence (e.g. the varying approaches to penalties for offences or consequences for breaches might be a relevant consideration).

## Considerations when making hackney carriage byelaws

### Extent of vires

Having considered the matter carefully, we take the view that the byelaw-making power in the 1847 Act should be considered in the context of local authorities' wider responsibilities in relation to hackney carriage licensing i.e. that the purpose of the power is to enable local licensing authorities to regulate hackney carriage drivers and proprietors in such a way as to ensure that they are fit and proper persons and in order to ensure the safety of the travelling public. In reaching this conclusion, it is relevant to note that the 1847 Act refers to the conduct of both drivers and proprietors "plying ... in their several employments", suggesting that plying is not restricted just to drivers seeking hirings, but is a way of defining the running of a taxi business. Moreover, section 68 also refers to regulating things such as the maintenance of the carriage. We therefore take the view that section 68 allows byelaws to cover all areas associated with the business of running hackney carriages in which the licensing authority has a genuine and legitimate interest.

## Model byelaws

The Department has produced a set of model byelaws as a basis for local licensing authorities. This is attached at [Annex B](#). The model byelaws cover the range of standard controls which most local authorities would want to impose and we would expect local authorities to base their byelaws on the model.

## Deviations from the model

Where a local authority wishes to introduce a byelaw, which deviates from the model, we shall expect local authorities to take a rigorous approach in drafting to ensure that the tests of legal validity are met. These are set out in *Kruse v Johnson* [1898 2 QB 91] as comprising four elements essential to validity:

- byelaws must be within the powers of the local authority which makes them;
- byelaws must not be repugnant to the general law;
- byelaws must be certain and positive in their terms; and
- byelaws must be reasonable.

If a local authority identifies a policy objective which it wishes to reflect in byelaws, the onus will be on the local authority to draft a suitable byelaw to put to the Department for provisional approval.

The onus will also be on the local authority to satisfy itself as to the validity of any proposed byelaw which it submits to the Department for approval. We would expect local authorities to have sought their own legal advice and to provide an explanation as to why they consider that any proposed byelaw is valid. We would stress that confirmation by the Secretary of State does not endow the byelaws with legal validity - only the courts can determine whether a byelaw is valid. To this extent, it is crucial that any draft byelaws are seen and approved by the Council's legal advisers. Any request for provisional approval of byelaws which deviate from the model should be accompanied by an explanation of the policy objective, a justification of their validity and confirmation that the byelaws have been approved by legal advisers.

## Secretary of State's role

Section 236(7) of the Local Government Act 1972 gives the Secretary of State power to confirm or refuse byelaws which are submitted to him. Confirmation depends on validity. In confirming a byelaw, the Secretary of State is not purporting to give legal effect to something which would not otherwise be lawful.

The principal element of the approval and confirmation process will involve consideration of the policy issues, mainly whether the objective is reasonable and the byelaw appropriate to achieve it. We shall reach a view at the provisional approval stage and we shall also continue to consider any objections put to the Secretary of State when the byelaws have been advertised.

### **Prior to seeking provisional approval for new byelaws**

Consider the model set of byelaws (see Annex B).

Identify any policy objectives which you wish to include which are not incorporated in the model.

Consider with legal advisers whether the policy objectives could be incorporated in the byelaws.

Draft appropriate byelaws with accompanying justification of policy objective and statement regarding their legal validity.

### **Submitting to the Department for provisional approval**

Submit the proposed draft byelaws for provisional approval. It is preferable to submit a full set of byelaws so that all the provisions can be considered together rather than by seeking provisional approval in a piecemeal manner. The byelaws should be sent to the Department - either using [taxis@dft.gov.uk](mailto:taxis@dft.gov.uk) or at:

The Department for Transport  
Local Passenger Transport Division  
Great Minster House,  
33 Horseferry Road  
London  
SW1P 4DR.

Identify in the covering letter those byelaws which deviate from the model.

Set out in the covering letter the policy objective to be achieved in respect of each byelaw which deviates from the model (including why the model is not suitable in the case of a minor deviation).

Confirm in the covering letter that the byelaws have been approved by the Council's legal advisers and that they are satisfied that each proposed byelaw is valid in legal terms.

You will receive an acknowledgement from the Department on receipt of draft byelaws. However, please bear in mind that if we have a substantial number of requests for approval and confirmation, there might well be a delay in processing requests.

### **Submitting to the Department for confirmation**

Having followed the making, sealing and advertising procedure in section 236 of the Local Government Act 1972, please submit the byelaws to the Department for Transport for confirmation.

We shall require two sealed copies of the byelaws for confirmation - one for our retention and one which will be returned to the council.

Please submit evidence that the statutory procedure in respect of advertising the byelaws has been followed (a copy of the page(s) of the relevant local papers is sufficient for this purpose).

### **Coming into operation**

The Department will agree a coming into operation date with the local authority. The standard period is four weeks from confirmation, but this can be adapted if the local authority has specific reasons. We would, however, expect sufficient time between confirmation and coming into operation as to enable the byelaws to be printed and distributed to owners and drivers.

Department for Transport  
March 2022

## Annex D: Assessing applicants for a taxi or private hire vehicle driver licence in accordance with C1 standard

### **Circumstances under which DVLA will consider granting licences for vehicles over 3.5 tonnes or with more than 8 passenger seats**

Drivers with insulin treated diabetes are able to apply for an entitlement to drive small lorries between 3.5 tonnes and 7.5 tonnes (category C1). The arrangements mean that those with good diabetic control and who have no significant complications may have their application for a licence for category C1 considered. The criteria are:

- The driver has been treated with insulin for at least 4 weeks;
- There has not been any severe hypoglycaemic event in the previous 12 months;
- The driver has full hypoglycaemic awareness;
- The driver must show adequate control of the condition by regular blood glucose monitoring, at least twice daily and at times relevant to driving;
- The driver must provide a declaration to demonstrate an understanding of the risks of hypoglycaemia; and,
- The licence application is supported by a medical report from a consultant specialising in diabetes.

## Annex E: Driver vehicle condition checklist

Completed by [INSERT DRIVER NAME] at HH:MM hours on DD/MM/YY

Vehicle Registration Mark: \_\_\_\_\_

Vehicle Licence Number: \_\_\_\_\_

Driver Licence Number: \_\_\_\_\_

Area	Requirement	Faulty	Correct
Brakes	Foot/service brake works correctly and does not have any excess travel		
	Hand/parking brake works correctly and does not have any excessive travel		
Horn and steering	Horn control is easily accessible from driver's seat		
	Horn works when its control is operated		
	Steering has no excessive play		
Obligatory lights and lenses	All lights and indicators work correctly		
	All lenses are present, clean, in good condition and are the correct colour		
	Stop lamps come on when the service brake is applied and go out when released		
	All dashboard warning lamps work correctly, including (if fitted)		

Area	Requirement	Faulty	Correct
	automatic braking system (ABS) airbags - (SRS) main beam headlamp warning lamp parking brake warning lamp		
Mirrors and glass	All required mirrors are fitted and should be properly aligned and secure  Your view of the road in all directions must not be obscured by damaged, excessively tinted or discoloured glass, or obstructions, i.e. stickers, advertisements		
Seats and seat belts	All seats are secure  All seat belts must operate correctly and must be free from cuts and any damage		
Washers and wipers	Wipers move as per manufacturer design when switched on  Wiper blades must clear the windscreen effectively  Washers point at the windscreen and are operational  Washer fluid is topped up		
Battery	Battery is held securely in place by the correct means  Battery is not leaking		
Fluids, fuel and oil	The brake fluid, engine coolant, engine oil, power steering fluid, windscreen washer fluid and water levels must be maintained at an effective level;  The fuel filler cap must be securely fitted  There must not be any brake fluid, power steering fluid or water leaks		

Area	Requirement	Faulty	Correct
	<p>With the engine off, look for puddles on the ground - if leaks are detected, trace the cause before using the vehicle</p> <p>With the engine on, check underneath the vehicle for any fuel and oil leaks - look for puddles on the ground.</p>		
Bodywork and doors	<p>All doors must shut properly, must be secure when closed and must stay open when required for passenger entrance or exit;</p> <p>There must not be any sharp edges or excess corrosion</p> <p>All body panels and sills must not be loose or in danger of falling off</p>		
Exhaust (if applicable)	The exhaust must not emit excessive amounts of smoke.		
Tyres and wheels	<p>Check as much of your tyres and wheels as you can see. There must be:</p> <p>a minimum tread depth of 1.6mm across the centre 75% of the tread</p> <p>sufficient inflation of each tyre</p> <p>no deep cuts in any tyre sidewall</p> <p>no cord visible anywhere on any tyre</p> <p>no missing or insecure wheel nuts</p> <p>Space saver tyres when fitted are not sufficient for use for hire and reward- can be used merely to get the vehicle to where a full-size tyre can be fitted.</p>		
Licence Plates Discs and other identifiers	<p>Drivers must ensure:</p> <p>all required plates and mandatory signs must be in place on the vehicle before use.</p> <p>When displayed the licence plate must not obstruct/ obscure the vehicle registration plate</p>		



Area	Requirement	Faulty	Correct
	in such a way as to hide the name of the issuing authority or other identifying details.		

Table 1 Driver vehicle condition checklist

**WARNING: Drivers are found using a defective vehicle in breach of the duty to check could be at risk of sanction, especially if the condition of the vehicle is such that it is obvious no routine checks have occurred over a number of days.**

## Annex F: Sample notices between taxi/private hire vehicle driver and passenger

### Notice for taxi passengers - what you can expect from the taxi trade and what the taxi trade can expect from you

#### The driver will:

- Drive with due care and courtesy towards the passenger and other road users.
- Use the meter within the licensed area, unless the passenger has agreed to hire by time, and as long as this is less than the metered fare.
- If using the meter, not start the meter until the passenger is seated in the vehicle.
- If travelling outside the licensed area, agree the fare in advance. If no fare has been negotiated in advance for a journey going beyond the licensing area then the driver must adhere to the meter.
- Take the most time-efficient route, bearing in mind likely traffic problems and known diversions, and explain any diversion from the most direct route.

#### The passenger will:

- Treat the vehicle and driver with respect and obey any official notices (e.g. in relation to eating or drinking in the vehicle).
- Ensure they have the means to pay the fare before travelling. If wishing to pay by credit or debit card or to stop en route to use a cash machine, check with the driver before setting off.
- Be aware of the fare on the meter and make the driver aware if it is approaching the limit of their financial resources.
- Be aware that the driver is likely to be restricted by traffic regulations in relation to where they can stop the vehicle.

## **Notice for private hire vehicle passengers - what you can expect from the private hire vehicle driver and what the private hire vehicle driver can expect from you**

### **The driver will:**

- Ensure that the passenger has pre-booked and is aware of the estimated fare before setting off.
- Drive with due care and courtesy towards the passenger and other road users.
- Take the most time-efficient route, bearing in mind likely traffic problems and known diversions, and explain if requested any diversion from the most direct route.

### **The passenger will:**

- Treat the vehicle and driver with respect and obey any notices (e.g. in relation to eating or drinking in the vehicle).
- Ensure they have the means to pay the fare before travelling. If wishing to pay by credit card or debit card or to stop en route to use a cash machine, check with the driver before setting off.
- Be aware that the driver is likely to be restricted by traffic regulations in relation to where they can stop the vehicle.

## Annex G: Staying safe: guidance for taxi drivers

As a taxi driver you are dealing with strangers, often in isolated places and carrying cash. Taking people off the streets or from ranks with no knowledge of their home address or telephone number means that if they cause trouble you are especially vulnerable. If you work at night you are likely to have to deal with people who have drunk too much alcohol. All this means you may be at risk of violence.

This guide is to help you to think of things that you can do to stay safe. It also contains guidance on what to do if you are concerned that a child may be at risk of harm.

### Hate Crime

The term 'hate crime' can be used to describe a range of criminal behaviour where the perpetrator is motivated by hostility or demonstrates hostility towards the victim's disability, race, religion, sexual orientation or transgender identity.

These aspects of a person's identity are known as 'protected characteristics'. A hate crime can include verbal abuse, intimidation, threats, harassment, assault and bullying, as well as damage to property. Any crime can be a hate crime, including if it is committed online. The perpetrator can also be a friend, carer or acquaintance who exploits their relationship with the victim for financial gain or some other criminal purpose.

If you believe that you may have been the victim of a hate crime you can report this to the police, in a number of ways:

- By calling 101 (non-emergency) or 999 (emergency)
- Online at [www.report-it.org.uk/](http://www.report-it.org.uk/) or the view the website for your local police force
- In person at a local police station.
- You may also wish to report anonymously to Crimestoppers on 0800 555 111 or at <https://crimestoppers-uk.org/>

Hate crimes target an individual's core identity and as such have a particularly harmful impact on victims.

You can seek support from a range of organisations who are experts in supporting victims of hate crime (even if you have chosen not to report your experience to the police).

These organisations provide a range of services to help you address the impacts of your experience, ranging from emotion or practical support, help with accessing assistance from other agencies and help with making a report to the police.

A list of organisations that victims can access can be found at: [www.report-it.org.uk/organisations that can help](http://www.report-it.org.uk/organisations-that-can-help)

More information about hate crime can be found at [www.gov.uk/report-hate-crime](http://www.gov.uk/report-hate-crime)

## Cash management

If you can, drop off cash during your shift so that you carry as little in your car as you can. If you cannot, keep your cash hidden from view in a secure box.

## Adjustments to your vehicle

Vehicles used by the trade that are not purpose built are unlikely to have a partition between the front and rear of the vehicle which may provide protection for the driver from assault. Partitions can be made from materials that withstand a knife attack or hard body impact and can be fitted and taken out easily. There has been an increase in the installation of partitions on vehicles in response to the COVID-19 outbreak.

The fitting of in-vehicle partitions must not cause the vehicle to be a danger to anyone in the vehicle or on the road, in compliance with regulation 100 of the [Road Vehicles \(Construction and Use\) Regulations 1986](#).

Installing CCTV cameras has been shown to lead to reduced threats and violence against drivers. Signs in the vehicle are required to highlight the presence of CCTV to passengers and an extra indicator is required to show when audio recording has been activated. Cameras can be bought or rented, and the cost may be offset by reduced insurance premiums. They can be useful when there is a dispute with a passenger as it is not just the driver's word against theirs. When installing CCTV, the system must comply with the licensing authority's requirements.

A report of the Sheffield Taxi Safety Camera Pilot Study found that, based on drivers' feedback, installing CCTV cameras reduced the number of incidents from 1 in 7 fares to less than 1 in 100 with a very significant reduction in threats and violence against drivers.

Fitting a convex mirror that gives you a full view of the rear of your car will help you to see what a passenger directly behind you is doing.

## Carry with you

- A spare key, in case an assailant throws your keys away.
- A mobile phone; if available use the 'emergency information' function so that if needed anyone who picks up your phone can see this information without the need

to unlock your phone. Alternatively, carry an emergency card with your name, date of birth, blood group, allergies and a contact number for emergencies.

- A note pad and pen to record incidents.
- An explanation of the fare structure, so that you can explain it to a passenger who feels that you are over-charging them.

### If you are linked to a control centre

- Use your radio or other means to tell them where you are going. This will mean the controller has the information, and the passenger will know they do. Alert the controller of any changes along the way.
- Have a pre-arranged code word that you can use if a passenger becomes threatening, so that you can call for help without making the passenger suspicious.
- Some control rooms have GPS and can track the progress of all vehicles. Drivers have a silent button which they can activate in an emergency, which flags up their vehicle on the controller's screen.

### Staying safe

- You know that working at night carries most risks of violence, especially as many passengers will have been drinking. Make sure you are not tired - you need to be alert at all times.
- Trust your instinct as you have the right to refuse a passenger if you think they may present a risk.
- If you have a saloon car, control passenger access to the front. Only open the windows enough to speak to people without them being able to reach in. Only let them sit in the front if you wish.
- Communication with the passenger is important. Be polite and pleasant.
- When you travel outside your licensing area, agreeing the fare before you set off can reduce the risks of violence over a fare dispute later, when you may be in an isolated place.
- Be ready to explain the fare structure to a passenger. Many violent incidents arise from fare disputes.
- Make eye contact with the passenger when they get in the car. This helps to establish a relationship with the passenger. It also gives them the message that you could identify them.
- Explain the route you plan to take if you are going a long way round (for example in order to avoid road works) so as to prevent a dispute over the fare.

### If you feel threatened

- Try to stay calm. Take slow, deep breaths as this may help to lessen your anxiety.
- Be aware of your own actions and how they may be seen.
- If a CCTV system is fitted, remind the passenger of this and if audio is to be recorded make clear that you are doing so and why.
- If you can, drive to a brightly lit, busy place as these are often covered by CCTV.
- If you have a purpose-built taxi or a saloon car with a screen you are likely to be safer staying in your vehicle than getting out.

- Do not attempt to run after a passenger who owes you their fare. Your safety is more important than the money.

### If you are attacked

- Do not try to fight back as it is most likely to make the violence worse for you.
- Use your horn and lights to attract attention.
- Contact your control room or call 999 to get help.
- Gather as much information about the person as you can (e.g. their clothes, accent).

### After an incident

- Write down everything about the incident, a description of the passenger, what they said and did.
- If you did not call them at the time, report all violent incidents to the police. Be prepared to make a witness statement. It may take time, but it may prevent the violence in the future for you and other drivers.
- When sentencing offenders, courts have been advised to take particularly seriously assaults against people who are providing a public service, especially those who are vulnerable because they work alone at night. There are also specific sentencing rules for hate crime, that is any crime motivated by hostility towards the victim's actual or perceived race, religion, disability, sexual orientation or transgender status.
- Bilking 'or making off without payment' is a criminal offence under [section 3 of the Theft Act 1978](#). Report incidents to the police and be prepared to make a statement. You may be able to recover the costs of damage to your vehicle through the small claims system.

## Annex H: Staying safe: guidance for the private hire vehicle trade

Private hire vehicle drivers deal with strangers, often in isolated places and carrying cash. If they work at night, they are likely to have to deal with people who have drunk too much alcohol. All this means they may be at increased risk of violence.

This guide is to help operators and drivers to think of things that can be done to stay safe. It also contains guidance on what to do if you are concerned that a person may be at risk of harm.

### Hate Crime

The term 'hate crime' can be used to describe a range of criminal behaviour where the perpetrator is motivated by hostility or demonstrates hostility towards the victim's disability, race, religion, sexual orientation or transgender identity.

These aspects of a person's identity are known as 'protected characteristics'. A hate crime can include verbal abuse, intimidation, threats, harassment, assault and bullying, as well as damage to property. Any crime can be a hate crime, including if it is committed online. The perpetrator can also be a friend, carer or acquaintance who exploits their relationship with the victim for financial gain or some other criminal purpose.

If you believe that you may have been the victim of a hate crime you can report this to the police, in a number of ways:

- By calling 101 (non-emergency) or 999 (emergency)
- Online at [www.report-it.org.uk/](http://www.report-it.org.uk/) or the view the website for your local police force
- In person at a local police station.
- You may also wish to report anonymously to Crimestoppers on 0800 555 111 or at <https://crimestoppers-uk.org/>

Hate crimes target an individual's core identity and as such have a particularly harmful impact on victims.

You can seek support from a range of organisations who are experts in supporting victims of hate crime (even if you have chosen not to report your experience to the police).



These organisations provide a range of services to help you address the impacts of your experience, ranging from emotion or practical support, help with accessing assistance from other agencies and help with making a report to the police.

A list of organisations that victims can access can be found at: [www.report-it.org.uk/organisations that can help](http://www.report-it.org.uk/organisations-that-can-help)

More information about hate crime can be found at [www.gov.uk/report-hate-crime](http://www.gov.uk/report-hate-crime)

## Bookings

- Your operator should make sure that they have contact details for the passenger, the [Statutory Taxi and Private Hire Vehicle Standards](#) provided a list of information that should be recorded to assist in increased protection of passengers, in particular children and vulnerable adults.
- Operators should keep a list of locations that have been the source of violence and raise this with the licensing authority and the relevant police service.
- Operators should confirm with the passenger exactly where they have requested to be carried and an estimate of what the fare will be.
- If accepting a long-distance booking, operators should be clear with the passenger if the driver is going to ask for payment up-front.
- If the passenger changes the journey that they booked let them know what this means regarding the fare, this will be to reduce the risk of a dispute later, when you are alone and most at risk of violence.
- Let the operator know of any change to the booking.

## Cash management

- Wherever possible driver should take payment electronically to avoid carry large sums of cash.
- Drivers should try to drop off cash during their shift so that as little cash is carried in the vehicle as possible. If this is not possible, cash should be hidden from view, ideally in a secure box.

## Adjustments to your vehicle

Some drivers fit their car with a screen to protect them from assault. Screens are made from materials that withstand a knife attack or hard body impact, and can be fitted and taken out easily.

Installing CCTV cameras has been shown to lead to reduced threats and violence against drivers. Signs in the vehicle are required to highlight the presence of CCTV to passengers and an extra indicator is required to show when audio recording has been activated. Cameras can be bought or rented, and the cost may be offset by reduced insurance premiums. They can be useful when there is a dispute with a passenger as it is not just the drivers word against theirs. When installing CCTV the system must comply with the licensing authority's requirements.

A report of the Sheffield Taxi Safety Camera Pilot Study found that, based on drivers' feedback, installing CCTV cameras reduced the number of incidents from 1 in 7 fares to less than 1 in 100 with a very significant reduction in threats and violence against drivers.

Fitting a convex mirror that gives you a full view of the rear of your car will help you to see what a passenger directly behind you is doing.

### Carry with you

- A spare key, in case an assailant throws your keys away.
- A mobile phone. A mobile phone; if available use the 'emergency information' function so that if needed anyone who picks up your phone can see this information without the need to unlock your phone. Alternatively, carry an emergency card with your name, date of birth, blood group, allergies and a contact number for emergencies.
- A note pad and pen to record incidents.
- A statement explaining that it is against the law for you to take passengers other than those who have pre-booked.
- An explanation of the fare structure, so that you can explain it to a passenger who feels that you are over-charging them.

### How your control room can help you

- You will need them to get help for you if you are in trouble.
- Have a pre-arranged code word that you can use if a passenger becomes threatening, so that you can call for help without making them suspicious.
- Some control rooms have GPS and can track the progress of all vehicles. Drivers have a silent button which they can activate in an emergency, which flags up their vehicle on the controller's screen.

### Staying safe

- You know that working at night carries most risks of violence, especially as many passengers will have been drinking. Make sure you are not tired - you need to be alert at all times.
- Trust your instinct, you have the right to refuse a passenger if you think they may present a risk.
- Only open the windows enough to speak to people without them being able to reach in. Only let them sit in the front of the car if you wish.
- Communication with the passenger is important. Be polite and pleasant.
- Use your radio or other device to tell your controller that you have started your journey. This will mean that the passenger will know you are in contact with base.
- Make eye contact with the passenger when they get in the car. This helps to establish a relationship with the passenger. It also gives them the message that you could identify them.
- Explain the route you plan to take if you are going a long way round (for example in order to avoid road works) so as to prevent a dispute over the fare.

### If you feel threatened

- Try to stay calm. Take slow, deep breaths - this may help to lessen your anxiety.
- Be aware of your own actions and how they may be seen.
- If a CCTV system is fitted, remind the passenger of this and if audio is to be recorded make clear that you are doing so and why
- If you can, drive to a brightly lit, busy place as these are often covered by CCTV.
- If you have a screen you are likely to be safer staying in your cab than getting out.
- Do not attempt to run after a passenger who owes you their fare. Your safety is more important than the money.

### If you are attacked

- Do not try to fight back - it is most likely to make the violence worse for you.
- Use your horn and lights to attract attention.
- Contact your control room or call 999 to get help.
- Gather as much information about the person as you can (e.g. their clothes, accent).

### After an incident

- Write down everything about the incident - a description of the passenger, what they said and did.
- If you did not call them at the time, report all violent incidents to the police. Be prepared to make a witness statement. It may take time, but it may prevent the violence in the future for you and other drivers.
- When sentencing offenders, courts have been advised to take particularly seriously assaults against people who are providing a public service, especially those who are vulnerable because they work alone at night. There are also specific sentencing rules for hate crime, that is any crime motivated by hostility towards the victim's actual or perceived race, religion, disability, sexual orientation or transgender status.
- Bilking 'or making off without payment' is a criminal offence under [section 3 of the Theft Act 1978](#). Report incidents to the police and be prepared to make a statement.
- You may be able to recover the costs of damage to your vehicle through the small claims system.

## Annex I: Useful questions when assessing taxi quantity controls

Have you considered the Government's view that quantity controls should be removed unless a specific case that such controls benefit the consumer can be made?

### Questions relating to the policy of controlling numbers

Have you recently reviewed the need for your policy of quantity controls?

What form did the review of your policy of quantity controls take?

Who was involved in the review?

What decision was reached about retaining or removing quantity controls?

Are you satisfied that your policy justifies restricting entry to the trade?

Are you satisfied that quantity controls do not:

- Reduce the availability of taxis;
- Increase waiting times for consumers;
- Reduce choice and safety for consumers?

What special circumstances justify retention of quantity controls?

How does your policy benefit consumers, particularly in remote rural areas?

How does your policy benefit the trade?

- If you have a local accessibility policy, how does this fit with restricting taxi licences?

### Questions relating to setting the number of taxi licences

When last did you assess unmet demand?

How is your taxi limit assessed?

Have you considered latent demand, i.e. potential consumers who would use taxis if more were available, but currently do not?

Are you satisfied that your limit is set at the correct level?

How does the need for adequate taxi ranks affect your policy of quantity controls?

### **Questions relating to consultation and other public transport service provision**

When consulting, have you included:

- Those working in the market;
- Consumer and passenger (including disabled) groups;
- Groups which represent those passengers with special needs, children and other vulnerable groups;
- Local interest groups, e.g. hospitals or visitor attractions;
- The police;
- A wide range of transport stakeholders e.g. rail/bus/coach providers and traffic managers?

Do you receive representations about taxi availability?

What is the level of service currently available to consumers (including other public transport modes)?

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# Agenda Item 7

<b>DECISION-MAKER:</b>	LICENSING COMMITTEE
<b>SUBJECT:</b>	HACKNEY CARRIAGE UNMET DEMAND SURVEY
<b>DATE OF DECISION:</b>	14 <sup>TH</sup> JUNE 2023
<b>REPORT OF:</b>	Ian Collins, Director Environment

<b><u>CONTACT DETAILS</u></b>			
<b>Executive Director</b>	<b>Title</b>	PLACE	
	<b>Name:</b>	Adam Wilkinson	Tel: 023 8254 5853
	<b>E-mail</b>	Adam.wilkinson@southampton.gov.uk	
<b>Author:</b>	<b>Title</b>	SERVICE MANAGER LICENSING	
	<b>Name:</b>	Phil Bates	Tel: 023 8083 3523
	<b>E-mail</b>	Phil.bates@southampton.gov.uk	

## **STATEMENT OF CONFIDENTIALITY**

N/A

## **BRIEF SUMMARY**

To consider the report by Licensed Vehicles Survey and Assessment (LVSA) in relation to demand for the services of additional licensed hackney carriages and consider the city council's current policy of numerical control of the number of hackney carriage licences.

Should the committee resolve to issue further licences it will need to give consideration to the additional vehicle conditions detailed below.

## **RECOMMENDATIONS:**

	(i)	to consider the unmet demand report; and
	(ii)	to resolve to remove the current numerical limit on the numbers of licensed hackney carriages, subject to licence conditions indicated below in respect of any additional licences issued; or
	(iii)	to resolve to issue additional hackney carriage licences, but to continue to restrict the maximum number of such licences issued, and to determine that maximum, subject to licence conditions indicated below; or
	(iv)	to resolve to continue to restrict the number of licensed hackney carriages to 283.

## **REASONS FOR REPORT RECOMMENDATIONS**

1.	The recommendations are made in accordance with the legal restrictions surrounding the grant of hackney carriage licences and the Department for Transport's best practice guidance.
2.	The report by LVSA sets out the reasons for the recommendations. A copy of the report is attached as Appendix 1.

## **ALTERNATIVE OPTIONS CONSIDERED AND REJECTED**

3.	All options are considered in the recommendations.
<b>DETAIL (Including consultation carried out)</b>	
4.	Section 16 of the Transport Act 1985 provides that the grant of a licence may be refused, for the purpose of limiting the number of hackney carriages in respect of which licences are granted, if, but only if, the person authorised to grant licences is satisfied that there is no significant demand for the services of hackney carriages (within the area to which the licence would apply) which is unmet.
5.	LVSA is an amalgamation of two companies that work in this field, including VTC who conducted the last survey. The author of the report from LVSA is Mr MacDonald who prepared the reports in 2015 and 2018 so he has prior knowledge of Southampton and the taxis trades.
6.	LVSA has carried out an independent survey of unmet demand on behalf of the city council. The survey has involved extensive consultation with the taxi and private hire trade, the public and other special interest groups of taxi users.
7.	On 23rd May 2014 The Law Commission published its report on taxi law reform and states "Our initial view was that derestriction would be likely to provide the most efficient use of resources by enabling the market to determine supply and demand. However, having listened to the responses to our consultation, we recognise that some limitation on taxi licence numbers may, in some areas, be desirable."
8.	The Department for Transport guidance dated 2010 states they consider best practice is not to restrict the numbers of hackney carriage licences, see paragraphs 45 to 51 of the guidance. The Department for Transport has recently consulted upon new guidance and in that document maintain that stance.
9.	Although there is no current statutory prohibition on continued numerical restrictions, the council must show, if it does not follow the Department for Transport guidance, that it has reasonably been satisfied that there was no significant unmet demand.
10.	The committee has a statutory responsibility to promote and protect public safety and that economic and business considerations in determining policy cannot lawfully be considered.
11.	It is therefore lawful and reasonable, in considering the unmet demand survey, for the committee to conclude that the current numerical limit on hackney carriages should either be removed entirely or altered or retained.
12.	The city council's current policy, last determined by the committee on 5th December 2018, was to retain the number of licences at 283.
13.	The Council is required to review its policy regularly in order to ensure that it would be robust in the face of any challenge. However, we delayed the survey that was due in 2021 due to the COVID pandemic. In 2022 LVSA was instructed to undertake an independent survey in the autumn of 2022. A copy of the report is attached at appendix 1, it identifies there is no overall unmet demand for hackney carriage services.
14.	The council's options in relation to the review of its policy, together with the advantages and disadvantages are as follows:-



	<p>Option 1: To retain the current numerical restriction on hackney carriage licence if, and only if, the Department for Transport’s “clear benefit for the consumer” guidance is met;</p> <p>Advantage: Retains the current status. Is in line with the recommendations in the LVSA report of there being no unmet demand.</p> <p>Disadvantage: A triennial survey will still be required with the associated extra work for existing resources.</p> <p>Option 2: Issue a limited number of hackney carriage licences.</p> <p>Advantage: Potential better service for consumers by increasing the competition and reducing waiting times at peak times, however there is little evidence to support this.</p> <p>Disadvantage: A triennial survey will still be required with the associated extra work for existing resources.</p> <p>Option 3: To issue a limited number of hackney carriage licences, on a periodic basis.</p> <p>Advantage: Has the benefit of the increasing the availability of licensed hackney carriages to the community, albeit a gradual increase over a period of time. However, the numbers of licences issued annually should not be so limited as to be insignificant. There is little evidence to support this option.</p> <p>Disadvantage: A triennial survey will still be required with the associated extra work for existing resources.</p> <p>Option 4: To remove numerical restrictions on hackney carriage licences.</p> <p>Advantage: Potential better service for consumers by increasing the competition and reducing waiting times at peak times and any perception or potential allegation that market forces are unnecessarily interfered with by restricting entry to the trade is removed. There will be no need for a triennial survey with associated extra work, this option lets market forces immediately dictate the number of hackney carriages without council intervention and accords fully with Government guidance. Whether a better service would be provided overall would only be ascertained after a period of implementation.</p> <p>Disadvantage: Potential dissatisfaction within the taxi trade due to perceived additional competition. However “public safety” is the primary licensing test and economic and business considerations are irrelevant.</p>
15.	<p>Should the committee decide to issue new licences, any new hackney carriage licences should be subject to conditions as follows:</p> <ul style="list-style-type: none"> <li>• Licences shall be allocated using the council hackney licence allocation policy as agreed by this Committee in September 2021.</li> <li>• Any vehicle to be licensed must be fully wheelchair accessible to the council’s satisfaction.</li> </ul> <p>Page 179</p>

	<ul style="list-style-type: none"> <li>Any vehicle to be licensed will be subject, in addition, to all the council's current hackney carriage licence conditions.</li> </ul>
<b>RESOURCE IMPLICATIONS</b>	
<b><u>Capital/Revenue</u></b>	
16.	None, save that if any additional licences are granted they will result in additional income to offset the costs of providing the licensing service.
<b><u>Property/Other</u></b>	
17.	None
<b>LEGAL IMPLICATIONS</b>	
<b><u>Statutory power to undertake proposals in the report:</u></b>	
18.	Section 37 Town Police Clauses Act 1847, as modified by section 15 Transport Act 1985 provides for the regulation of hackney carriages.
19.	There is a considerable body of case law arising from the higher courts' consideration of this provision.
<b><u>Other Legal Implications:</u></b>	
20.	Section 17 Crime and Disorder Act 1998 places the council under a duty to exercise its 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.
21.	Human Rights Act 1998 - 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 those obligations.
<b>RISK MANAGEMENT IMPLICATIONS</b>	
22.	In making decisions Committees should act in accordance with relevant legislation, reasonably and in good faith. The decision could be the subject of judicial review proceedings or statutory appeal.
<b>POLICY FRAMEWORK IMPLICATIONS</b>	
23.	None

<b>KEY DECISION?</b>	<b>No</b>
<b>WARDS/COMMUNITIES AFFECTED:</b>	All
<b><u>SUPPORTING DOCUMENTATION</u></b>	
<b>Appendices</b>	
1.	LVSA Unmet Demand Survey Report

1.	Law Commission report on Taxi law reform <a href="https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/314106/9781474104531_web.pdf">https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/314106/9781474104531_web.pdf</a>
2.	2010 Department for Transport Guidance <a href="https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/212554/taxi-private-hire-licensing-guide.pdf">https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/212554/taxi-private-hire-licensing-guide.pdf</a>
<b>Equality Impact Assessment</b>	
Do the implications/subject of the report require an Equality and Safety Impact Assessment (ESIA) to be carried out.	<b>Yes</b>
<b>Data Protection Impact Assessment</b>	
Do the implications/subject of the report require a Data Protection Impact Assessment (DPIA) to be carried out.	<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.	

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Southampton – Hackney Carriage Unmet Demand Survey  
December 2022



## Executive Summary

This study has been conducted by LVSA on behalf of Southampton City Council.

Hackney Carriages are regulated by local authorities. The Department for Transport has developed guidance documentation entitled TAXI AND PRIVATE HIRE VEHICLE LICENSING: BEST PRACTICE GUIDANCE. The guidance addresses a wide range of licensing considerations and issues and provides recommendations on good practice. Within the licensing aspects considered, is the choice of whether to implement and maintain a restriction in the quantity of Hackney Carriages licences.

Within the guidance, the Department for Transport recommend that if a Licensing Authority should seek to retain a quantity restriction, then a survey should be carried out to establish if there is any unmet demand for Hackney Carriages. The minimum interval between successive surveys is recommended to be no more than three years.

If the result of an unmet demand survey should demonstrate that there is evidence of significant unmet demand, the recommended actions for a licensing authority may be to either raise the limit on Hackney Carriage numbers to an appropriate level, or to remove the limit all together.

If the result of an unmet demand survey should demonstrate that there is no evidence of unmet demand, which is significant, then a third choice of action becomes available to the licensing authority, which is to keep the cap in place at the same level.

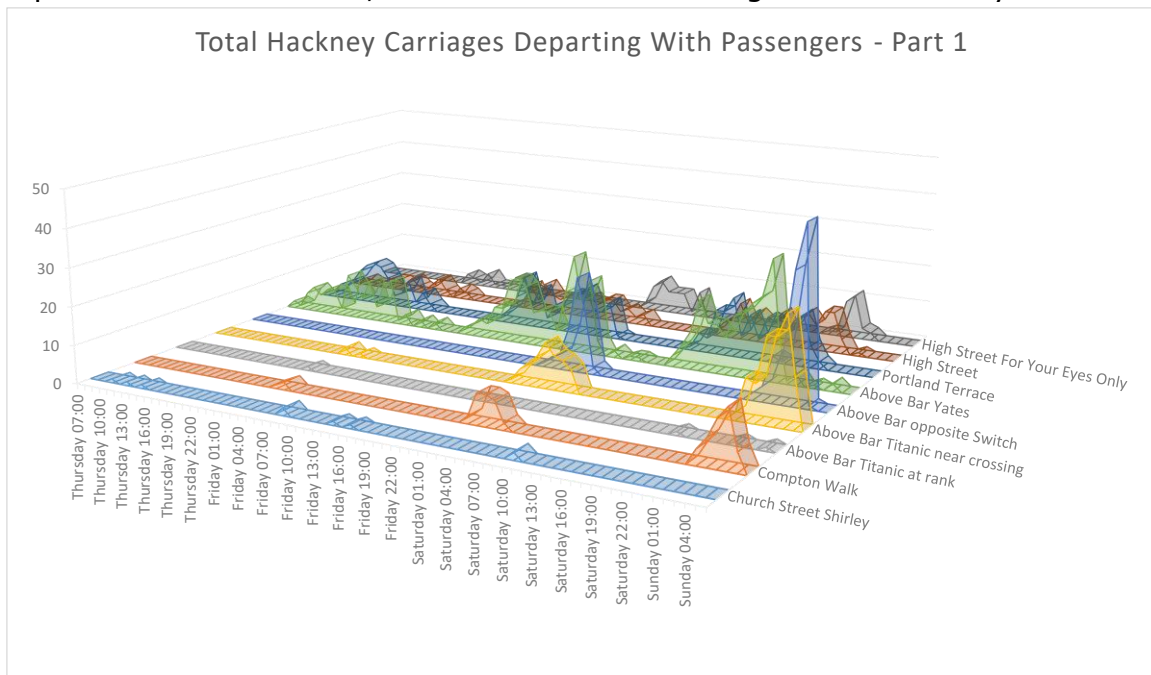
A licensing authority may choose at any time, to raise or remove a limit on Hackney Carriage numbers, but in order to retain or impose a limit; good practice guidance suggests that an unmet demand survey is required and that the result shows that there is no evidence of unmet demand.

This study is intended to fulfil the requirements of Section 16 of the 1985 Transport Act and to address the questions raised in the Department for Transport (DfT) 2010 Best Practice Guidance.

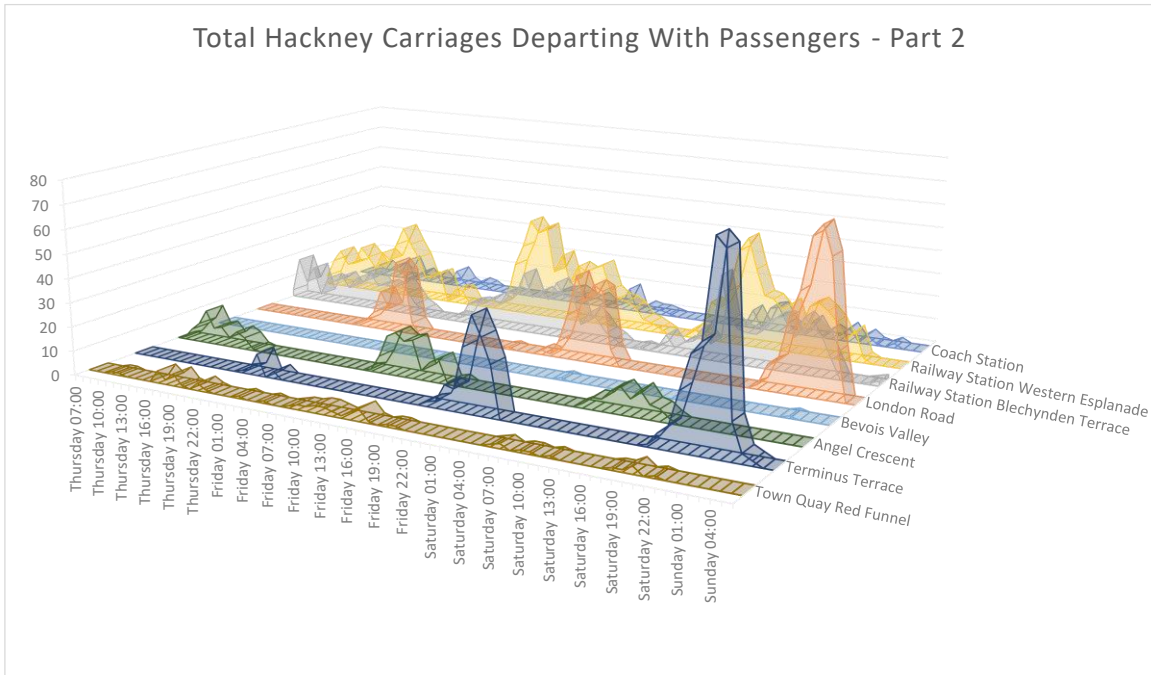
Surveys were undertaken at taxi ranks in Southampton, for three days, from the morning of Thursday 12<sup>th</sup> May 2022 to the morning of the following Sunday 15<sup>th</sup> May 2022, 72 hours later. The volume of passengers and hackney carriages was recorded, together with Hackney Carriage waiting times and wait times for any queuing passengers.

The busiest rank was at Southampton Central Railway Station, there are two ranks at the Railway Station, one either side. The rank on the Western Esplanade side was the busiest rank in Southampton, with respect to the total number of hires. The busiest hour in terms of hires observed across all ranks, was during the hour beginning 01:00 on Sunday morning, with 189 hires observed during that hour. The busiest hours at an individual rank was the hour beginning 00:00 hours on Sunday morning at the Terminus Terrace rank, with 80 hires during that hour.

The volume of hires are summarised in the following three figures. There were a total of 4,903 hires observed over the three days of observation. This equates to 75% of the 6,555 hires observed during a similar survey in 2018.







There were 509 passengers who had to wait at the ranks for hackney carriages to arrive at the ranks. This compares with 580 passengers who were observed waiting for Hackney Carriages to arrive at the ranks during the 2018 survey. Whilst there were fewer passengers who had to wait for a hackney carriage during the 2022 survey, compared with the 2018 survey, the average wait time per waiting passenger was 11 minutes and 10 seconds. This average was slightly higher than the average observed in 2018.

Incidences of passenger queuing were spread throughout the period observed. Occasions when passengers had to wait for a Hackney Carriage to arrive at a rank were generally isolated periods rather than continuous periods of queuing. A total of 8,423 passengers were observed during the 2022 rank surveys. This was lower than the 10,206 passengers which were observed during the 2018 survey.

Volumes at the ranks are summarised in the following table as totals over the three days of observation.

<b>All 3 days</b>					
Rank location	Total hackney carriages departing the ranks empty	Total hackney carriages departing the ranks with passengers	Total hackney carriages departing the ranks	Total passengers departing the ranks	Average passengers per hackney carriage
<b>Total for all locations</b>	<b>1025</b>	<b>4903</b>	<b>5928</b>	<b>8423</b>	<b>1.7</b>
Church Street Shirley	19	9	28	13	1.4
Compton Walk	18	73	91	134	1.8
Above Bar Titanic at rank	0	4	4	6	1.5
Above Bar Titanic near crossing	20	165	185	255	1.5
Above Bar opposite Switch	15	172	187	355	2.1
Above Bar Yates	84	510	594	810	1.6
Portland Terrace	54	351	405	592	1.7
High Street	27	224	251	345	1.5
High Street For Your Eyes Only	55	95	150	156	1.6
Town Quay Red Funnel	194	58	252	80	1.4
Terminus Terrace	36	451	487	914	2.0
Angel Crescent	17	221	238	289	1.3
Bevois Valley	7	2	9	4	2.0
London Road	34	573	607	1130	2.0
Railway Station Blechynden Terrace	66	757	823	1176	1.6
Railway Station Western Esplanade	70	1076	1146	1861	1.7
Coach Station	309	162	471	303	1.9

Some Hackney Carriages left the ranks empty. It may be the case that many of these empty departures may have been responding to bookings made through booking circuits or direct calls to the driver. Feedback from the trade supports this view. It is also likely that some of the empty departures were by drivers who had waited at a rank with no hires and then decided to move on to another rank to wait.

Consultation feedback suggests that some Hackney Carriages work with / for Private Hire operators, as well as undertaking rank hire work.

Public consultation was undertaken through an online questionnaire. Stakeholder consultation was undertaken with minority group representatives, local businesses, hotels, licensed premises, visitor attractions, the police transport providers and officers of Southampton Council.

The consultation feedback indicated that:

- There were few perceived issues with the availability of Hackney Carriages at taxi ranks.
- Availability of licensed vehicles for pre-booked hires was limited at times.
- There are fewer licensed vehicle drivers who are still working in the trade and the working patterns of some of the remaining drivers have changed.
- Representatives of elderly, disabled and mobility impaired passengers raised few issues.
- Much of the demand for hackney carriages at Southampton Central Station is from cruise passengers travelling to the cruise terminals.
- The number of rail passengers using Southampton Central Station was less than prior to Covid-19.
- Cruise passenger numbers dropped dramatically during the Covid-19 outbreak and have been recovering since then.
- Some trade feedback suggests that cruise and rail passenger numbers using licensed vehicles appears to be higher than pre-Covid.

### **Unmet demand assessment**

Data from the taxi rank surveys was used, together with any indication from the public consultation surveys of frustration with non-availability of Hackney Carriages, to calculate an Index of Significant Unmet Demand (ISUD). The ISUD index value calculated from the survey results was 13.0. A value of less than 80 is normally taken as an indicator that there is no significant unmet demand. Whilst the ISUD value is a strong indicator, it should not be taken in isolation as the only valid evidence. Further evidence from stakeholder and public consultation indicated that there were normally sufficient Hackney Carriages available at ranks or through hailing on street, to satisfy demand.

### **Future requirements**

There is an adequate supply of Hackney Carriages currently and this is likely to be enough to cater for more than 3 years. No additional licences would be necessary to cater for growth in demand over the next three years.

### **Conclusions and recommendations**

The primary purpose of this study was to determine whether there is evidence of significant unmet demand. The evidence gathered suggests that there is **no significant unmet demand**.

It is recommended that there is no need to increase the number of Hackney Carriage licences at the present time, to meet the needs of the travelling public.

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## **1 General introduction and background**

Southampton City Council is responsible for the licensing of hackney carriage and private hire vehicles operating within the council area. Further details of the local application of Section 16 of the 1985 Transport Act with regard to limiting hackney carriage vehicle numbers is provided in further Chapters of this report. Hackney carriage vehicle licences are the only part of licensing where such a stipulation occurs and there is no legal means by which either private hire vehicle numbers, private hire or hackney carriage driver numbers, or the number of private hire operators can be limited.

This review of current policy is based on the Best Practice Guidance produced by the Department for Transport in April 2010 (BPG). It seeks to provide information to the licensing authority to meet section 16 of the Transport Act 1985 "that the grant of a hackney carriage vehicle licence may be refused if, but only if, the licensing authority is satisfied that there is no significant demand for the services of hackney carriages within its local area, which is unmet." This terminology is typically shortened to "no SUD".

Current hackney carriage, private hire and operator licensing is undertaken within the legal frameworks first set by the Town Polices Clause Act 1847 (TPCA), amended and supplemented by various following legislation including the Transport Act 1985, Section 16 in regard to hackney carriage vehicle limits, and by the Local Government Miscellaneous Provisions Act 1976 with reference to private hire vehicles and operations. This latter Act saw application of regulation to the then growing private hire sector which had not been previously part of the TPCA. Many of the aspects of these laws have been tested and refined by other more recent legislation and more importantly through case law.

Beyond legislation, the experience of the person in the street tends to see both hackney carriage and private hire vehicles both as 'taxis' – a term we will try for the sake of clarity to use only in its generic sense within the report. We will use the term 'licensed vehicle' to refer to both hackney carriage and private hire.

The legislation around licensed vehicles and their drivers has been the subject of many attempts at review. The limiting of hackney carriage vehicle numbers has been a particular concern as it is often considered to be a restrictive practice and against natural economic trends. The current BPG in

fact states “most local licensing authorities do not impose quantity restrictions, the Department regards that as best practice”.

The three most recent reviews were by the Office of Fair Trading in 2003, through the production of the BPG in 2010, and the Law Commission review which published its results in 2014. None of these resulted in any material change to the legislation involved in licensing.

At the time of writing this report an All Party Parliamentary Group is considering taxi policy matters and has produced interim results (July 2017), but the main results are still some way in the future. Other groups have provided comment but the upshot remains no change in legislation from that already stated above.

With respect to the principal subject of this survey, local authorities retain the right to restrict the number of hackney carriage vehicle licenses. The Law Commission conclusion included retention of the power to limit hackney carriage vehicle numbers but utilizing a public interest test determined by the Secretary of State. It also suggested the three- year horizon also be used for rank reviews and accessibility reviews. However, there is currently no expected date either for publication of the Government response to the Law Commission, nor indeed any plans for revisions to legislation.

A more recent restriction, often applied to areas where there is no ‘quantity’ control felt to exist per-se, is that of ‘quality control’. This is often a pseudonym for a restriction that any new hackney carriage vehicle licence must be for a wheelchair accessible vehicle, of various kinds as determined locally. In many places this implies a restricted number of saloon style hackney carriage licences are available, which often are given ‘grandfather’ rights to remain as saloon style.

Within this quality restriction, there are various levels of strength of the types of vehicles allowed. The tightest restriction, now only retained by a few authorities only allows ‘London’ style wheelchair accessible vehicles, restricted to those with a 25-foot turning circle, and at the present time principally the LTI Tx, the Mercedes Vito special edition with steerable rear axle, and the Metrocab (no longer produced). Others allow a wider range of van style conversions in their wheelchair accessible fleet, whilst some go as far as also allowing rear-loading conversions. Given the additional price of some of these vehicles, this often implies a restriction on entry to the hackney carriage trade.

Some authorities do not allow vehicles which appear to be hackney carriage, i.e. mainly the London style vehicles, to be within the private hire fleet, whilst others do allow wheelchair vehicles. The most usual method of distinguishing between hackney carriages and private hire is a 'Taxi' roof sign on the vehicle, although again some areas do allow roof signs on private hire as long as they do not say 'Taxi', some turn those signs at right angles, whilst others apply liveries, mainly to hackney carriage fleets, but sometimes also to private hire fleets.

After introduction of the 1985 Transport Act, Leeds University Institute for Transport Studies developed a tool by which unmet demand could be evaluated and a determination made if this was significant or not. The tool was taken forward and developed as more studies were undertaken. Over time this 'index of significance of unmet demand' (ISUD) became accepted as an industry standard tool to be used for this purpose. Some revisions have been made following the few but specific court cases where various parties have challenged the policy of retaining a limit.

Some of the application has differed between Scottish and English authority's. This is mainly due to some court cases in Scotland taking interpretation of the duty of the licensing authority further than is usual in England and Wales, requiring current knowledge of the status of unmet demand at all times, rather than just at the snap-shot taken every three years. However, the three year survey horizon has become generally accepted given the advice of the BPG and most locations that review regularly do within that timescale.

The DfT asked in writing in 2004 for all licensing authorities with quantity restrictions to review them, publish their justification by March 2005, and then review at least every three years since then. In due course, this led to a summary of the government guidance which was last updated in England and Wales in 2010 (but more recently in Scotland).

The BPG in 2010 also provided additional suggestions of how these surveys should be undertaken, albeit in general but fairly extensive terms. A key encouragement within the BPG is that "an interval of three years is commonly regarded as the maximum reasonable period between surveys". BPG suggests key points in consideration are passenger waiting times at ranks, for street hailings and telephone bookings, latent and peaked demand, wide consultation and publication of "all the evidence gathered".

The most recent changes in legislation regarding licensed vehicles have been enactment of the parts of the Equality Act related to guidance dogs (sections 168 to 171, enacted in October 2010), the two clauses of the Deregulation Act which were successful in proceeding, relating to length of period each license covers and to allowing operators to transfer work across borders (enacted in October 2015), and most recently enactment of Sections 165 and 167 of the Equality Act, albeit on a permissive basis (see below).

In November 2016, the DfT undertook a consultation regarding enacting Sections 167 and 165 of the Equality Act. These allow for all vehicles capable of carrying a wheelchair to be placed on a list by the local council (section 167). Any driver using a vehicle on this list then has a duty under section 165 to:

- Carry the passenger while in the wheelchair
- Not make any additional charge for doing so
- If the passenger chooses to sit in a passenger seat to carry the wheelchair
- To take such steps as are necessary to ensure that the passenger is carried in safety and reasonable comfort
- To give the passenger such mobility assistance as is reasonably required

This was enacted from April 2017. There remains no confirmation of any timetable for instigating either the remainder of the Equality Act or the Law Commission recommendations, or for the update of the BPG.

In respect to case law impinging on unmet demand, the two most recent cases were in 1987 and 2002. The first case (R v Great Yarmouth) concluded authorities must consider the view of significant unmet demand as a whole, not condescending to detailed consideration of the position in every limited area, i.e. to consider significance of unmet demand over the area as a whole.

R v Castle Point considered the issue of latent, or preferably termed, suppressed demand consideration. This clarified that this element relates only to the element which is measurable. Measurable suppressed demand includes inappropriately met demand (taken by private hire vehicles in situations legally hackney carriage opportunities) or those forced to use less satisfactory methods to get home (principally walking, i.e. those observed to walk away from rank locations).



In general, industry standards suggest (but specifically do not mandate in any way) that the determination of conclusions about significance of unmet demand should take into account the practicability of improving the standard of service through the increase of supply of vehicles. It is also felt important to have consistent treatment of authorities as well as for the same authority over time, although apart from the general guidance of the BPG there is no clear stipulations as to what this means in reality, and certainly no mandatory nor significant court guidance in this regard.

At the present time, there is an active All Party Parliamentary Group considering issues regarding hackney carriage and private hire licensing that are considered to be current and critical. Their discussions are ongoing. As is usual in a diverse industry, other formal and informal groups continue to suggest potential changes to licensing that might be applied – but none of these, however strongly presented, have any legal weight and must be taken fully in context. This includes various changes arising from need to consider pollution and air quality issues although some elements of this will legally apply, but at a much higher level than specific licensing legislation, which may imply clashes with established legislation and more so present practice.

In conclusion, the present legislation in England and Wales sees public fare-paying passenger carrying vehicles firstly split by passenger capacity. All vehicles able to carry nine or more passengers are dealt with under national public service vehicle licensing. Local licensing authorities only have jurisdiction over vehicles carrying eight or less passengers. Further, the jurisdiction focusses on the vehicles, drivers and operators but rarely extends to the physical infrastructure these use (principally ranks).

The vehicles are split between hackney carriages which are alone able to wait at ranks or pick up people in the streets without a booking, and private hire who can only be used with a booking made through an operator. If any passenger uses a private hire vehicle without such a properly made booking, they are not generally considered to be insured for their journey.

Drivers can either be split between ability to drive either hackney carriage or private hire, or be 'dual', allowed to drive either kind of vehicle. Whilst a private hire driver can only take bookings via an operator, with the 'triple-lock' applying that the vehicle, driver and operator must all be with the same authority, a hackney carriage driver can accept bookings on-street or by phone without the same stipulation required for private hire.

Recent legislation needing clarification has some operators believing they can use vehicles from any authority as long as they are legally licensed as private hire. At first, under the 'Stockton' case, this was hackney carriages operating as private hire in other areas (cross-border hiring). More recently, under the

Deregulation Act, private hire companies are able to subcontract bookings to other companies in other areas if they are unable to fulfil their booking, but the interpretation of this has become quite wide.

The 'triple lock' licensing rule has also become accepted. A vehicle, driver and operator must all be under the same licensing authority to provide full protection to the passenger. However, it is also accepted that a customer can call any private hire company anywhere to provide their transport although many would not realise that if there was an issue it would be hard for a local authority to follow this up unless the triple lock was in place by the vehicle used and was for the area the customer contacted licensing.

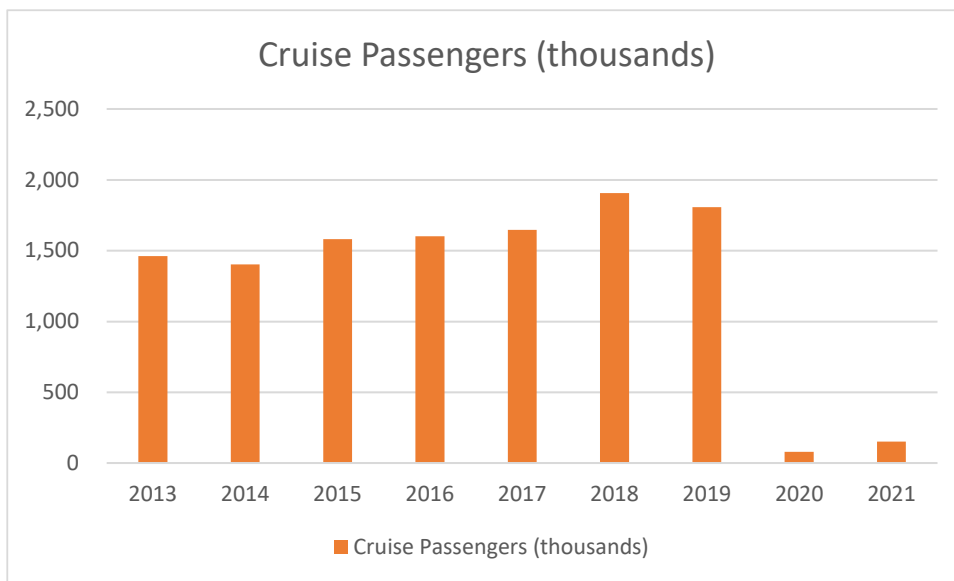
Further, introduction of recent methods of obtaining vehicles, principally using 'apps' on mobile phones have also led to confusion as to how 'apps' usage sits with present legislation.

All these matters can impact on hackney carriage services, their usage, and therefore on unmet demand and its significance.

## 2 Local background and context

Southampton is the largest city in Hampshire, with a population of 252,872 (2020 mid year estimate). Southampton is the busiest cruise port in the UK, with many cruises starting and finishing in Southampton. Hence, many cruise passengers travel to and from Southampton, using the public transport system and licensed vehicles.

The number of cruise passengers boarding and alighting in Southampton has tended to grow in recent years. However, the impact of Covid-19 significantly reduced the number of passengers. There is some evidence of recovery. However, it is not clear how much the cruise passenger volumes have recovered in 2022. The profile of annual cruise passengers passing through Southampton Cruise Terminals is presented in Figure 1.



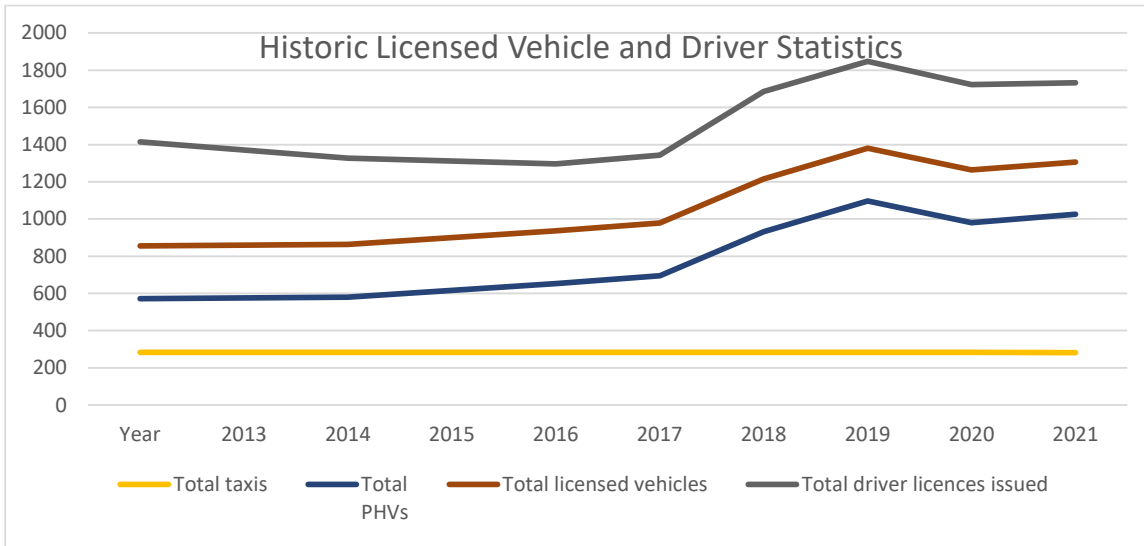
**Figure 1 - Annual passengers passing through Southampton Cruise Terminals**

There are two universities in Southampton (Southampton University & Southampton Solent University) with a combined student roll of approximately 35,000 students (2021 -22). Given that the student population is more than 10% of the overall population, this has resulted in a relatively busy and vibrant night time economy, which is active during the week as well as at weekends.

### Background to the hackney carriage market in Southampton.

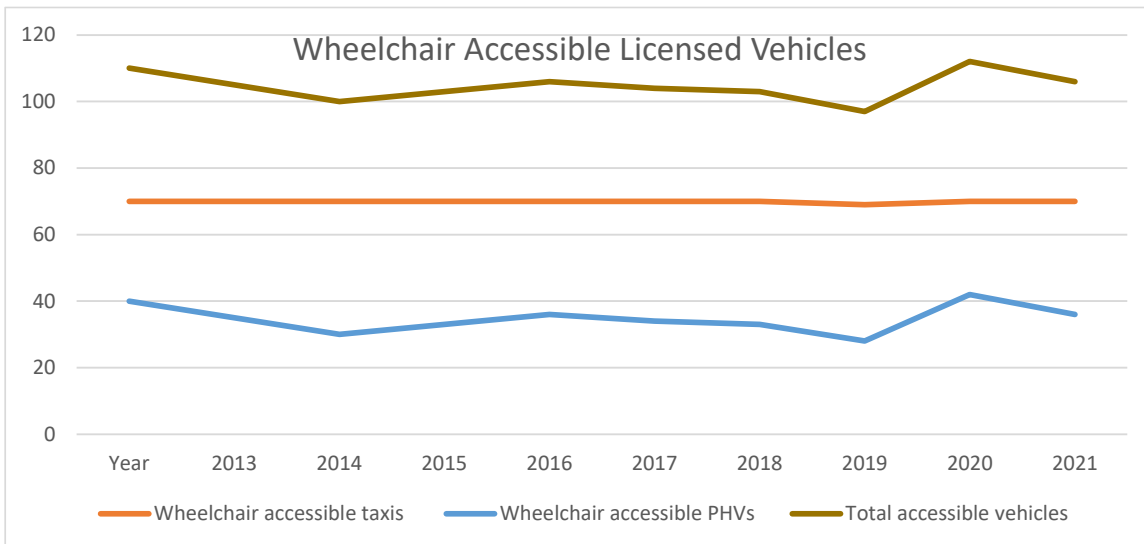
During the survey, there were 281 Hackney Carriages licensed by Southampton City Council. The licences for seventy of the Hackney Carriages have a condition attached that these vehicles must be wheelchair accessible. At this time, there were 1025 Private Hire Vehicles licensed by Southampton City Council.

The number of licensed vehicles in recent years in Southampton is presented in Figure 2



**Figure 2 - Historic profile of licensed vehicles and licensed drivers**

Within the hackney carriage and private hire vehicle fleets in Southampton, some of the vehicles are wheelchair accessible vehicles (WAV). The historic profile of WAV licensed vehicles is presented in



**Figure 3 - Historic profile of wheelchair accessible licensed vehicles**

**Comparative information to other authorities**

Table 1 compares recent licensed vehicle numbers for Southampton with other authorities in the DfT Southeast Region. The table is ordered in increasing proportions of total licensed vehicles per 1,000 population. Data was derived from DfT statistics published in 2017, which were the latest statistics available at the time of publication.

Table 1 - Licensed vehicle proportions

Licensing Area	Mid 2020 population estimate	Hackney Carriages	Private Hire Vehicles	Total licenced vehicles	Hackney Carriages per 1,000 population	Private Hire Vehicles per 1,000 population	Total licenced vehicles per 1,000 population
Maidstone [Limited]	173,132	48	141	189	0.3	0.8	1.1
Dover [Limited]	118,514	69	92	161	0.6	0.8	1.4
Test Valley [Limited]	127,163	44	168	212	0.3	1.3	1.7
Tunbridge Wells [Limited]	118,939	107	134	241	0.9	1.1	2.0
Mid Sussex [Limited]	152,142	154	168	322	1.0	1.1	2.1
Slough [Limited]	149,577	103	373	476	0.7	2.5	3.2
Brighton and Hove [Limited]	291,738	590	395	985	2.0	1.4	3.4
Thanet [Limited]	141,458	92	398	490	0.7	2.8	3.5
Milton Keynes [Limited]	270,203	201	790	991	0.7	2.9	3.7
Havant [Limited]	126,339	36	490	526	0.3	3.9	4.2
Portsmouth [Limited]	214,692	202	721	923	0.9	3.4	4.3
Oxford [Limited]	151,584	107	546	653	0.7	3.6	4.3
<b>Southampton [Limited]</b>	<b>252,872</b>	<b>281</b>	<b>1,025</b>	<b>1,306</b>	<b>1.1</b>	<b>4.1</b>	<b>5.2</b>
Reading [Limited]	160,337	216	660	876	1.3	4.1	5.5
Crawley [Limited]	112,474	123	547	670	1.1	4.9	6.0
Wokingham [No Limit]	173,945	64	78	142	0.4	0.4	0.8
Runnymede [No Limit]	90,327	48	35	83	0.5	0.4	0.9
Spelthorne [No Limit]	99,873	55	49	104	0.6	0.5	1.0
Horsham [No Limit]	145,474	46	115	161	0.3	0.8	1.1
Dartford [No Limit]	114,051	66	70	136	0.6	0.6	1.2
Arun [No Limit]	161,123	192	17	209	1.2	0.1	1.3
Bracknell Forest [No Limit]	124,165	55	117	172	0.4	0.9	1.4
Rother [No Limit]	96,716	102	34	136	1.1	0.4	1.4
Gosport [No Limit]	84,679	61	65	126	0.7	0.8	1.5
Tandridge [No Limit]	88,542	92	42	134	1.0	0.5	1.5
Ashford [No Limit]	131,018	102	97	199	0.8	0.7	1.5
Mole Valley [No Limit]	87,547	100	33	133	1.1	0.4	1.5
Swale [No Limit]	151,015	181	52	233	1.2	0.3	1.5
West Berkshire [No Limit]	158,465	119	137	256	0.8	0.9	1.6
Adur [No Limit]	64,187	39	66	105	0.6	1.0	1.6
Winchester [No Limit]	125,925	89	120	209	0.7	1.0	1.7
Waverley [No Limit]	126,556	164	49	213	1.3	0.4	1.7
Isle of Wight [No Limit]	142,296	186	54	240	1.3	0.4	1.7
Worthing [No Limit]	110,727	60	127	187	0.5	1.1	1.7
Wealden [No Limit]	162,733	124	161	285	0.8	1.0	1.8
Gravesham [No Limit]	106,890	135	53	188	1.3	0.5	1.8
Basingstoke and Deane [No Limit]	177,760	43	285	328	0.2	1.6	1.8
West Oxfordshire [No Limit]	111,758	106	109	215	0.9	1.0	1.9
Elmbridge [No Limit]	137,215	111	155	266	0.8	1.1	1.9
Surrey Heath [No Limit]	89,204	75	100	175	0.8	1.1	2.0
New Forest [No Limit]	179,649	99	261	360	0.6	1.5	2.0
East Hampshire [No Limit]	123,838	84	176	260	0.7	1.4	2.1
Hart [No Limit]	97,608	138	69	207	1.4	0.7	2.1
Sevenoaks [No Limit]	121,387	158	108	266	1.3	0.9	2.2
Medway [No Limit]	279,142	386	226	612	1.4	0.8	2.2
Vale of White Horse [No Limit]	137,910	249	63	312	1.8	0.5	2.3
Fareham [No Limit]	116,338	147	119	266	1.3	1.0	2.3
Guildford [No Limit]	150,352	143	229	372	1.0	1.5	2.5
Folkestone and Hythe [No Limit]	113,320	219	71	290	1.9	0.6	2.6
Rushmoor [No Limit]	94,387	107	182	289	1.1	1.9	3.1
Chichester [No Limit]	121,508	37	348	385	0.3	2.9	3.2
Eastleigh [No Limit]	135,520	103	350	453	0.8	2.6	3.3
Cherwell [No Limit]	151,846	178	380	558	1.2	2.5	3.7
Tonbridge and Malling [No Limit]	132,571	140	350	490	1.1	2.6	3.7
Buckinghamshire [No Limit]	547,060	335	1,724	2,059	0.6	3.2	3.8
Canterbury [No Limit]	166,762	209	425	634	1.3	2.5	3.8
South Oxfordshire [No Limit]	143,782	417	135	552	2.9	0.9	3.8
Hastings [No Limit]	92,554	53	321	374	0.6	3.5	4.0
Eastbourne [No Limit]	103,324	95	325	420	0.9	3.1	4.1
Windsor and Maidenhead [No Limit]	151,273	144	538	682	1.0	3.6	4.5
Woking [No Limit]	100,008	129	370	499	1.3	3.7	5.0
Reigate and Banstead [No Limit]	149,243	90	693	783	0.6	4.6	5.2
Lewes [No Limit]	103,525	120	495	615	1.2	4.8	5.9
Epsom and Ewell [No Limit]	81,003	32	482	514	0.4	6.0	6.3

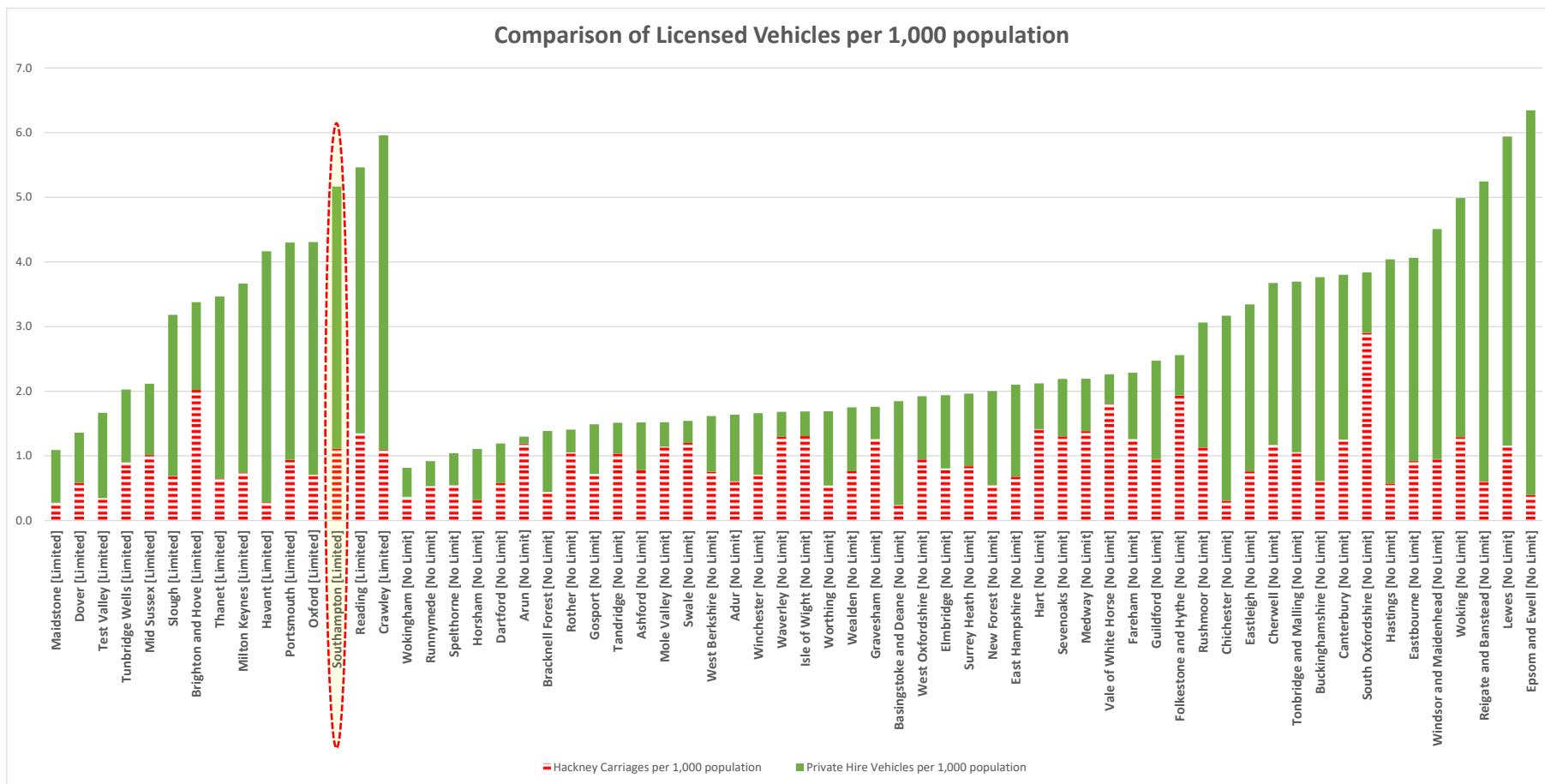


Figure 4 - Comparison of licensed vehicles per 1,000 population

The order in which the data in Table 1 and Figure 4 is presented, is ranked in increasing order of provision of all licensed vehicles. Therefore, the higher the ranking number, the greater the provision per 1,000 population, compared with other authority areas.

In terms of total licensed vehicles, Table 1 indicates that Southampton is ranked 13 out of 15 authority areas in the Southeast Region, which limit the number of Hackney Carriages. In terms of all authority areas both limited and non-limited, Southampton is ranked 59 out of 64 authority areas. These statistics suggest that Southampton has a relatively high level of provision of licensed vehicles, compared with other authorities in the region.

When we look at Hackney Carriages only, Southampton is ranked 44 out of all 64 authorities in terms of Hackney Carriages per 1,000 population. In terms of those authorities which limit the number of Hackney Carriages, Southampton is ranked 13 out of the 15 authorities.

The proportion of private hire vehicles per 1,000 population in Southampton is ranked 59 out of all 64 authorities in the region. Of those authorities which limit the number of Hackney Carriages, Southampton is ranked 13 out of the 15 authorities.

### **Additional influences on licensed vehicle provision**

Amongst some in the licensed vehicle trade, there is a view that in some licensing areas it particularly easy, cheap or quick to become a licensed vehicle driver and to license a hackney carriage or private hire vehicle. Consequently, some licensing areas have particularly high ratios of licensed vehicles to population.

The higher ratios in some licensing areas relate to a proportion of drivers and vehicles operating in other licensing areas as private hire vehicles. In particular, Wolverhampton has developed a reputation as an authority which will license drivers and vehicles quickly, enabling those licensed vehicles to operate around the country in other authority areas. In addition to vehicles licensed by Wolverhampton, vehicles in other licensing areas are also operated in areas outside the licensing authority area. In such cases, 'out of area' vehicles may be seen operating as private hire vehicles hundreds of miles away from the areas in which they are licensed.

When considering the number of private hire vehicles licensed in an area and comparing with hackney carriage numbers, it is prudent to consider the way in which some private hire vehicles are operated. It is perhaps natural to assume that all private hire vehicles are operating as 'public facing' licensed vehicles which may be hired for short trips on an ad hoc basis, either for immediate hire or for a future time. However, not all

private hire vehicles are operated in this manner. Many private hire vehicles are used primarily or solely to undertake contract hires, or chauffeur or corporate hire services. Premium vehicles are often used for such services. Such services are not generally 'public facing'. For example, these private hire vehicles would rarely operate at peak times such as Friday and Saturday nights, carrying passengers to and from licensed premises.

The proportion of the private hire fleet in a licensing area, which is not public facing, or which is not operating in the licensing area to service the demand for immediate hires, can vary significantly between areas. Larger cities tend to have larger numbers of private hire vehicles which engage in premium corporate hire or chauffeur type work.

In Southampton, there are several firms which specialise in chauffeur type services. However, it is not feasible to estimate the proportion of the private hire fleet in Southampton which is not normally engaged in public facing hire activities.

Feedback from the trade in Southampton suggests that there are some licensed vehicles registered in other licensing areas, which operate in Southampton. It is likely that these vehicles operate either through local private hire operators or through online app based services, such as Uber or Bolt.

### **Fares**

Hackney Carriage fares are regulated by the Local Authority. In Southampton there are five tariffs across the following periods:

Tariff 1 – Daytime 6.00 am to 11.00 pm

Tariff 2 – Night time 11.00 pm to 6.00 am

Tariff 3 – Sundays, Bank and Public Holidays, 6.00 am to 11.00 pm

Tariff 4 – Christmas 11.00 pm on 24th December to 6.00 am on 27th December

Tariff 5 – New Year's Eve, 11.00 pm on 31st December to 6.00 am on 1st January

The taxi fare is made up of several elements, comprising the following:

The initial "flag drop" charge for engaging the vehicle. This charge includes an initial travel distance allowance.

Subsequent distance based charges for distances specified in the published maximum table of fares.

Waiting time charge for periods when the vehicle is stationary or moving slowly.



The charge for each element of the tariff is specified in a Maximum Table of Fares, published by the Local Authority and displayed in each Hackney Carriage. A copy of the Maximum Table of Fares is presented in Figure 5.

<b>MAXIMUM TABLE OF FARES inclusive of VAT where applicable</b>					
Passengers are only obliged to pay the fare shown on the meter except where a surcharge for journeys ending outside the city has been agreed before the hiring commences					
<b>The driver must carry an assistance dog at no extra charge – Equality Act 2010, section 168</b> <b>Any complaints about the hiring of this vehicle or the conduct of the driver should be sent in writing to the Licensing Team at the address below, if possible quoting the vehicle and driver licence numbers</b>					
<b>TARIFF 1 – Daytime – for any hiring begun after 6.00 a.m. and before 11.00 p.m. except as in Tariffs 3, 4 and 5 below</b>					
(a) For the first one sixteenth of a mile (110 yards) or part thereof:					<b>£3.20</b>
(b) For each subsequent one sixteenth of a mile (110 yards) or part thereof to a maximum total distance of eight sixteenths of a mile (880 yards):					<b>£0.20</b>
(c) For each subsequent one tenth of a mile (176 yards) or part thereof thereafter:					<b>£0.20</b>
(d) Waiting Time – For each period of thirty seconds or part thereof:					<b>£0.20</b>
This table represents costs of journeys with no stopping time added in Tariff 1. Nearly every journey will include time when the vehicle is considered to be stopped.					
½ a mile	1 mile	2 miles	3 miles	4 miles	5 miles
£4.60	£5.60	£7.60	£9.60	£11.60	£13.60
<b>TARIFF 2 – Night-time – for any hiring begun after 11.00 p.m. and before 6.00 a.m. except as in tariffs 3,4 and 5 below</b>					
(a) For the first one sixteenth of a mile (110 yards) or part thereof:					<b>£4.00</b>
(b) For each subsequent one sixteenth of a mile (110 yards) or part thereof to a maximum total distance of eight sixteenths of a mile (880 yards):					<b>£0.25</b>
(c) For each subsequent one tenth of a mile (176 yards) or part thereof thereafter:					<b>£0.25</b>
(d) Waiting Time – For each period of thirty seconds or part thereof:					<b>£0.25</b>
<b>TARIFF 3 – Sundays, Bank and Public Holidays</b>					
Except as in Tariffs 4 and 5 below and in addition to Tariff 1 or 2, dependant on which is applicable, for any hiring begun after 6:00am on a Sunday, bank or public holiday and before 6 am on the day after will attract a surcharge of:					<b>£1.00</b>
<b>TARIFF 4 – Christmas</b>					
For any hiring begun after 11.00 p.m. on the 24th December and before 6.00 a.m. on the 27th December:					<b>One and a half times the rate of Tariff 1</b>
<b>TARIFF 5 – New Year's Eve</b>					
For any hiring begun after 11.00 p.m. on the 31st December and before 6.00 a.m. on the 1st January:					<b>Twice the rate of Tariff 1</b>
<b>Additional Charges</b>					
<b>MORE THAN 4 PASSENGERS</b> – If more than four passengers are carried, <b>£2.00</b> per hiring					
<b>ITCHEN BRIDGE TOLLS</b> – If a toll is payable for crossing the Itchen Bridge, a sum equivalent to the toll paid					
<b>CRUISE TERMINALS</b> – if hired from a marshalled cruise terminal rank, <b>£1.00</b> per hiring					
<b>SOILING CHARGE</b> – If the hackney carriage is soiled by a passenger or an animal:					<b>£70.00</b>
Licensing Team, Civic Centre, Southampton SO14 7LY licensing@southampton.gov.uk – www.southampton.gov.uk/licensing			<b>MARY D'ARCY</b> Executive Director, Communities, Culture and Homes 204.2 (24th APRIL 2022)		

**Figure 5 - Maximum table of fares**

Private Hire and Taxi Monthly magazine publish monthly league tables of the fares in Licensing Authorities in the UK. The Tariff 1 fares for a two mile journey (distance costs only) are compared and ranked. The lower the ranking number, the more expensive the journey, compared with other authorities. The December 2022 table indicated that the fares in Southampton were ranked 69 out of 345 authorities listed.

A comparison of the fares ranking of neighbouring authorities is presented in Table 2.

**Table 2 - Comparison of Hackney Carriage fares ranking in adjacent authorities**

<b>Local Authority</b>	<b>Rank</b>
Bournemouth, Christchurch & Poole (BCP)	21
Wiltshire	58
Bath and North East Somerset	100
Basingstoke and Deane	60
<b>Southampton</b>	<b>69</b>
New Forest	90
Test Valley	70
Portsmouth	106
Fareham	203

Southampton and the majority of neighbouring authorities have above average Hackney Carriage fares, assuming rank 173 out of 345 represents an average position for fares.

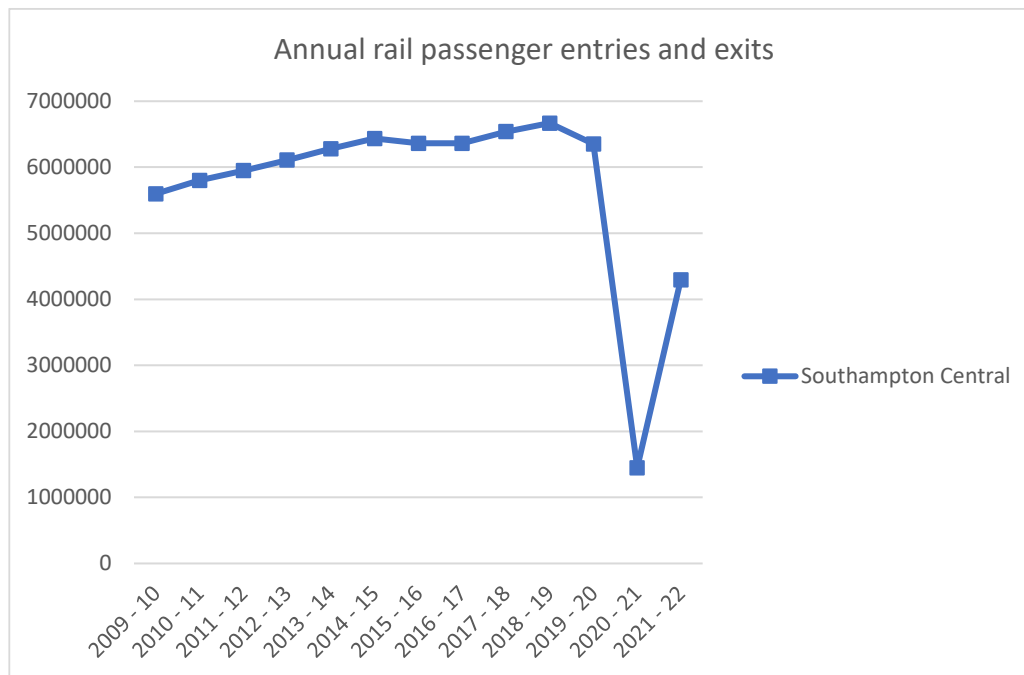
### **Rail passenger growth**

The two ranks at Southampton Central Railway Station are two of the busiest ranks in Southampton. The volume of hires which Hackney Carriage drivers, waiting on the station ranks, can expect, largely relates to the volume of passengers passing through the station.

Table 3 and Figure 6 illustrate historic passenger numbers passing through Southampton Central Station. Passenger numbers during the year 2020 – 21 reduced significantly, compared with earlier years, owing to the impact of Covid-19 mitigation measures and travel restrictions. The data for 2021-22 indicates some recovery. However, the number of passengers using the station has not recovered to pre-Covid-19 levels.

**Table 3 - Annual passenger entries and exits through Southampton Central Station**

Year	Southampton Central
2009 - 10	5,596,448
2010 - 11	5,799,996
2011 - 12	5,947,616
2012 - 13	6,106,856
2013 - 14	6,278,910
2014 - 15	6,433,514
2015 - 16	6,359,692
2016 - 17	6,361,392
2017 - 18	6,538,346
2018 - 19	6,664,714
2019 - 20	6,351,828
2020 - 21	1,448,076
2021 - 22	4,294,330



**Figure 6 - Annual passenger entries and exits through Southampton Central Station**

### 3 Patent demand measurement (rank surveys)

Seventeen taxi ranks were surveyed.

These locations were:

- Church Street Shirley
- Compton Walk
- Above Bar Titanic at rank
- Above Bar Titanic near crossing
- Above Bar opposite Switch
- Above Bar Yates
- Portland Terrace
- High Street
- High Street For Your Eyes Only
- Town Quay Red Funnel
- Terminus Terrace
- Angel Crescent
- Bevois Valley
- London Road
- Railway Station Blechynden Terrace
- Railway Station Western Esplanade
- Coach Station

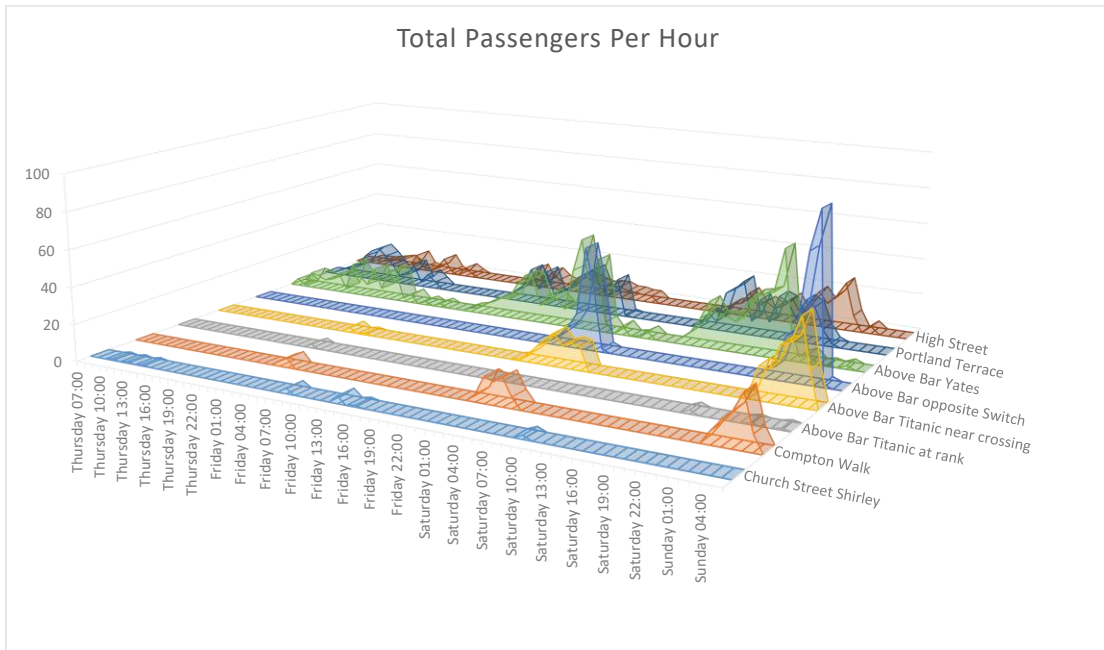
The ranks were surveyed continuously from 7.00 on Thursday 12<sup>th</sup> May 2022 to 7.00 on Sunday 15<sup>th</sup> May 2022.

Results are presented as graphs of Hourly Passenger Volumes, Hourly Hackney Carriage Volumes, Average Hackney Carriage waiting time each hour and Hackney Carriage Queue Lengths in five minute increments.

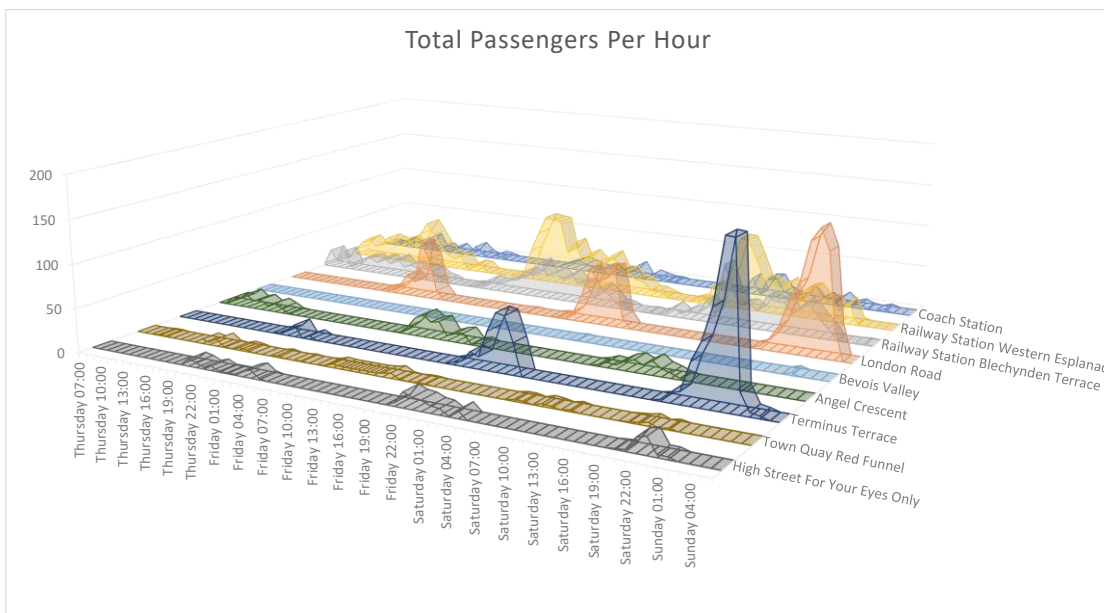
The taxi ranks were surveyed, using video cameras fixed to nearby lamp posts, for three days, from Thursday morning to Sunday morning, in order to capture the busiest periods of the week. This ensured that if there is any unmet demand that these are the days when this was most likely to be evident, as passenger waiting delays.

Passenger waiting times were recorded when passengers arrived at a taxi rank and there were no taxis waiting at the rank, i.e. passengers had to wait for a Hackney Carriage to arrive at the rank. On these occasions, waiting times were measured from the time when a passenger arrived at the taxi rank until a Hackney Carriage arrived at the rank, to pick up the passenger(s) or the passengers left without boarding a Hackney Carriage.

It is worth noting that the prevalent condition at the locations surveyed was that taxis queued, waiting for passengers, during the periods when the ranks were active. Therefore, for the majority of the times surveyed, passengers arrived at the taxi ranks and a Hackney Carriage was waiting and ready for immediate boarding. On these occasions, the recorded passenger wait time was zero.

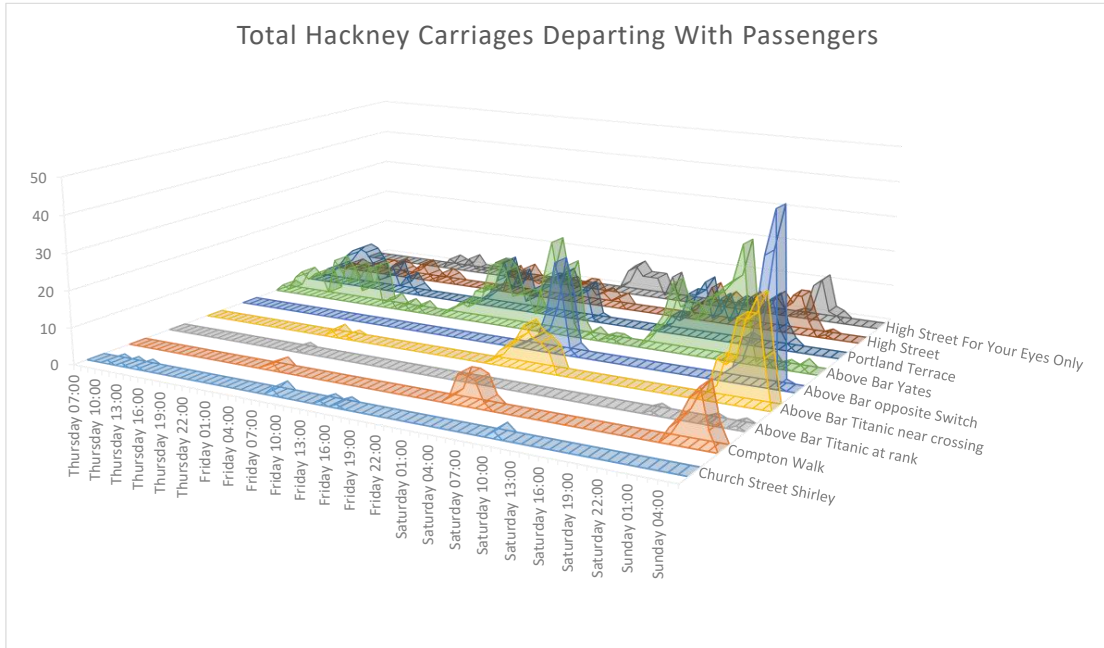


**Figure 7 - Total passenger volumes using each rank (Part 1)**

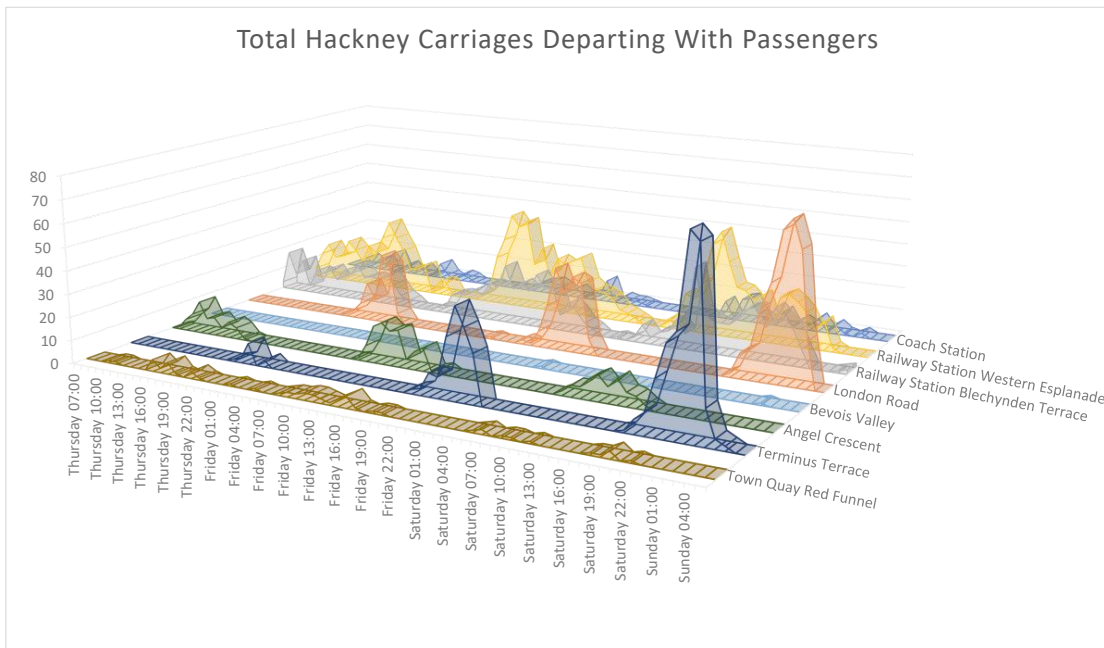


**Figure 8 - Total passenger volumes using each rank (Part 2)**

Figure 7 and Figure 8 present comparative profiles of passenger demand for each rank. The distinction between the daytime and night time ranks can be clearly seen. The profile of demand is highest at night and increased on Friday, compared with Thursday and increased again on Saturday, compared with Friday.



**Figure 9 - Total hackney carriages departing each rank with passengers (Part 1)**



**Figure 10 - Total hackney carriages departing each rank with passengers (Part 2)**

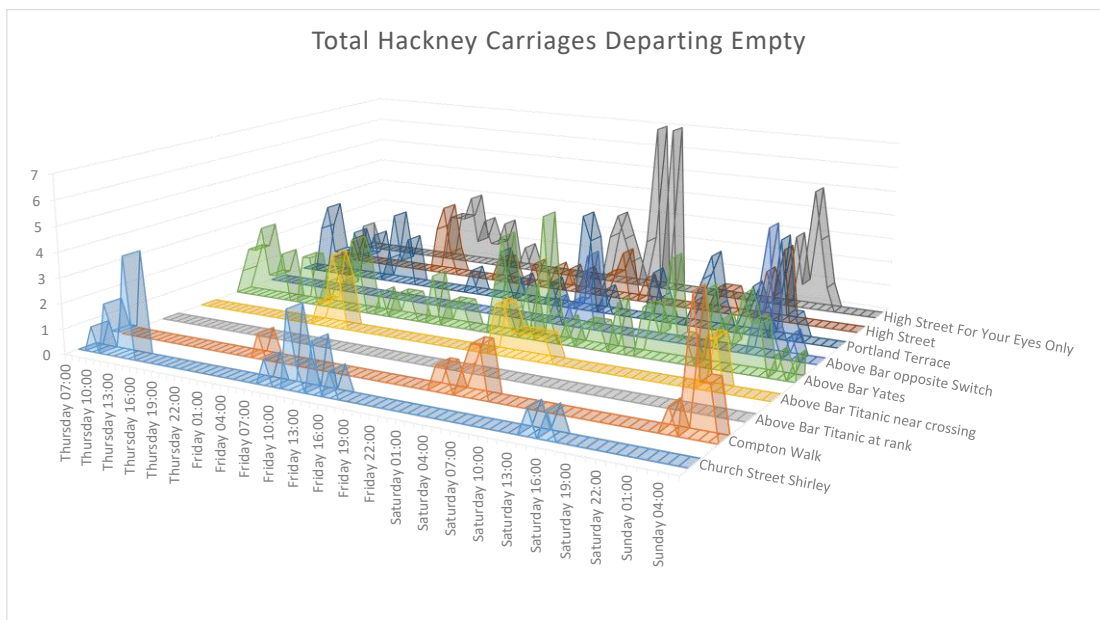


**Figure 11 - Total hourly hackney carriage volume aggregated across all ranks**

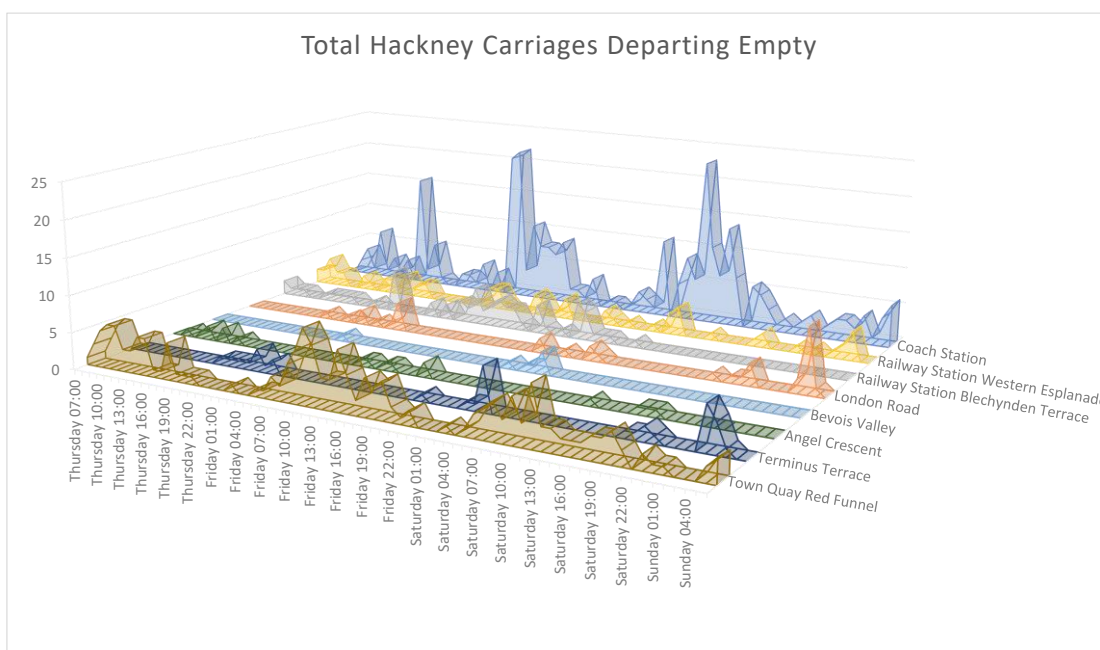
The profile of total hackney carriage volumes indicates the variation in the volume of hires observed at the ranks. The variation in demand suggest that the demand profile is peaked, but not highly peaked.

Not all hackney carriages leave the rank with passengers on board. Hackney Carriages may leave the ranks empty for a variety of reasons. These can include moving on to another rank having waited unsuccessfully for a hire, or indeed leaving the rank for a comfort break or refreshment. Some hackney carriages are affiliated with private hire operators in Southampton. As such, some drivers may wait on a rank until a booking is received. Then the hackney carriage may leave the rank to service a booking. The profile of hackney carriages which depart the rank with passengers follows a similar profile to the passenger profile. Varying load factors (number of passengers per hackney carriage) at different ranks and different times of day, influence the profile.

The number of Hackney Carriages departing the ranks empty is presented in the following figures.



**Figure 12 - Hourly total number of hackney carriages which leave the ranks empty (Part 1)**



**Figure 13 – Hourly total number of hackney carriages which leave the ranks empty (Part 2)**

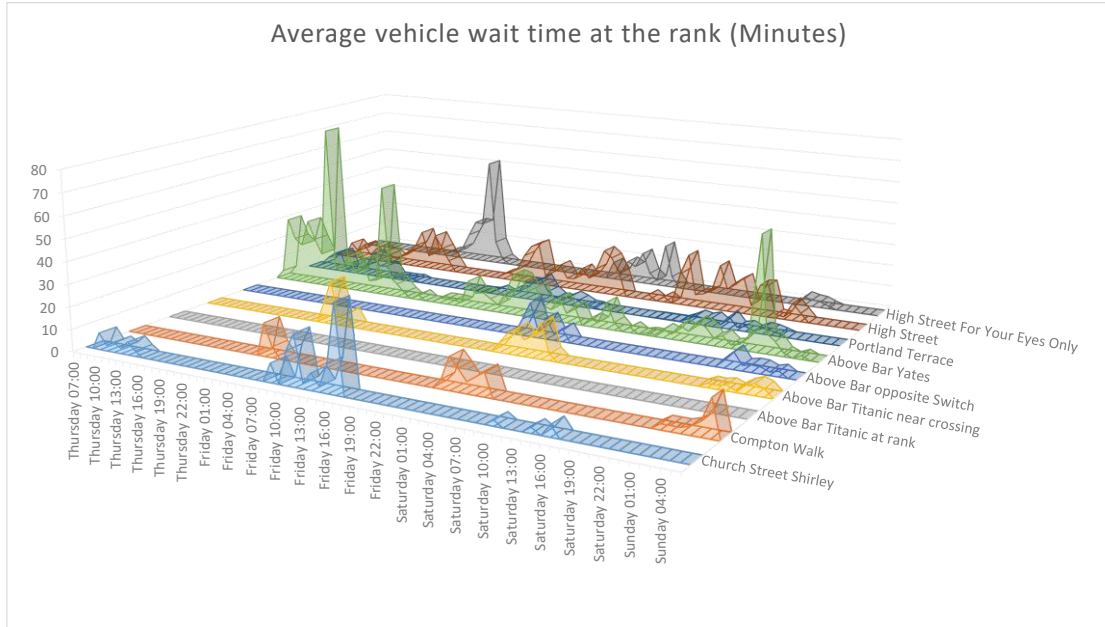
Whilst the volumes of Hackney Carriages which leave each rank empty are generally relatively low, these departures can occur at quiet times and hence account for a large proportion of movements through some ranks.

The proportion of hackney carriages leaving each rank empty, as a percentage of all hackney carriages passing through each rank, varied significantly by location and time. Over the three days of observations,

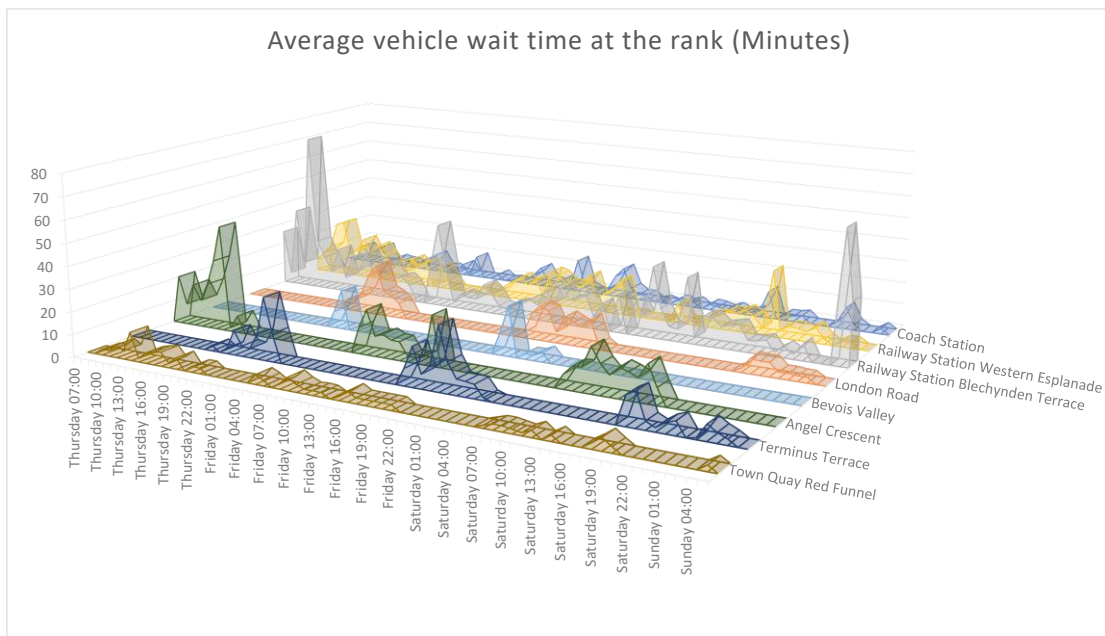


approximately 13% of Hackney Carriages observed at the ranks, left the ranks empty.

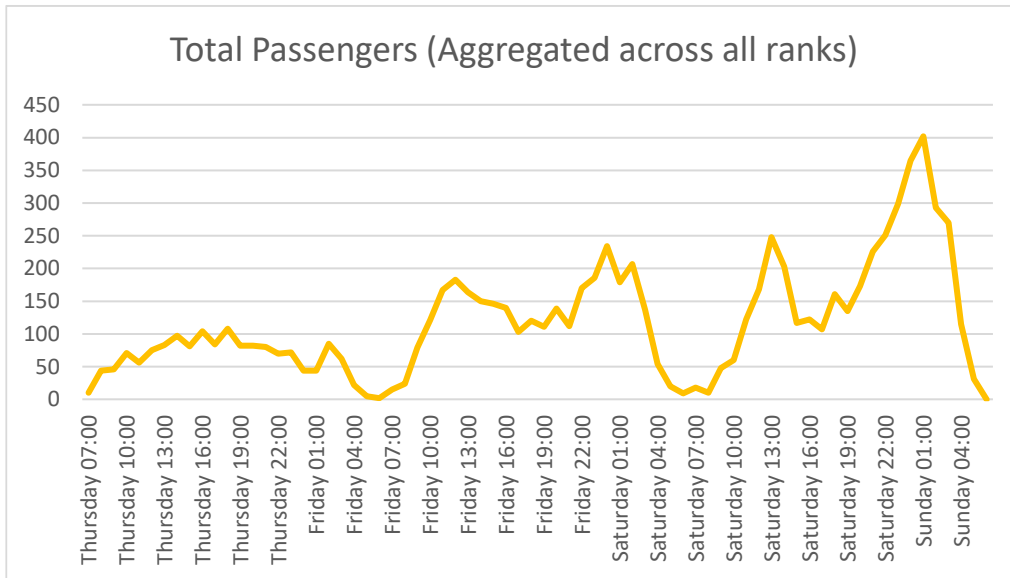
The average time hackney carriage vehicles spent waiting at hackney carriage rank varies by location and by time of day.



**Figure 14 - Average vehicle waiting time [minutes] at each rank (Part 1)**



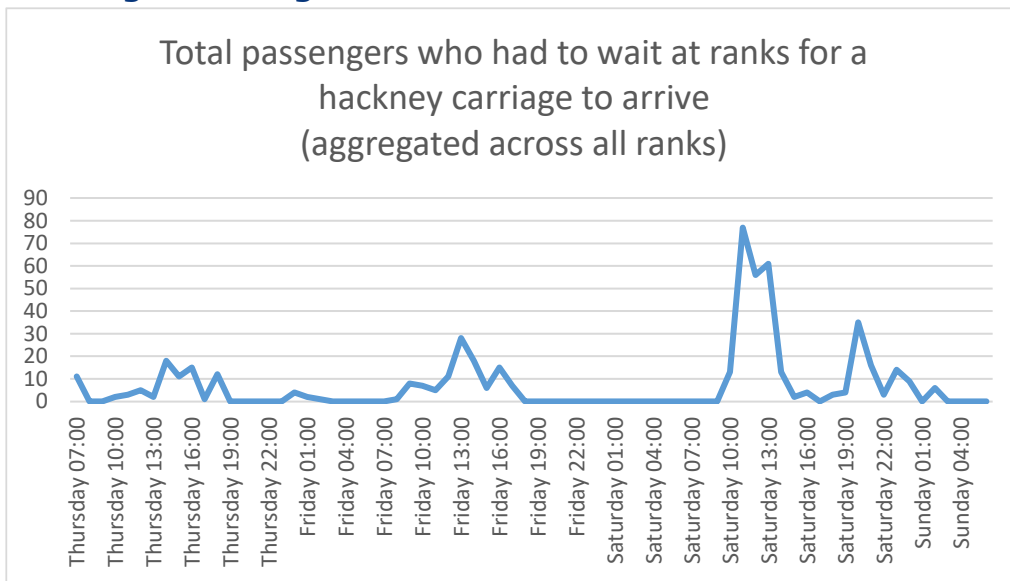
**Figure 15 - Average vehicle waiting time [minutes] at each rank (Part 2)**



**Figure 16 - Total passengers per hour**

The profile of total passengers follows a similar profile to that of total hires across all ranks.

**Passenger Waiting**



**Figure 17 - Number of passengers who had to wait for a hackney carriage**

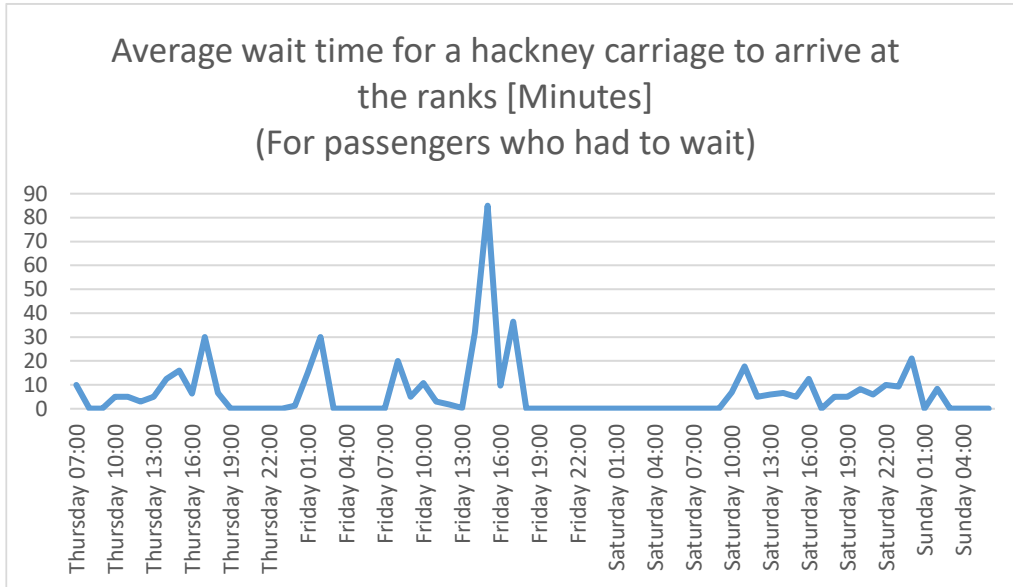
Passengers were deemed to have waited for a hackney carriage to arrive at a rank if there were not hackney carriages present at the rank and available for hire, when the passengers arrived. This is distinct from occasions when passenger queues formed at times of high demand, waiting to board a queue of waiting hackney carriages. On such occasions, the passenger wait was due to the logistical operation of the rank, such as waiting for a queued vehicle to pull up to the boarding area, rather than due to lack of availability. A total of 509 passengers had to wait for Hackney Carriages to arrive at the ranks.

Passenger waiting occurred at various times of day and in various locations. Waiting occurred during periods of low activity when ranks were quiet, as well as during more active periods when ranks were busy. When we consider the number of passengers who had to wait, against total passenger volumes, we can see the proportion of all passengers who had to wait in each hour. The proportions during the peak periods on Friday and Saturday nights, were lower than during other periods. The proportion of passengers who had to wait on Thursday morning, during the hour beginning 7:00 exceeded 100%. This indicates that not all waiting passengers waited until a hackney carriage at the rank. When the proportion of passengers who had to wait exceeds 100%, this indicates that some passengers gave up waiting.



**Figure 18 - Percentage of passengers who had to wait for a hackney carriage**

Aggregated over all passenger observations, 6% of all passengers had to wait for a hackney carriage to arrive at the ranks.



**Figure 19 - Average wait time for passengers who had to wait for a hackney carriage to arrive at the ranks**

Waiting time for a hackney carriage to arrive at the rank was generally less than ten minutes. However, there were periods when the average wait time was higher. In particular, on Friday afternoon. Taking all passengers who had to wait for a hackney carriage, the average waiting time was 11.16 minutes (11 minutes 10 seconds).

When we consider the average waiting time for all passengers, including those who didn't have to wait, the average wait time was 40 seconds.

Daily statistics from the rank surveys are presented in the following tables:

**Table 4 - Daily rank statistics Thursday to Friday**

<b>Thursday - Friday</b>						
Rank location	Total hackney carriages departing the ranks empty	Total hackney carriages departing the ranks with passengers	Total hackney carriages departing the ranks	Total passengers departing the ranks	Average passengers per hackney carriage	Average vehicle wait time at the ranks per hackney carriage (minutes)
<b>Total for all locations</b>	<b>277</b>	<b>995</b>	<b>1272</b>	<b>1509</b>	<b>1.5</b>	<b>11</b>
Church Street Shirley	9	3	12	3	1.0	4
Compton Walk	1	3	4	8	2.7	10
Above Bar Titanic at rank	0	1	1	2	2.0	0
Above Bar Titanic near crossing	7	3	10	4	1.3	10
Above Bar opposite Switch	0	0	0	0	0.0	0
Above Bar Yates	29	109	138	154	1.4	15
Portland Terrace	20	90	110	136	1.5	5
High Street	7	36	43	53	1.5	8
High Street For Your Eyes Only	17	22	39	41	1.9	12
Town Quay Red Funnel	50	21	71	27	1.3	4
Terminus Terrace	11	15	26	25	1.7	10
Angel Crescent	7	60	67	79	1.3	18
Bevois Valley	1	0	1	0	0.0	18
London Road	10	101	111	192	1.9	12
Railway Station Blechynden Terrace	21	200	221	265	1.3	15
Railway Station Western Esplanade	28	284	312	440	1.5	12
Coach Station	59	47	106	80	1.7	4

**Table 5 - Daily rank statistics Friday to Saturday**

<b>Friday - Saturday</b>						
Rank location	Total hackney carriages departing the ranks empty	Total hackney carriages departing the ranks with passengers	Total hackney carriages departing the ranks	Total passengers departing the ranks	Average passengers per hackney carriage	Average vehicle wait time at the ranks per hackney carriage (minutes)
<b>Total for all locations</b>	<b>413</b>	<b>1748</b>	<b>2161</b>	<b>2970</b>	<b>1.7</b>	<b>8</b>
Church Street Shirley	8	4	12	8	2.0	15
Compton Walk	7	27	34	51	1.9	8
Above Bar Titanic at rank	0	0	0	0	0.0	0
Above Bar Titanic near crossing	9	54	63	85	1.6	9
Above Bar opposite Switch	6	62	68	130	2.1	6
Above Bar Yates	24	201	225	330	1.6	8
Portland Terrace	14	122	136	210	1.7	3
High Street	11	78	89	105	1.3	10
High Street For Your Eyes Only	25	44	69	71	1.6	7
Town Quay Red Funnel	82	26	108	35	1.3	2
Terminus Terrace	9	141	150	251	1.8	9
Angel Crescent	6	98	104	129	1.3	9
Bevois Valley	6	1	7	1	1.0	6
London Road	6	163	169	316	1.9	10
Railway Station Blechynden Terrace	45	265	310	401	1.5	8
Railway Station Western Esplanade	22	412	434	752	1.8	9
Coach Station	133	50	183	95	1.9	3

**Table 6 - Daily rank statistics Saturday to Sunday**

Saturday - Sunday						
Rank location	Total hackney carriages departing the ranks empty	Total hackney carriages departing the ranks with passengers	Total hackney carriages departing the ranks	Total passengers departing the ranks	Average passengers per hackney carriage	Average vehicle wait time at the ranks per hackney carriage (minutes)
<b>Total for all locations</b>	<b>335</b>	<b>2160</b>	<b>2495</b>	<b>3944</b>	<b>1.8</b>	<b>5</b>
Church Street Shirley	2	2	4	2	1.0	3
Compton Walk	10	43	53	75	1.7	6
Above Bar Titanic at rank	0	3	3	4	1.3	0
Above Bar Titanic near crossing	4	108	112	166	1.5	3
Above Bar opposite Switch	9	110	119	225	2.0	3
Above Bar Yates	31	200	231	326	1.6	5
Portland Terrace	20	139	159	246	1.8	2
High Street	9	110	119	187	1.7	8
High Street For Your Eyes Only	13	29	42	44	1.5	2
Town Quay Red Funnel	62	11	73	18	1.6	2
Terminus Terrace	16	295	311	638	2.2	3
Angel Crescent	4	63	67	81	1.3	13
Bevois Valley	0	1	1	3	3.0	0
London Road	18	309	327	622	2.0	4
Railway Station Blechynden Terrace	0	292	292	510	1.7	8
Railway Station Western Esplanade	20	380	400	669	1.8	6
Coach Station	117	65	182	128	2.0	2

**Table 7 - Aggregate rank statistics Thursday to Sunday**

All 3 days					
Rank location	Total hackney carriages departing the ranks empty	Total hackney carriages departing the ranks with passengers	Total hackney carriages departing the ranks	Total passengers departing the ranks	Average passengers per hackney carriage
<b>Total for all locations</b>	<b>1025</b>	<b>4903</b>	<b>5928</b>	<b>8423</b>	<b>1.7</b>
Church Street Shirley	19	9	28	13	1.4
Compton Walk	18	73	91	134	1.8
Above Bar Titanic at rank	0	4	4	6	1.5
Above Bar Titanic near crossing	20	165	185	255	1.5
Above Bar opposite Switch	15	172	187	355	2.1
Above Bar Yates	84	510	594	810	1.6
Portland Terrace	54	351	405	592	1.7
High Street	27	224	251	345	1.5
High Street For Your Eyes Only	55	95	150	156	1.6
Town Quay Red Funnel	194	58	252	80	1.4
Terminus Terrace	36	451	487	914	2.0
Angel Crescent	17	221	238	289	1.3
Bevois Valley	7	2	9	4	2.0
London Road	34	573	607	1130	2.0
Railway Station Blechynden Terrace	66	757	823	1176	1.6
Railway Station Western Esplanade	70	1076	1146	1861	1.7
Coach Station	309	162	471	303	1.9

The total number of hackney carriages observed departing the ranks with passengers on board (assumed to be hires) was 4,903. The equivalent total observed during the 2018 survey was 6,555. The 2022 total hires observed was 75% of the 2018 total.

As a sense check, it is prudent to consider the total observed hires against the number of hackney carriages in the fleet. Currently there are 281 hackney carriages. When we consider the total number of hackney carriages departing the ranks with passengers (total rank based hires) against the number of hackney carriages, the average number of hires per hackney carriage was 17.4 over the three days of observation. This would imply that if all hackney carriages were operating from the ranks and achieved an equal share of hires, each would have undertaken around 17 hires over the three days observed. If we were to assume the average shift duration was 8 hours, this would imply an average of around one hire per 1.4 hours. This level of business could not sustain the fleet from rank based hires only. It is understood that some of the fleet also derive hires from private hire booking circuits, pre-bookings made directly with the driver, from hires obtained at the cruise terminals (not included in the observations) and from contracts. None of these additional sources of hires were observed or taken into account.

#### 4 General public views

A relatively high proportion of respondents had made a trip in the last three months by hackney carriage or private hire vehicle.

It was important that respondents were able to understand the differences between how Private Hire Vehicles and Hackney Carriages may be hired. Check questions were asked to determine the respondents understanding of the differences. The majority of respondents were able to correctly identify the differences in valid hire methods.

Respondents were asked to indicate the way they had most recently hired a licensed vehicle. Telephone or app booking was the most popular method.

With respect to bookings made through an operator, most bookings were for immediate hire.

Respondents were asked to rate various aspects of Hackney Carriages and Private Hire Vehicles. Price was the lowest rated aspect.

The most common trip purpose associated with hiring a licensed vehicle was for leisure.

Whilst many respondents had used a licensed vehicle in the last three months, few were frequent users of Hackney Carriages, with most using a Hackney Carriage less frequently than once a month.

Respondents were asked if they had given up or made alternative arrangements when trying to hire a Hackney Carriage at a rank, or by flagging down, because none were available? This statistic is an indicator of latent unmet demand. The level of latent unmet demand was low at 8.8% of respondents.

Respondents were generally in favour of having video cameras in licensed vehicles. The majority of respondents did not feel unsafe using taxis during the day. However, the majority of respondent indicated that they didn't always feel safe at night.



**Table 8 - Public consultation survey results**

Question	Response	Online survey
In the last three months, have you made one or more trips by hackney carriage or private hire vehicle in Southampton?	Yes	67%
	No	33%
For your most recent trip by licensed vehicle, what kind of vehicle did you use?	Private Hire Vehicle	46%
	Hackney Carriage	46%
	Don't know	7%
Regarding this last trip, do you consider that you or anyone in your party had a disability? For example, mobility impaired, visually impaired, hearing impairment or a wheelchair user.	Yes - me	22%
	Yes - another member of the party	5%
	No	73%
Was the vehicle used for the last trip suitable, in terms of ease of access and egress.	Yes	91%
	No	9%
About what time of day was the last trip made?	Morning (6.00 am to noon)	23%
	Afternoon (noon to 6.00 pm)	32%
	Evening (6.00 pm to 10.00 pm)	24%
	Night (10.00 pm to 6.00 am)	18%
	I don't recall	3%
Did you face any difficulties with your last trip in a licensed vehicle?	Yes	74%
	No	26%
If you faced difficulties with your last journey in a licensed vehicle, could you tell us a bit more about what difficulties were faced?	<ul style="list-style-type: none"> <li>• Drivers attitude</li> <li>• Language difficulty</li> <li>• No car available. Waited 45 minutes.</li> <li>• Actually getting a taxi was a problem</li> <li>• Took a long time to get a taxi due to lack of available cabs</li> <li>• We had terrible problems getting a taxi to go to a doctors appt. Our GP no longer offers face to face and sends us to distant surgeries for consultations. But taxi companies refuse to take bookings when there are cruise ships in port. It's a case of leaving disabled husband in doorway and running around trying to find a taxi that will come and take us.</li> </ul>	

Question	Response	Online survey
	<ul style="list-style-type: none"> <li>• We were charged extra to go to totton</li> <li>• Had to wait 45 mins for a taxi with frozen food shop</li> <li>• Booked vehicle unable fit all three passengers and luggage</li> <li>• Late pick up</li> <li>• Getting in and out is a faff for me, lack of leg room caused by narrowness between seat and door frame.</li> <li>• Driver didn't have a clue where he was going taking longest route</li> <li>• It just stopped in the middle of the road at the end of our journey</li> <li>• The driver sat at the barriers on Itchen bridge for 5 minutes trying to use a card which clearly had no money on it and when questioned on it, he told me to get out. The driver clearly has done this before and assumed I had been drinking, but in fact coming home from a meeting.</li> <li>• There just aren't enough taxis available! Too long waiting for one to become free.</li> <li>• Having to give directions to the driver - happens every time</li> <li>• Wait times were very poor</li> <li>• Was extremely late and stopped in an area that wasn't entirely safe to drop collect from</li> <li>• Driver was unfamiliar with how to fold a wheelchair down and how to handle it and didn't recognise that there were no removable footplates. My chair is a relatively standard folding chair with the only unusual feature being a tension bar between the handles (which I'm always happy to explain). Their boot was also only just big enough for my chair and it took a little bit to get it to fit.</li> <li>• Driver being cheeky trying to avoid taxes</li> <li>• 12 mins late</li> <li>• Not wheelchair user friendly and not reliable</li> </ul>	

Question	Response	Online survey
	<ul style="list-style-type: none"> <li>• Tried 3 companies, had to wait over 2 hours for a taxi</li> <li>• Poor driving standards</li> <li>• The car was dirty and the driver didn't get showered</li> <li>• Language</li> <li>• Took ages to book a taxi, walked past 2 empty ranks, had a 40 minute wait</li> <li>• Late picking us up, and didn't collect us at the end of the evening leaving us stranded</li> <li>• There automatic booking book it for 9pm instead of am</li> <li>• Rude driver. Wouldn't help with luggage. He complained that I wasn't going far enough to take a taxi and told me to walk next time.</li> <li>• I had specifically asked for a saloon estate when I pre-booked the taxi (a day in advance), so it would be low enough to climb into and have storage for my walking frame. On the day of travel, I waited almost an hour outside the hospital for a taxi to turn up, and I only got one then because I agreed to accept a different (and less suitable) type of vehicle. The driver informed me that the company was especially busy because 5 cruise ships were in port and the drivers were stretched.</li> <li>• Trouble getting a taxi in Bedford Place, had to walk across the city at 03:30 to get a taxi to collect us.</li> <li>• There were no vehicles available when I tried to book a minicab. I had to try several companies before I found one available.</li> <li>• Waiting times in the city centre are now longer and had to wait about 10 minutes.</li> <li>• It did not show up as over booked not enough vehicles that can take a wheelchair sometimes you have to book a whole bus!</li> <li>• They never (even when asked) wait for all passengers to put seatbelts on. Esp children.</li> </ul>	

Question	Response	Online survey
	<ul style="list-style-type: none"> <li>I have Severe Learning Disabilities and the car takes me to and from my Day Service one day a week. I travel alone after Mum has put taken me to the car. The Car parked outside a house several houses up and Mum had to wave to him to come for me.</li> <li>Over an hour late</li> </ul>	
How do you normally obtain a hackney carriage within this area?	At a taxi rank	31%
	Hail a passing cab in the street	0%
	Book by telephoning a company	37%
	Using a freephone	5%
	Book online or via a mobile app	27%
If you used an App or Website, which one did you use?	Uber	30%
	Bolt	8%
	Radio Taxis	48%
	West Quay Cars	9%
	Don't know / can't recall	5%
Do you normally require a hackney carriage immediately, or do you normally pre-book for another time?	Immediately	41%
	Future	21%
	It varies	38%
If booked for another time, how close to the booked time does the hackney carriage normally arrive?	Within 5 minutes before or after booked time	82%
	More than 10 minutes early	6%
	More than 20 minutes early	6%
	More than 10 minutes late	0%
	More than 20 minutes late	6%
If normally booked for immediate use, could you tell us if you normally have to wait?	No - I rarely or never have to wait	33%
	Yes - I normally have to wait between 5 to 10 minutes	36%
	Yes - I normally have to wait 10 to 20 minutes	24%
	Yes - I normally have to wait 20 to 30 minutes	7%

For what reasons have you used hackney carriages or private hire vehicles in Southampton? (please list all reasons in the last 3 months)	Medical	33%
	Leisure	69%
	Work	31%
	Education	5%
	Shopping	23%
Are there any existing taxi ranks that you would use more often if hackney carriages were more reliably found there?	Yes	65%
	No	35%
If there are taxi ranks that you would use more often if hackney carriages were more reliably found there, could you tell us which taxi ranks?	Portswood Road	7%
	Railway Station	11%
	Church Street, Shirley	29%
	Town Quay	4%
	Above Bar Titanic	11%
	Above Bar Yates	4%
	London Road	18%
	High Street	4%
	Bitterne	7%
	Terminus Terrace	4%
	Coach Station	4%
What is the principal factor which limits your use of hackney carriages? Please choose the most relevant factor	Cost	20%
	Waiting time	6%
	Usually cycle or walk	2%
	Usually use a rental e-scooter	10%
	Use the bus instead	13%
	No need to use hackney carriages	5%
	Drivers don't know the route	6%
	The nearest taxi ranks are too far away	10%
	I generally use a car	13%
	I use private hire vehicles	15%
What was the approximate time of day of your last licensed vehicle trip?	Morning (6.00 to noon)	22%
	Afternoon (noon to 6.00 pm)	23%
	Evening (6.00 pm to 10 pm)	26%
	Night (10 pm to 6.00 am)	21%
	Don't recall / not applicable	8%

Regarding your last trip in a licensed vehicle, could you rate the following aspects of the trip with a rating of 1 to 5? (1 being poor and 5 being very good)	Cleanliness of interior	3.84
	Cleanliness of exterior	3.92
	General condition	3.87
	Driver helpfulness	3.60
	Driver appearance	3.68
	Driver hygiene	3.65
	Driver attire / smartness	3.57
	Price	3.5
	Customer service	3.7
If you felt any aspects of your last trip were poor or very poor, could you provide further details regarding why you provided this rating?	<ul style="list-style-type: none"> <li>• Actually getting a taxi</li> <li>• Dirty glass, cluttered dashboard, dirty outside of car, often speeding</li> <li>• Driver took wrong route and I had to give directions</li> <li>• Driver wanted me to walk 20 minutes across a dark park to where he was waiting and moaned at me when I told him to come and pick me up.</li> <li>• Driver was late turning up and then had no idea where he was going, resulting in several U-turns on major roads.</li> <li>• Drivers attitude when challenged on his attempt at to making the journey longer than needed to be!</li> <li>• Had difficulties as previously explained with folding down my chair and the extent to which I was expected to help.</li> <li>• Had to be asked to take bags into the car</li> <li>• I get it if it was late afternoon and the car smells but early morning not cleaned his car thatâ€™s not good</li> <li>• Language difficulty</li> <li>• Messy driver with personal hygiene issues</li> <li>• Most hackney cab drivers seem to have an opinion on something!</li> <li>• Not my last trip, but prior to that coming from hospital and the GP, as a disabled it would have been nice to have had some help especially when I had asked for it !</li> <li>• Ordered a bolt and a car with an Uber sign arrived. Confusing.</li> <li>• Ordered an Uber at station, x3 drivers of licensed taxis were rude because I had ordered Uber</li> </ul>	

	<ul style="list-style-type: none"> <li>• Rude driver</li> <li>• Taxis drivers outside the train station in Southampton and at the Bargate are more expensive than the ones Prebook and also the drivers usually look scruffy and some taxis are not clean.</li> <li>• The driver didn't help me put my bag in the booth</li> <li>• The quality of the driving was appealing with the driver making selfish and dangerous moves en route</li> <li>• The smell in the car often extremes from very strong body odour to overpowering car fragrances</li> <li>• The smell in the car often extremes from very strong body odour to overpowering car fragrances</li> <li>• They never on time and some off duns wer fence marks</li> <li>• Wait time was poor ,</li> <li>• Was 45 mins late- booked 1 cabs only one attended- said he couldnâ€™t return to collect other half of party and said that it was common for jobs to be cherry picked</li> <li>• Wearing sandals is that safe?</li> <li>• Would not help with luggage and rushing us. Refused to go back for my partner even though had been paid for this</li> </ul>														
<p>How often do you obtain a hackney carriage from a rank in Southampton?</p>	<table border="1"> <tr><td>Daily or almost daily</td><td>2%</td></tr> <tr><td>Once a week</td><td>6%</td></tr> <tr><td>A few times a month</td><td>11%</td></tr> <tr><td>Once a month</td><td>4%</td></tr> <tr><td>Less than once a month</td><td>15%</td></tr> <tr><td>A few times per year</td><td>39%</td></tr> <tr><td>Never</td><td>23%</td></tr> </table>	Daily or almost daily	2%	Once a week	6%	A few times a month	11%	Once a month	4%	Less than once a month	15%	A few times per year	39%	Never	23%
Daily or almost daily	2%														
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Once a month	4%														
Less than once a month	15%														
A few times per year	39%														
Never	23%														
<p>How often do you obtain a hackney carriage by telephone, app booking or via web site, in Southampton?</p>	<table border="1"> <tr><td>Daily or almost daily</td><td>1%</td></tr> <tr><td>Once a week</td><td>7%</td></tr> <tr><td>A few times a month</td><td>16%</td></tr> <tr><td>Once a month</td><td>4%</td></tr> <tr><td>Less than once a month</td><td>12%</td></tr> <tr><td>A few times per year</td><td>26%</td></tr> <tr><td>Never</td><td>34%</td></tr> </table>	Daily or almost daily	1%	Once a week	7%	A few times a month	16%	Once a month	4%	Less than once a month	12%	A few times per year	26%	Never	34%
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Never	34%														

Regarding the number of Hackney Carriages in Southampton, do you feel there are:	Not enough	36%
	About the right number	17%
	Too many	11%
	No opinion/ Don't know	36%
What improvements (if any) would you like to see to Hackney Carriages services in Southampton?	<ul style="list-style-type: none"> <li>• Disappointed I couldn't use the app at busy periods e.g. rush hour or cruise ships in</li> <li>• Majority to be wheelchair accessible</li> <li>• Single online hailing service so I don't have to poll companies for availability</li> <li>• Uber drivers should pay to do "the knowledge"</li> <li>• Make drivers speak English. Put ranks in for special events</li> <li>• Need more cars in peak time. [and several similar comments]</li> <li>• The white cabs need to have a web app that links across the country or worldwide as Uber does.</li> <li>• Would like to see Hackney &amp; Private Hire become the same. Licensed, with driver and vehicle checked. Should be limited hours of work, many have several jobs and work too long hours.</li> <li>• To have to be available even if more profitable cruise ship passengers might want them</li> <li>• No charge to cross the boundary to New Forest.</li> <li>• More of them moving around rather than lots at sites like the central train station</li> <li>• Much greater "policing" of driving standards</li> <li>• Cheaper prices [and several similar comments]</li> <li>• Prioritise people with food shopping &amp; the Elderly of course.</li> <li>• A more reliable service</li> <li>• Driver must be helpful [and several similar comments]</li> <li>• Engine off rule should apply. Taxis and private hire vehicles near my home are particularly bad at waiting with engines running. Southampton has poor air quality...</li> <li>• Far too many at Central Station, there should be a maximum number permitted to wait and enforced by cctv</li> <li>• The ability to pay by card</li> <li>• One App for all Southampton Hackney taxis</li> <li>• A smarter reliable service. Knowledge of where we are going to. Not stopping in the middle of the road at the end of the journey.</li> <li>• Cleaner seating for some taxis. Remove over-powering air fresheners.</li> </ul>	



	<ul style="list-style-type: none"> <li>• I would like to see the drivers of hackney cabs from the ranks to look a lot smarter [and several similar comments]</li> <li>• Better knowledge of the city and stick to speed limits, I don't always feel safe being driven</li> <li>• More availability and more 7 seaters</li> <li>• Advertised details of a regulation body which you can report bad driving and conduct to</li> <li>• More honest drivers [and several similar comments]</li> <li>• Stricter regulation on boot size with respect to carrying wheelchairs. More consideration of comfort and training with respect to carrying a wheelchair user while remaining in the wheelchair (some cabs are awful and extremely uncomfortable and unsafe to travel even when they are allegedly registered for this). More training on different wheelchairs, how to fold them and not refusing passage because they can't be bothered.</li> <li>• Many more with wheelchair access that can be booked like a normal taxi and not have always pre book. Unlike able bodied people can get one whenever they need it. This limits and evening out as your night ends when you booked your cab for. You cannot go out with freedom to come home when you like and they always seem more expensive than an average cab</li> <li>• My wife and I are both in our 70's but we get no OFFER of assistance from drivers. They just sit in the cars and wait for us to get in.</li> <li>• More taxis available approximately 14.30 to 18.30 hours. Often required to wait over an hour when contacted for return journey which cannot be estimated or ordered in advance.</li> <li>• More disabled access</li> <li>• Ability to hail a passing empty taxi. Southampton is prebooked or rank only</li> <li>• Extra cabs on cruise days</li> <li>• More customer friendly. The drivers are, more often than not, dismissive, unhelpful and downright rude. They object strongly when I need a taxi from the city centre to the railway station as it's "not worth their while". I have a bad spine and cannot walk that far.</li> <li>• I think drivers should help disabled patients coming from hospital or a GP, especially if they had it on the phone.</li> <li>• There seems to be a shortage of taxis so more taxis in the evening.</li> <li>• Wheelchair access</li> <li>• Get rid of boundary charge</li> <li>• Seatbelts</li> </ul>
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	<ul style="list-style-type: none"> <li>• Clean In and out</li> <li>• Flat, level access. I can't manage their steps, or ramps.</li> </ul>	
<p>Have you experienced any problems with the local Hackney Carriage service? (indicate as many as apply)</p>	Design of vehicle	6%
	Driver issues	24%
	Position of ranks	11%
	Delay in getting a taxi / lack of availability	30%
	Cleanliness	8%
	No problems experienced	34%
<p>If you have had any problems with the local hackney carriage service, please tell us more, perhaps providing an example with a time and place where a problem occurred.</p>	<ul style="list-style-type: none"> <li>• Booked, then called to be told it was cancelled due to lack of availability</li> <li>• Poor reliability fulfilling pre-booked hires. [several similar comments]</li> <li>• Lack of immediate availability for pre-booked hires [several similar comments]</li> <li>• The van style taxis are difficult for someone with mobility issues to get into</li> <li>• Tired drivers.</li> <li>• Restricted access to rear seats [several similar comments]</li> <li>• Poor English language skills a barrier to communication [and several similar issues]</li> <li>• Some drivers rude and/or aggressive [several similar comments]</li> <li>• Driver travelling at unsafe speeds while on the phone. [several similar comments]</li> <li>• Some drivers unwilling to accept short distance fares [several similar comments]</li> </ul>	
<p>Are there any locations where you would like to see new taxi ranks?</p>	Yes	21%
	No	25%
	Don't know / no opinion	54%
<p>If you would like to see new taxi ranks, where would these ranks be?</p>	<ul style="list-style-type: none"> <li>• Woolston</li> <li>• Ocean Village</li> <li>• Boat show. Sea works exhibition and other events in Southampton</li> <li>• Swaythling</li> <li>• Near Mayflower theatre</li> <li>• Shirley precinct</li> <li>• Bedford place area</li> <li>• Winchester Road</li> <li>• Outside the football stadium after the match.</li> <li>• Outside event venues</li> <li>• Shirley.</li> <li>• General hospital</li> <li>• London Rd</li> <li>• Ocean Village</li> </ul>	

	<ul style="list-style-type: none"> <li>• Guildhall Square</li> <li>• Portswood</li> <li>• West Quay road, outside the bowling alley</li> <li>• In Shirley High Street</li> <li>• Bitterne/Harefield area towards West End.</li> <li>• Weston Shore</li> <li>• Another one in Bitterne</li> <li>• Sholing</li> <li>• More on the East Side of the Itchen</li> </ul>	
How would you rate the level of service provided by Hackney Carriages in Southampton? Please rate from 1 to 5. (1 being very poor and 5 being very good)	Average value 3.34	
Which of the following do you think offers the best value for money?	Hackney carriage	8%
	Private hire	43%
	No difference	27%
	No opinion	22%
In the last three months, have you given up or made alternative arrangements when trying to hire a HACKNEY CARRIAGE at a rank, or by flagging down, because none were available?	Yes	8.8%
	No	91.2
In the last three months, have you given up or made alternative arrangements when trying to get a Hackney Carriage or Private Hire vehicle by telephone because none were available?	Yes	21%
	No	79%
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?	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?	Yes	54%
	No	46%
Is signage on the side of a licensed vehicle, indicating the taxi company the vehicle works for important to you, when identifying a pre booked vehicle as the one you booked?	Yes	55%
	No	45%
Do you feel safe using taxis during the day (before 6pm)?	Yes	82%
	No	8%
	Not always	10%
Do you feel safe using a taxi at night (after 6pm)?	Yes	13%
	No	28%
	Not always	59%
If you do not feel safe using licensed vehicles sometimes, could you tell us more about the circumstances when you feel unsafe?	<ul style="list-style-type: none"> <li>• I would question the standard of driving. [several similar responses]</li> <li>• As a single female traveling with male driver</li> <li>• If on own or with daughter and driver isn't(appropriately)friendly</li> <li>• Sometimes they don't come at the area where you asked them to and you have to walk around searching for them</li> <li>• Very late at night</li> <li>• Driver standards and driver fatigue</li> <li>• I feel that there is more of an 'audit trail' with an Uber than hailing a cab or using a rank. There is a record of when it was booked etc. And the driver/passenger are obliged to 'behave' because of the review system.</li> <li>• When the driver does not know the route</li> <li>• Issues around travelling in the wheelchair, being expected to help fold my chair because the driver is unfamiliar with how to do this leading to me walking/leaning/standing more than I should. Drivers placing my wheelchair onto the road/layby when there are no dropped</li> </ul>	

	<p>kerbs in the vicinity so I have to travel along the road to get to one. Sometimes feel uncomfortable as someone who is obviously vulnerable and would be trapped without access to a taxi, being forced to accept situations that I'm not comfortable with just so I can get home.</p> <ul style="list-style-type: none"> <li>• Driver not knowing where they are going or having to wait past agreed time</li> <li>• As a woman, some drivers make me feel uncomfortable</li> <li>• I don't hire taxis after 18.00 due to some trouble from nightclub users getting rowdy or aggressive</li> <li>• Do not always feel safe when travelling alone, female.</li> <li>• I have experienced homophobic discrimination and hate speech from a driver while in a licensed vehicles. I am wary of this happening again.</li> <li>• When alone with a male driver</li> </ul>	
<p>Are there any features of hackney carriage services in Southampton that you feel are particularly good? If so, please tell us what features.</p>	<ul style="list-style-type: none"> <li>• CCTV recording.</li> <li>• Same colour, easily identifiable.</li> <li>• Most drivers are friendly and helpful</li> <li>• That you can flag it down on the street</li> <li>• Drivers know exactly where they are going without the need for sat nav</li> <li>• The drivers are usually friendly and helpful. However, some say they will only work during the day</li> <li>• Condition of cars</li> <li>• Drivers, in general, are really lovely and supportive and are mostly being let down by training and infrastructure</li> <li>• Cctv and licence holder details inside the cab.</li> <li>• Text to say who driver is also make of car</li> <li>• Council requirements for registration.</li> <li>• The ability to pay by card</li> <li>• App</li> </ul>	
<p>Thinking back to times prior to the spread of Covid-19 and comparing your use of licensed vehicles at that time, do you feel that your use of licensed vehicles now is different to the level of use prior to Covid-19?</p>	<p>No difference</p>	<p>67%</p>
	<p>I use licensed vehicles less now,</p>	<p>21%</p>
	<p>compared with prior to Covid-19</p>	<p>12%</p>

<p>If your level of use of licensed vehicles has changed since pre-Covid-19 times, could you tell us a bit more about why the level of use has changed?</p>	<ul style="list-style-type: none"> <li>• I moved house during covid</li> <li>• I bought a bike for exercise during lockdown, and I've realised it's a nicer way of getting about.</li> <li>• Prefer an unshared space</li> <li>• Change in home working arrangements and needing transport faster and more reliable than bus.</li> <li>• Mobility issues mean bus use is more difficult</li> <li>• Going out less frequently [several similar responses]</li> <li>• I'm more careful and don't use public transport unless necessary</li> <li>• Work from home more, go out less [several similar responses]</li> <li>• Close proximity of driver and poor vehicle hygiene</li> <li>• My mobility is reduced</li> <li>• Traveling more by bus due to reliability.</li> <li>• Don't take the train as often</li> <li>• The level of service has deteriorated</li> <li>• Taxis in general are easier to take precautions in - there is only one other person, who I can ask that they wear a mask. Buses (my main alternative) are much busier and it's basically impossible to take precautions other than wearing a mask myself. For longer journeys, buses also take much longer so I'm in that environment for a more extended period.</li> <li>• Due to health safety and new illness monkey pox ,Covid etc</li> <li>• To work</li> <li>• I travel less for work</li> <li>• More cars were parked at home, chances are you will not find a parking space when you return home.</li> <li>• Working from home, and more reluctant to share confined space (especially since face covering rules relaxed)</li> <li>• Become 18 and go into the city with friends for nights out</li> <li>• The bus service is a lot more irregular since covid. They are far apart and I have to get a taxi home after shopping as the wait is too long.</li> </ul>				
<p>Do you have regular access to a car?</p>	<table border="1"> <tr> <td data-bbox="721 1809 1064 1843">Yes</td> <td data-bbox="1070 1809 1321 1843">66%</td> </tr> <tr> <td data-bbox="721 1843 1064 1872">No</td> <td data-bbox="1070 1843 1321 1872">34%</td> </tr> </table>	Yes	66%	No	34%
Yes	66%				
No	34%				

Are you a student or permanent resident in Southampton?	Yes, permanent resident	81%
	Yes, student	2%
	No, neither of the above	17%
What gender are you?	Male	42%
	Female	51%
	Prefer not to say	7%
Which of the following age groups do you fall into?	16 - 30 years old	7%
	31 - 55 years old	41%
	Over 55 years old (56+)	53%

Respondents were asked if they had any other comments that they would like to make:

- I disapprove of the Uber and similar private hire business models on ethical grounds and do not think that we should support companies with suspect employment practices.
- The availability of private hire is being impacted by cruise ships often getting messages can't pre-book even days ahead due to ships. Shouldn't the focus be on servicing the community first, especially if pre booking journeys so that customer and company both know they can meet their obligations. Work for NHS and it's getting tougher and tougher to get transport to work in time.
- It's not right that Southampton cabbies have to pay to go through the steps to get their licences, yet a Leeds licensed Uber driver can operate in Southampton using a satnav to make journeys with passengers 🙄
- Taxis need to be brought into the transport strategy and given as much help as buses are.
- Hackney carriages are far too expensive, hence my limited use and why I drive more often.
- My answers may be confused. I mostly use Uber and I was not clear if Uber is a Hackney Carriage or Private Hire. Uber is great as I can see exactly where the taxi is and it comes to my doorstep almost immediately. I also trust it more because its exact location is continuously tracked as is who is onboard.
- Hackney & Private Hire should be one regulated class. Customers do not understand or want the difference.
- We don't use taxis at cruise terminal any more as they charge extra to go to new forest so we now pre book a new forest company
- Safety of passengers should mean all taxis has a local office and phone contact number and drivers accountable for their conduct
- Just to say that I have used the same company for many years and when my daughter was very ill in hospital for 3 months I used them almost every day, I could rely on them. Amazing service and such pleasant helpful drivers!
- Wherever possible I prefer to use buses within the city, on cost grounds. While I still drive and have access to a car my use of Hackney cabs and private hire vehicles is likely to be very limited, apart from maybe a late night or early morning Southampton Airport (air or rail connection) trip.

- I think that Southampton has a very good taxi service. I always use radio taxis because they have the most cars available
- When I book its always Uber first. if no availability or prices surging then I try private hire. companies tend to take bookings then send anything available, could be their own car, a hackney or even a non Southampton licensed car. a bit confusing especially as the latter 2 could have different tariffs. Identifying the car never an issue as text always received giving vehicle/driver details.
- The Prius is a useless taxi. Use other, larger, electric/hybrid vehicles.
- Only had 1 bad experience when driver refused transporting sick chihuahua to vet!!
- I go out far less. The city seems more violent than pre-covid
- Some of the questions were ambiguous, I did not even know you could book a Hackney, not that I would, some of them are just downright unpleasant.
- It is hard to book cabs now because local firms have shut down or downsized. Drivers have left and the quality of drivers is very poor now. There is now little choice other than to use Uber which I have tried not to do.
- Yes to get the hackney drivers to smarten up and look a little more like taxi drivers used to be professional
- I have only used Radio Taxis. Found them to be reliable and very helpful, and reasonable charging.
- I think it's unfair to charge extra for a cat in a carrier, they don't make a mess.
- The drivers are appalling. A hour or two of Police time at a rank checking who is driving would be beneficial. I have had a number of drivers who had no local knowledge of the route, no ID and dumped me out of the car when challenged.
- All licenced vehicles should be forced to allow online payment. That would force the crooked hackney drivers to stop short-changing passengers.
- Please employ more female drivers for Evening/Night work that can be requested by female passengers.
- There is a monopoly of taxis now being owned by radio taxis or Uber so customer service is not of interest. A lot of the drivers find it hard to converse which is unnerving.
- Most of the taxi drivers are males and for single women it might be uncomfortable to deal with a driver that take advantage of having a woman in his car to make inappropriate comments. It should be mandatory to have a Professional Boundaries training so they understand we are looking for a taxi not for a man.
- All taxi should have badge holder details inside the car when sitting I.e on windows or back of the seat. And also licence number details on the door. Have less information on the door. Or it gets confusing. Only need to know if taxi is Southampton, I.e logo and legal status I.e licence number to identify driver. No need any other information or advertising.
- A taxi rank in Portswood as we used to have would be great
- Some drivers need training with learning disability passengers
- Remind drivers of the rules of the roads here in the uk. Tell them it is not ok for then to u-turn along Shirley high street or any other main road i.e. Portswood.
- I just wish that sometimes drivers were a little more aware of the type of passengers they are conveying. Also that they park safely when dropping off and not block the road for other car users. And please get them to use their



indicators correctly. I.E. Actually use them and indicate before making a turn and not while they are actually turning. Sorry, I know it sounds petty but they are meant to be professional drivers and some of them are the worst drivers on the road. I have been driving since 1970 so I think I know what I'm talking about.

- I remain confused, To me taxis are licensed cars that I can contact and book to take me where I need to be. As I am not independently mobile, the only time I would use a taxi rank is likely to be outside a train station as I prefer to book in advance so that the company can meet my requirements.
- More bolt and Uber needed. It's good to be able to track the driver. I feel safe sending the route to my husband or friends. Unsure why there are so little nowadays round here?
- I travel so infrequently that I don't know the current situation but I've always been happy with the Southampton main 'traditional' companies.
- Too many private hire and Uber cars in Southampton. Knowledge of roads in Southampton poor, usually will try to take longest route
- Driving standards have fallen over the years, they must take a yearly test to prove they have the skills - and I understand that they don't require a seatbelt when carrying passengers - but why don't they wear a seatbelt between jobs?
- I have nothing more to said but I'll like to see more clean taxis and drivers
- There could be more signs showing where taxi ranks are around the city and in the shopping centres. I only see signs for them at the rail station, not even at the bus station or the port
- I noticed the question about the off switch for the camera, I would like to say it shouldn't be installed as it doesn't protect the taxi driver when they are parked up etc so they shouldn't be given the option to turn it off when they are working
- More Taxis in Shirley, Southampton and for the drivers of the ones by the Bargate and outside Southampton Train Station to keep their taxis and themselves clean and not to smoke on their taxis.
- Twice the price of uber, means they are a last resort if uber not around or prebooking is required
- Improving taxi services in Southampton would not be as important if the buses weren't such an embarrassment
- I was not aware we could phone for white cabs, I will look it up. I enjoyed that.
- Please ensure that taxi drivers have good manners and are not rude to customers.
- Disabled people can be heavily dependent on taxis. I wish companies would honour their existing bookings and not let down regular, vulnerable customers to go chasing cruise liner passengers!
- Taxi ranks needed at both hospitals in Southampton.
- Deregulation is vital. Enable all licensed vehicles to use taxi ranks.
- In my experience, private hire is cheaper than going to a taxi rank or flagging down a hackney carriage. I do not use Uber but private hire from local companies and this is often still significantly cheaper than seeking out a taxi rank.
- Please ask them to come to the house door and ring the bell, open the door for disabled people and assist people with special needs getting in and out of the car eg. after a hip replacement.

- I am not comfortable with out of Southampton licensed vehicles operating in the city. They are not subject to the same controls as city cabs
- No need any more taxi in Southampton, occupying all-over the space, they are parking at the bus stops, parking bays everywhere, too many taxi in Southampton.
- It's really important to me that they are on time. If they are going to be late it would be really helpful to be truthful about it so I can be comfortable while waiting.

## 5 Key stakeholder consultation

The following key stakeholders were contacted in line with the recommendations of the BPG:

- Supermarkets
- A range of Southampton Hotels in the City centre and suburban areas
- Police
- Disability representatives
- A sample of care homes in Southampton
- Southampton Council's officers representing Equality, Diversity and the interests of disabled and minority groups.
- Southampton Chamber of Commerce
- University of Southampton
- Southampton Solent University
- University of Southampton Student Union
- Southampton Solent University Student's Union
- First Southampton
- Bluestar
- Southwest Trains
- Campaign for Better Transport
- Age UK
- Southampton General Hospital,
- A range of Southampton Pubs in the City centre and suburban areas
- Night Clubs in central Southampton.
- Hotels
- Visitor Attractions: (Southampton Football Club, Southampton City Art Gallery, Sea City Museum, Tudor House, Solent Sky Museum)
- Supermarkets
- Associated British Ports
- Street pastors

Comments received have been aggregated below to provide an overall appreciation of the situation at the time of this survey. In some cases, there are very specific comments from given stakeholders, but we try to maintain their confidentiality as far as is possible. The comments provided in the remainder of this Chapter are the views of those consulted, and not that of the authors of this report.

In general, the response rate to initial email enquiries was poor. This can be indicative that those invited to respond are not aware of any particular issues. Further email contact was made and where possible telephone contact was made to obtain feedback. Generally, feedback received confirmed that few stakeholders were aware of any particular issues with general availability or with services provided.

Our information was obtained by telephone, email or face to face meeting as appropriate. The list contacted includes those drawn from previous similar surveys, and from general internet trawls for information. Our target stakeholders are as far as possible drawn from across the entire licensing area to ensure the review covers the full area and not just specific parts or areas.

For the sake of clarity, we cover key stakeholders from the public side separately to those from the licensed vehicle trade element, whose views are summarized separately in the following Chapter.

### **Supermarkets**

No supermarkets indicated that there was any perceived issue with availability of licensed vehicles. When required, customers generally tended to call a private hire operator to arrange to be picked up. Some supermarkets had a freephone to call an operator to book a licensed vehicle.

### **Hotels**

A range of large and small hotels in the City Centre and further from the centre were contacted. Most had no particular knowledge or view regarding availability of licensed vehicles. Most guests make their own arrangements for hiring licensed vehicles. Often guests would use a mobile app, such as Uber.

None indicated that they felt there was a persistent issue with availability. Some respondents indicated that there could be a wait during school run times. City centre hotels mentioned that nearby taxi ranks would generally be used if people needed a taxi immediately.

### **Public houses and night clubs**

A selection of licensed premises in the City Centre and in suburban areas were contacted regarding levels of service available. The majority were contacted by phone and responses were from bar staff or a member of management. However, contact with some city centre premises was made with door staff, at night. The door staff generally had better awareness of how passengers used licensed vehicles after leaving licensed premises. Customers generally arrange their own bookings with mobile phones, in locations remote from taxi ranks. In locations which are close to taxi ranks it was felt that these were often used by passengers. There can be a wait at some ranks at peak times when clubs or pubs close. However, any queues generally clear quickly.

### **Hospital**

Hospital reception staff were contacted regarding availability. They didn't feel there was any issue with availability of licensed vehicles. Visitors make their own arrangements to book travel.

## Police

No formal response to an invitation to comment was received from the police. However, informal discussion with police officers on patrol in Southampton suggested that the passenger queues at the taxi ranks in the evenings are relatively rare and wait times are not long, when passenger queues form.

## Mobility impaired representatives

A range of people representing user groups who may face mobility difficulties were contacted. These included representatives of the elderly and disability representatives. In addition, a sample of care homes were contacted. Response levels for this element of consultation were low. However, those who could be contacted indicated that most people with mobility impairments who relied on licensed vehicles, had an established relationship with a preferred supplier. There were few problems with availability. Most trips were booked in advance. Trips which required a wheelchair accessible vehicle were generally well catered for, by regular providers. The Council publish a list of wheelchair accessible Hackney Carriages together with contact telephone numbers for drivers. This provides some additional confidence amongst wheelchair users that they can obtain a taxi on demand if needed, rather than having to rely on pre-booking both legs of any journey. No respondents felt that wheelchair users, who could not transfer from their wheelchair to a vehicle seat, would rely on trying to find a taxi at a rank, rather than trying to book a wheelchair accessible vehicle.

## Rail and other transport operators

First Southampton buses, coach station staff and railway station staff were contacted.

First Southampton buses were not aware of any particular issues for passengers who required a taxi.

Staff at the railway station felt that there were normally hackney carriages available in the railway station for any arriving passengers. Sometimes a large London train or two or more trains arriving together can clear the rank of waiting taxis. However, these events are unusual and normally even if the rank is cleared, more Hackney Carriages arrive within a few minutes to pick up waiting passengers. Occasionally passenger luggage can be an issue at the taxi ranks, with some cruise passengers arriving in parties of four people, all with large luggage items. However, on such occasions, the waiting hackney carriages generally sort themselves out so that if a larger vehicle is present, it would be used for the party with large amounts of luggage.

At the coach station, staff felt that there were often taxis waiting outside the station, but that was not always the case. However, if people were waiting for taxis, they generally didn't have to wait too long.

### **Other Council contacts**

Feedback was received regarding council contracts and provision for special need travel. All direct requirements are undertaken through contracts and there are no issues with the fulfilment of the contract travel.

### **Universities**

Student feedback was provided through informal discussion with students.

There was some perception that if telephoning to book a licensed vehicle, there can be extensive wait times or limited availability at times. Uber provides limited availability and surge pricing can often put off users. Availability of hackney carriages at the ranks is generally ok, but taxis tend to be more expensive, except when Uber are busy. Different clubs and pubs have promotions or student nights on different nights of the week. So students will often go out on a weeknight rather than Friday or Saturday night. Weekday nights are not as busy as weekends. But that doesn't mean that it is easier to get a licensed vehicle.

Many students live in or close to the city centre and are able to walk home, rather than rely on licensed vehicles. Also, some students have cars and there are informal lift sharing schemes in operation which operate on social media. In these arrangements, a driver will arrange to pick up friends in exchange for petrol money. Generally, the trip sharing is organised between friends, rather than offered to strangers.

### **Cruise demand**

There are private ranks at the cruise terminals and these are serviced by hackney carriages with permits. There are standard fares for some common destinations from the cruise terminals. These are prominently displayed at the cruise ranks. It was felt that hackney carriages normally service demand well.

Other stakeholders listed but not included in the feedback outlined, did not respond to approaches for comment.

## 6 Trade stakeholder views

The BPG encourages all studies to include 'all those involved in the trade'. There are a number of different ways felt to be valid in meeting this requirement, partly dependent on what the licensing authority feel is reasonable and possible given the specifics of those involved in the trade in their area.

The most direct and least costly route is to obtain comment from trade representatives. This can be undertaken by email, phone call or face to face meeting by the consultant undertaking the study. In some cases to ensure validity of the work being undertaken it may be best for the consultation to occur after the main work has been undertaken. This avoids anyone being able to claim that the survey work was influenced by any change in behaviour.

Most current studies tend to issue a questionnaire to all hackney carriage drivers and operators. This is best issued by the council on behalf of the independent consultant. Usual return is now using an on-line form of the questionnaire

In all cases, we believe it is essential we document the method used clearly and measure response levels. However, it is also rare for there to be high levels of response, with 5% typically felt to be good and reasonable.

For this survey a link to an online survey was distributed to the trade, directly through the Council. A total of 9 responses were received from the trade. The responses to the survey are summarised in the following table.

**Table 9 - Trade survey responses**

Question		
Do you normally drive a Hackney Carriage?(Please note, this questionnaire is aimed at Hackney Carriage drivers and owners. The majority of questions relate to Hackney Carriages. However, other members of the licensed vehicle trades in Southampton are welcome to complete any questions that you feel are relevant to you	Yes, I am a Hackney Carriage owner and driver	67%
	Yes, I drive a hackney carriage but do not own a hackney carriage	11%
	No, I drive a private hire vehicle	11%
	I am a Hackney Carriage owner, I don't normally drive	11%
What type of licensed vehicle do you drive most frequently?	Purpose built taxi vehicle	13%
	Saloon car	50%
	Minibus / people carrier (wheelchair accessible)	13%
	Minibus / people carrier (not wheelchair accessible)	24%
How long have you been involved in the licensed vehicle trade in Southampton? (number of years)	0-2 Years	0%
	3-5 Years	0%
	6-10 Years	0%
	11-15 Years	0%
	16-20 Years	0%
	Over 20 Years	100%



Thinking back to working in Southampton prior to the outbreak of Covid-19 could you tell us, how does demand for hires now compare with the level of demand prior to the spread of Covid-19?	There is more daytime demand and similar level night time demand now	11%
	There is less day time demand and less night time demand now	56%
	There is less daytime demand and similar level of night time demand now	11%
	There is around the same level of daytime demand and less night time demand now	22%
How to the hours that you work as a licensed vehicle driver now compare with the hours that you worked prior to the spread of Covid -19? Please choose the answer which is most relevant to your circumstances.	I work a different mix of day and /or night time hours now and for fewer hours each week	14%
	I work the same or similar mix of day and / or night time hours and for around the same number of hours each week	43%
	I work a different mix of day and / or night time hours now and for more hours each week	43%
Drivers were asked how many hours per week they worked.	Average number of hours was 44.4	
Approximately how many journeys on average do you pick up each week from ranks? (Hackney Carriage Drivers)	21 - 30	40%
	31 - 40	20%
	41 - 50	40%

Approximately how many hires on average do you pick up each WEEK from hailing or flagging down at the roadside? i.e. hires which are not pre-booked or from a formal or informal rank. (Hackney Carriage Drivers)	Up to 10 per week	75%
	11 to 20 per week	25%

Approximately how many hires on average do you pick up each WEEK which are pre-booked hires, by telephone, app or other pre-booking method.						
	11 to 20 per week	21 to 30 per week	31 to 40 per week	41 to 50 per week	51 to 60 per week	Not applicable
Yes, I am a hackney carriage OWNER AND DRIVER	0%	17%	17%	17%	0%	50%
Yes, I drive a Hackney Carriage but do NOT OWN a Hackney Carriage	0%	0%	100%	0%	0%	0%
NO, I drive a private hire vehicle	0%	0%	0%	0%	0%	100%
No, I OWN a Hackney Carriage but DO NOT DRIVE a Hackney Carriage	0%	0%	0%	0%	0%	100%

On average, over the year as a whole, how many hires would you estimate that you pick up from regular contracts in an average week?						
	Up to 10 per week	11 to 20 per week	21 to 30 per week	31 to 40 per week	41 to 50 per week	Not applicable
Yes, I am a hackney carriage OWNER AND DRIVER	0%	17%	0%	17%	0%	67%
Yes, I drive a Hackney Carriage but do NOT OWN a Hackney Carriage	100%	0%	0%	0%	0%	0%
NO, I drive a private hire vehicle	0%	0%	0%	0%	0%	100%
No, I OWN a Hackney Carriage but DO NOT DRIVE a Hackney Carriage	0%	0%	0%	0%	0%	100%

Approximately how many journeys on average do you pick up each WEEK, which require carriage of a wheelchair?						
	None	1 to 5 per week	6 to 10 per week	11 to 20 per week	21 to 30 per week	Not applicable
Yes, I am a hackney carriage OWNER AND DRIVER	40%	60%	0%	0%	0%	0%
Yes, I drive a Hackney Carriage but do NOT OWN a Hackney Carriage	100%	0%	0%	0%	0%	0%
NO, I drive a private hire vehicle	0%	0%	0%	0%	0%	100%
No, I OWN a Hackney Carriage but DO NOT DRIVE a Hackney Carriage	0%	0%	0%	0%	0%	100%

On occasions when you may need to carry a wheelchair, how is the hire most frequently undertaken?	From a rank	75%
	Pre-booked	25%

Do you subscribe to a booking circuit to obtain bookings made by telephone, online or mobile app?			
	Yes	No	I have my own regular customers
Yes, I am a hackney carriage OWNER AND DRIVER	50%	33%	17%
Yes, I drive a Hackney Carriage but do NOT OWN a Hackney Carriage	100%	0%	0%
NO, I drive a private hire vehicle	0%	100%	0%
No, I OWN a Hackney Carriage but DO NOT DRIVE a Hackney Carriage	0%	100%	0%

Do you have any regular clients who use wheelchairs?	Yes	11%
	No	89%
Besides wheelchair users, do you have any regular clients with mobility impairments. (this may include regular contract work.)	Yes	33%
	No	67%

For Hackney Carriage drivers only - Do you have personal clients who call you to hire your services? For example, from cards distributed, or calling a number displayed on the side of the vehicle.	Yes	56%
	No	44%
Do you rent a Hackney Carriage plate, or plated vehicles?	Yes, I rent a plate but pay for the vehicle	13%
	No	87%
If you rent a plate, would you be prepared to tell us how much the weekly rent is?	Responses indicated a range of between £140 - £210	
Have you been attacked by a passenger in the last year?	Physically attacked	11%
	Verbally attacked	33%
	Not attacked	56%
Do you feel safe working as a licensed vehicle driver in Southampton?	Yes, all of the time	63%
	Yes, some of the time	25%
	None of the time	12%
If you feel unsafe working in Southampton, could you please select which of the following applies to where or when you feel it can be unsafe?	Daytime (06:00 - 18:00)	20%
	Night time (18:00 - 06:00)	40%
	In certain areas	40%
Are there any particular locations / times you feel unsafe?	Thornhill Millbrook Shirley Warren Weston	
In Southampton, the Licensing Department requires Hackney Carriages and Private Hire Vehicles to be fitted with fixed cameras which record digital images within the vehicle for both passenger and driver safety. Does the camera make you feel safer?	Yes	22%
	No	78%

Do you agree with the policy of having a camera in licensed vehicles?	Yes	44%
	No	56%
If you disagree with the camera policy, could you let us know the reasons for your disagreements?	<ul style="list-style-type: none"> <li>• Driver has no access and not able to use for any verbal or physical abuse that comes</li> <li>• I paid for a camera to which I don't have access. The approved cameras are unreliable and poor quality</li> <li>• Most taxi drivers use there vehicles for private use as well as for there work it is an invasion of your private space there has not been any prosecutions against the public from footage from cameras waste of time and money</li> <li>• Extra expense being fitted and maintained. I did work as Door man and feel confident, dealing with customers, who are mainly shoppers.</li> </ul>	
Is the vehicle you drive used by more than one driver, i.e. double shifting?	Yes	0%
	No	100%

<p>What issues do you feel can adversely affect the successful operation of the Hackney Carriage trade?</p>	<ul style="list-style-type: none"> <li>• Private Hire Operators forming a cartel: Uber + Ride Radio + West Quay Cars</li> <li>• Uber</li> <li>• As there are only a few locations to pick up from where the areas are busy, train station, red funnel Ferris, above bar, west quay stand. Fri sat nights London road and terminus terrace behind oxford street. The terminus terrace taxi stand has no indication to say taxis, and we have to park behind a building, locals know there is a taxi stand there but tourist do not. During lock down Lower Banister street taxi stand was closed to vehicles to create outside seating and this taxi stand has never reopened. This taxi stand was very busy Wednesday, Friday, Saturday and Sunday nights.</li> <li>• More taxis would reduce income, and no spaces on the taxi stands, as the public very rarely hail a taxi, and the younger generation 40 or below don't know they can hail a taxi. Self driving vehicles will have a big impact on the taxi trade, legislation is already being updated via the law commission and DVLA. The big corporate private hire companies or car manufacturers will place lots of self drive vehicles in every city. The disabled car manufacturers are thinking of ways for a disabled passenger to assist themselves into a vehicles. Until that is possible and self-drive vehicles do become taxis, the government or councils may have to pay disabled access taxi drivers a hourly rate as there will be very little work if any.</li> <li>• UBER drivers from other boroughs, working in Southampton. Cross border hire. ABP overcharging for docks permits. Lack of knowledge from public, as to how Hackney carriage works. Traffic jams</li> <li>• Lack of drivers</li> <li>• Too many Uber vehicles in Southampton.</li> <li>• To many private hire vehicles allowed to park in obvious positions</li> <li>• Uber</li> </ul>	
<p>Are there sufficient Hackney Carriages in Southampton to meet current levels of demand?</p>	<p>Yes, too many</p>	<p>78%</p>
	<p>Yes, generally sufficient</p>	<p>11%</p>
	<p>No, not during all periods</p>	<p>11%</p>
<p>If you feel that there are not sufficient Hackney Carriages at certain times, at which periods are more Hackney Carriages required?</p>	<p>During the daytime</p>	<p>0%</p>
	<p>During the evening / night</p>	<p>0%</p>
	<p>All day and night</p>	<p>100%</p>

How many Hackney Carriages should there be in the fleet in Southampton?	Same as currently licensed	50%
	Unlimited	12.5%
	No opinion	12.5%
	250	25%
Should Southampton Council remove the numerical limit on the number of Hackney Carriages?	Yes	11%
	No	89%
Are there any factors which limit supply of Hackney Carriages or Private Hire Vehicles at certain times or in certain locations?	<ul style="list-style-type: none"> <li>• Greedy multiple plate owners ruining the trade</li> <li>• Not enough drivers</li> <li>• Rank space all drivers are self employed and work when they wish. We need a shift system consisting of day drivers and night drivers.</li> <li>• ABP overcharging for dock permits. Not enough rank spaces.</li> <li>• Not enough drivers and drivers feeling unprotected by the authorities to work nights</li> <li>• Difficulty in entering and exiting the Docks and bad traffic management in the City.</li> <li>• Not enough Hackney drivers as Southampton licensing have made it easy to get a PH license</li> </ul>	
Do any of the existing ranks need to be improved? If so, which and how could they be improved?	<ul style="list-style-type: none"> <li>• Above bar, train station platform 4 side more rank space, reopen Lower Banister street, (they could make that area one way system, easier traffic flow)</li> <li>• Terminus terrace [moved] so that at least the first taxi is showing to the public dining in Oxford Street</li> <li>• Above Bar extension, Downside, no feeder rank across road not workable! Enforce law 45 no private vehicles on taxi ranks.</li> <li>• It's more about keeping the ranks clear from the general public parking on them</li> </ul>	

<p>Do any new ranks need to be established? If so, where should they be located and why?</p>	<ul style="list-style-type: none"> <li>• Outside hotels</li> <li>• General hospital</li> <li>• Oxford Street for night time use, opposite Med bar. Taxis do park there at night times, so this would make it legal for drivers to park there. Southampton University, evening / night time use. A lot of people in the evening leave the university to go to the station or hotels and at night time a lot of students would use the taxis to come into town. This would then have to be published to let people know.</li> <li>• Southampton docks</li> <li>• A definitive rank at the general hospital for a HC to use</li> </ul>	
<p>Please choose the option which best reflects your opinion of the current level of Hackney Carriage fares</p>	<p>Too low</p>	<p>22%</p>
	<p>About right</p>	<p>67%</p>
	<p>Don't know / no opinion</p>	<p>11%</p>
<p>How often, or under what circumstances, do you think that Hackney Carriage fares should be increased?</p>	<ul style="list-style-type: none"> <li>• Yearly in line with cost of living index as per gov percentage.</li> <li>• Every year in line with inflation</li> <li>• Inflation and a fare increase every year</li> <li>• We have just had a increase which was fair, but we should have a review every two years. We have had to wait 8 years for this increase.</li> <li>• With inflation</li> <li>• I think the fares should be looked at annually and increased if deemed necessary by the trade</li> <li>• WHEN THE TRADE REQUIRE IT</li> <li>• Every year</li> <li>• Every 2 years so as the increase is smaller.</li> </ul>	
<p>In Southampton, new drivers are required to complete a BTec within 6 months of being granted a license. Do you agree with this policy?</p>	<p>Yes</p>	<p>56%</p>
	<p>No</p>	<p>44%</p>



Do you feel that drivers receive sufficient training before being granted a Driver's License?	Yes	11%
	No	89%
If you feel that drivers do not receive sufficient training, which types of additional training would you like to see offered to drivers?	NVQ	50%
	Driving Skills Assessment	75%
	Basic Skills Assessment	63%
	English language	100%
	Disability awareness	88%
	Knowledge test	100%
	Customer care	100%
	Rules to be followed regarding where and where not to park, especially private hire drivers when they are waiting for a booking from their operator	13%
Good knowledge of the area. Drivers should only be awarded a badge after 3 years experience as a private hire driver.	13%	
Prior to reading this questionnaire, were you aware that Southampton enforces a numerical limit on the number of Hackney Carriages in Southampton?	Yes	100%
	No	0%
Are you aware of any times or locations where members of the public may face difficulties hiring a Hackney carriage, or Private Hire Vehicle?	<ul style="list-style-type: none"> <li>• During school run times</li> </ul>	

<p>Is the signage and marking for current taxi ranks effective? If not, how could this be improved? Are there any particular issues at particular ranks?</p>	<ul style="list-style-type: none"> <li>• Marked more clearly and equipped with enforcement cameras</li> <li>• Terminus terrace needs a sign to indicate taxi stand, bright lights at night time would be good, maybe a solar panel fitted light. Maybe all taxi stands could be fitted with signs powered by solar panels.</li> <li>• Better signage needed</li> <li>• Yes the Bargate rank and Above rank are very poorly signposted also the town quay rank</li> <li>• No - there needs to be more attention to providing signage to prevent private cars parking on all taxi ranks.</li> </ul>	
<p>Do you feel that the level of customer care and service quality from Hackney Carriage drivers in general in Southampton is satisfactory?</p>	<p>Yes</p>	<p>56%</p>
	<p>No</p>	<p>44%</p>

<p>The Department for Transport TAXI AND PRIVATE HIRE VEHICLE LICENSING: BEST PRACTICE GUIDANCE indicates that in order for a licensing authority to continue to maintain a cap on hackney carriage numbers, there should be a recognised benefit to the travelling public. In your opinion, what benefits are there to customers in restricting the number of Hackney Carriages?</p>	<ul style="list-style-type: none"> <li>• Only dedicated drivers will stick to this trade otherwise known as gig economy. Not restricting the number of HC will lead to people having 2 or 3 jobs which are paid better daytime. Customers will find difficult to get a taxi daytime.</li> <li>• The benefits to the public are better maintained vehicles drivers providing good customer service if you remove the cap, standards will fall as drivers earnings will fall and when that happens service levels will fall.</li> <li>• They have knowledgeable and caring driver's. Hackney carriage and private hire vehicles are sufficient as I can be sat on a taxi stand and customers will still opt for a private hire vehicle, this happens a lot. So the customer has a lot of choices in Southampton.</li> <li>• Drivers not forced to work long hours to earn enough money, which would make journey unsafe if driver tired. Too many taxis, not enough rank space, would cause traffic hold ups, [if the limit were removed or increased]</li> <li>• By restricting the amount of HC vehicles keeps the high standards demanded by our council if you put on more vehicles you will drop the standards of vehicles as there will be less money to earn hence less money for maintenance of vehicles</li> <li>• The licensing department can identify poor operators quickly with a manageable number</li> </ul>
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<p>Finally, are there any other comments that you would like to make?</p>	<ul style="list-style-type: none"> <li>• Licensing dept to invest more in the trade.</li> <li>• Too many politics from people who don't understand how taxi trade works or the cost involved. I been driving taxis since I was 24 I'm now approaching 60. Uber have destroyed the taxi trade around the world surely that should be more important</li> <li>• Unmet demand survey, not necessary ever 3 years. Taxi trade has changed with haling app.</li> <li>• Survey should be done every 10 years, with money saved allowing local authorities to do more enforcement.</li> <li>• I have been in this trade for 34 years and have noticed so many changes. If there is any changes you wish to make it should be about education.</li> <li>• Not just drivers but the general public, as a lot of them do not understand the difference between a PH and a HC and that includes some of the councillors that sit on the licensing committee.</li> <li>• AS SOUTHAMPTON HAS ALWAYS DEAL WITH THE PUBLIC 100%</li> <li>• This is a ridiculous questionnaire. There are no provisions for a local trade body to answer questions. There are too many questions on the amount of hours a driver works and at what time of day they work. As far as I am concerned, LVSA are proposing in one way or another to lift the limit on hackney carriages and that would be a disaster for individuals who have spent a considerable amount of time and money investing in a business. SCC licensing should be ashamed in the way the questions have been prepared. Ian Hall chair of Southampton Hackney Private Hire Association <a href="http://www.southamptontaxis.org">www.southamptontaxis.org</a></li> <li>• There could be better communication between licensing and the Hackney trade to keep all parties working in the same direction</li> </ul>
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The majority of respondents were owner drivers of hackney carriages. All of the respondents indicated that they had over 20 years experience.

The average number of hours worked per week was around 44 hours. There was generally a bias amongst respondents towards working daytime hours..

The number of rank hires undertaken by hackney carriages each week ranged from 21 to 50 hires per week. These were complemented by up to 20 flag down hires per week, though most of the respondents indicated that fewer than 10 flag down hires per week were undertaken. Around half of the hackney carriage driver respondents undertook similar volumes of pre-booked hires as they undertook rank hires.

Around a third of hackney carriage respondents undertook regular contract hires

The frequency of hires which required the carriage of a passenger in a wheelchair was relatively low.

The majority of hackney carriage drivers obtain pre-booked hires either through a booking circuit or through direct contact from regular clients.

Most respondents felt that the presence of cameras in the vehicles did not make them feel safer.

There is very little double shifting.

Most respondents felt that new drivers were not sufficiently trained and a range of improved skills were identified. The most common requirements were identified as improved English language skill, improved knowledge and improved customer care.

A common suggestion for improvements to the ranks was to provide more space for waiting Hackney Carriages.

Discussion with trade representatives and ad-hoc discussion with drivers on the ranks provided some additional comments. Patterns of working have changed since pre-Covid times. There is a shortage of drivers, which is common on a national level. Some of the licensed vehicle drivers have left the trade and have not returned.

Cruise passenger numbers are recovering. Opinions vary, with some respondents indicating that the level of hires from rail passengers and cruise passengers is higher than ever and others suggesting that the number of rail and cruise related hires is still recovering to pre-Covid levels.

Many of the drivers subscribe to WhatsApp groups and let the group know if they have picked up passengers and more passengers remain waiting at a rank, with no available hackney carriages. This is particularly common at the Railway Station ranks and the WhatsApp group is felt to address any passenger waiting in a short period of time.

Increased implementation of CCTV at ranks was commonly identified in surveys as a measure which would improve safety for drivers and for other members of the travelling public. The option of installing CCTV in

vehicles was often viewed favourably. However, the response to compulsory CCTV in vehicles generally receives less favour in surveys, largely owing to cost.

In general, there is little numerical evidence with which to compare the results of the Southampton survey. Results from other surveys indicate that the risk of physical assault on licensed vehicle drivers is significant. This is corroborated by press reports and Health and Safety Executive material which recognises the higher risks that some licensed vehicle drivers face, when driving at night and in some localities.

Problems with vehicles parking on ranks was commonly identified as an issue.

Fare reviews on an annual basis were commonly advocated, with inflationary increases implemented annually.

## 7 Evaluation of unmet demand and its significance

It is first important to define our specific view about what constitutes unmet demand. Our definition is when a person turns up at a hackney carriage rank and finds there is no vehicle there available for immediate hire. This can lead to a queue of people building up, some of who may walk off, whilst others will wait till a vehicle collects them. Later passengers may well arrive when there are vehicles there, but because of the queue will not obtain a vehicle immediately.

There are other instances where queues of passengers can be observed at hackney carriage ranks. This can occur when the level of demand is such that it takes longer for vehicles to move up to waiting passengers than passengers can board and move away. This often occurs at railway stations but can also occur at other ranks where high levels of passenger arrivals occur. We do not consider this is unmet demand, but geometric delay and although we note this, it is not counted towards unmet demand being significant.

The industry standard index of the significance of unmet demand (ISUD) was initiated at the time of the introduction of section 16 of the 1985 Transport Act as a numeric and consistent way of evaluating unmet demand and its significance. The ISUD methodology was initially developed by a university and then adopted by one of the leading consultant groups undertaking the surveys made necessary to enable authorities to retain their limit on hackney carriage vehicle numbers. The index has been developed and deepened over time to take into account various court challenges. It has now become accepted as the industry standard test of if identified unmet demand is significant.

The index is a statistical guide derived to evaluate if observed unmet demand is in fact significant. However, its basis is that early tests using first principles identified based on a moderate sample suggested that the level of index of 80 was the cut-off above which the index was in fact significant, and that unmet demand therefore was such that action was needed in terms of additional issue of plates to reduce the demand below this level, or a complete change of policy if it was felt appropriate. This level has been accepted as part of the industry standard. However, the index is not a strict determinant and care is needed in providing the input samples as well as interpreting the result provided. However, the index has various components which can also be used to understand what is happening in the rank-based and overall licensed vehicle market.

ISUD draws from several different parts of the study data. Each separate component of the index is designed to capture a part of the operation of the demand for hackney carriages and reflect this numerically. Whilst the principal inputs are from the rank surveys, the measure of latent demand comes from the public on-street surveys, and any final decision about if identified unmet demand is significant, or in fact about the value of

continuing the current policy of restricting vehicle numbers, must be taken fully in the context of a careful balance of all the evidence gathered during the survey process.

The present ISUD calculation has two components which both could be zero. In the case that either are zero, the overall index result is zero, which means they clearly demonstrate there is no unmet demand which is significant, even if other values are high.

The first component which can be zero is the proportion of daytime hours where people are observed to have to wait for a hackney carriage to arrive. The level of wait used is when the average wait time for any passengers who have to wait for a hackney carriage to arrive is greater than one minute. The industry definition of these hours varies, the main index user counts from 10:00 to 18:00 (i.e. eight hours ending at 17:59). The present index is clear that unmet demand cannot be significant if there are no such hours. The only rider on this component is that the sample of hours collected must include a fair element of such hours, and that if the value is non-zero, review of the potential effect of a wider sample needs to be considered.

The other component which could be zero is the test identifying the proportion of passengers which are travelling in any hour when the average passenger wait (for all passengers) in that hour is greater than one minute.

If both of these components are non-zero, then the remaining components of the index come into play. These are the peakiness factor, the seasonality factor, average passenger delay, and the latent demand factor.

Average passenger delay is the total amount of time waited by all passengers in the sample, divided by the total number of passengers observed who entered hackney carriages.

The seasonality factor allows for the undertaking of rank survey work in periods which are not typical, although guidance is that such periods should normally be avoided if possible particularly as the impact of seasons may not just be on the level of passenger demand, but may also impact on the level of supply. This is particularly true in regard to if surveys are undertaken when schools are active or not.

Periods when schools are not active can lead to more hackney carriage vehicles being available whilst they are not required for school contract work. Such periods can also reduce hackney carriage demand with people away on holiday from the area. Generally, use of hackney carriages is higher in December in the run-up to Christmas, but much lower in January, February and the parts of July and August when more people are likely to be on holiday. The factor tends to range from 0.8 for December



(factoring high demand level impacts down) to 1.2 for January / February (inflating the values from low demand levels upwards).

There can be special cases where summer demand needs to be covered, although high peaks for tourist traffic use of hackney carriages tend not to be so dominant at the current time, apart from in a few key tourist authorities.

The peakiness factor is generally either 1 (level demand generally) or 0.5 (demand has a high peak at one point during the week). This is used to allow for the difficulty of any transport system being able to meet high levels of peaking. It is rarely possible or practicable for example for any public transport system, or any road capacity, to be provided to cover a few hours a week.

The latent demand factor was added following a court case. It comes from asking people in the on-street questionnaires if they have ever given up waiting for a hackney carriage at a rank in any part of the area. This factor generally only affects the level of the index as it only ranges from 1.0 (no-one has given up) to 2.0 (everyone says they have). It is also important to check that people are quoting legitimate hackney carriage rank waits as some, despite careful questioning, quote giving up waiting at home, which must be for a private hire vehicle (even if in hackney carriage guise as there are few private homes with hackney carriage ranks outside).

The ISUD index is the result of multiplying each of the components together and benchmarking this against the cut-off value of 80. Changes in the individual components of the index can also be illustrative. For example, the growth of daytime hour waiting can be an earlier sign of unmet demand developing than might be apparent from the proportion of people experiencing a queue. A change to a peaky demand profile can tend towards reducing the potential for unmet demand to be significant.

Finally, any ISUD value must be interpreted in the light of the sample used to feed it, as well as completely in the context of all other information gathered. Generally, the guide of the index will tend not to be overturned in regard to significant unmet demand being identified, but this cannot be assumed to be the case – the index is a guide and a part of the evidence and needs to be taken fully in context.

### **Calculation of ISUD variables**

APD: The average delay is determined by calculating the total passenger delay as the weekly equivalent aggregate passenger delay minutes, then dividing by the total number of weekly equivalent passengers, including those who did not suffer any delay.

The aggregate delays in passenger minutes was 4,138 minutes (weekly equivalent). If we divide by the total number of passengers observed,

(12,950, weekly equivalent), the resultant average delay of 19 seconds equates to an APD value of 0.32 minutes. **APD = 0.32**

PF Whilst there were peaks in demand on Friday and Saturday nights, the level of increase compared with daytime levels is not sufficient to define the profile as highly peaked. **The PF value is 1.0.**

SSP Week day, daytime hours are deemed to be between 10.00 am and 6.00 pm. The data from Thursday and Friday observations was analysed to determine whether there were any occasions when passengers were delayed by more than one minute on average, for any waiting passengers, at any rank. The calculated value was 3.8%., **SSP value = 3.8**

GID The percentage of hackney carriage users travelling in hours where the average passenger delay exceeds one minute was assessed. Total passengers travelling in hours when the average passenger wait for all passengers exceeded one minute was 1,273, which equates to 9.8%. **GID = 9.8**

SF Due to the nature of these surveys it is not possible to collect information throughout an entire year to assess the effects of seasonality. Experience has suggested that hackney carriage demand does exhibit a degree of seasonality and this is allowed for by the inclusion of a seasonality factor. The factor is set at a level to ensure that a marginal decision either way obtained in an "untypical" month will be reversed. This factor typically takes a value of 1 for surveys conducted in September to November and March to June, i.e. "typical" months. It takes a value of 1.2 for surveys conducted in January and February and the longer school holidays, where low demand the absence of contract work will bias the results in favour of the Hackney trade, and a value of 0.8 for surveys conducted in December during the pre-Christmas rush of activity. For this study, given that trade volume is higher during the summer, a factor of 1.0 is assumed. **SF = 1.0**

LDF Latent Demand Factor. This is derived from the public attitude interview survey results and provides a measure of the proportion of the public who have given up trying to obtain a hackney carriage at either a rank or by flagging down. It is measured as 1+ proportion giving up waiting. The inclusion of this factor is a response to the latest DfT guidance requiring an estimate of latent demand. **LDF = 1.088**

The ISUD value was calculated as follows, using the variables derived for this study.

ISUD = APD x PF x SSP x GID x SF x LDF

**ISUD = 0.32 x 1.0 x 3.8 x 9.8 x 1.0 x 1.088 = 13.0**

Where the ISUD value is less than 80, it is generally considered to be an indicator that there is no unmet demand for hackney carriages which is significant.

Whilst some respondents from the public consultation indicated that availability was an issue at times, this was not a major issue identified.

The ISUD result indicates that there is **no significant unmet demand**.

## 11 Summary, synthesis and study conclusions

### Rank observations

The activity at the ranks followed a common profile for a city, with a steady level of activity during the day on weekdays, with increased levels of activity in the evenings on Friday and Saturday nights. Passenger waiting was observed at various times of day and night. However, the level of passenger waiting did not form extensive passenger queues for lengthy durations. The volume of hires observed during the 2022 survey was lower than those observed during the 2018 survey.

Rank observation indicated that peak passenger waiting occurred on Saturday from late morning to early afternoon. This pattern of passenger waiting is contrary to historic trends in Southampton. However, this pattern is consistent with the reduced peaks in demand on Friday and Saturday nights, compared with the 2018 survey results.

Around 17% of vehicle departures from ranks were without passengers on board. Some of these departures are likely to be to move to another rank. Some may be to respond to a booking made through a booking circuit.

Around 37% of all rank hires were observed at the Railway Station ranks. Discussion with drivers and trade representatives suggests that a significant proportion of hires from the Railway Station are by passengers travelling to the Cruise terminals. It is likely that the volume of rail passengers and cruise passengers significantly influence hackney carriage demand in Southampton.

The volume of hires during Friday and Saturday daytimes was higher than Thursday daytime. The profile of hires indicated a drop in hire volumes on Thursday night, compared with daytime volumes. On Friday and Saturday nights, there were increased volumes of hires observed. However, the level of increase, compared with daytime volumes, was relatively modest.

### Public consultation responses

Feedback from the public exhibited some frustration from the public regarding lack of availability of licensed vehicles for pre-booked hires. The level of latent unmet demand for hackney carriages at taxi ranks was low.

The times when licensed vehicles were used by respondents was generally spread throughout the day, with slightly higher levels of use in the afternoon and lower levels of use late at night.

The majority of respondents were over 30 years old. There was no notable variation in responses between the different age groups surveyed.

The public response indicated that for many respondents, poor driver attitude, and poor language skills were an issue. Feedback from the trade

corroborates these views to some extent, with indications that better driver training and standards would be a benefit.

### **Key stakeholder views**

In general, few issues were identified by stakeholders. Availability for all users is generally perceived to be adequate.

Wheelchair users generally use a regular supplier and book any required trips, without any common issues. Availability of wheelchair accessible vehicles during school run times was perceived to be poor. Lower level of availability was a common issue for all users.

### **Trade views**

Most hackney carriages were operated by owner drivers. Few vehicles are multi shifted. Most are driven by only one driver and hence will operate for only one shift each day. There appears to be a preference for working daytime hours, amongst respondents.

The number of drivers actively working in the licensed vehicle trades has reduced since pre-Covid times. Not all drivers currently licensed are thought to be working as licensed drivers. Some have left the trade to pursue other types of work.

### **Evaluation**

From rank based analysis, passengers do suffer some delays waiting for hackney carriages to arrive at the ranks at various times of day and night. Generally, availability of hackney carriages at the ranks is good, both during the day and at night during periods of peak demand. Taking account of availability and passenger waiting over all periods, the Index of Significant Unmet Demand value is below the threshold which would suggest that unmet demand is significant.

The use of WhatsApp groups amongst drivers appears to be effective in mitigating passenger queueing at ranks.

Passenger numbers at Central Railway Station were lower than pre-Covid levels.

Cruise passenger volumes were still recovering from the impact of Covid and were thought to be lower than pre-Covid levels.

In summary, there is no significant unmet demand

Members of the public are generally satisfied with Hackney Carriage services but feel there are some driver issues associated with driver attitude and language issues.

## **12 Recommendations**

On the basis of the evidence gathered, our key conclusion is that there is no evidence of unmet demand for the services of hackney carriages either patent or latent which is significant at this point in time.

There is no need to increase the limit to the number of hackney carriage vehicle licences.



### Equality and Safety Impact Assessment

The **Public Sector Equality Duty** (Section 149 of the Equality Act 2010 (the 2010 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 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.

<b>Name or Brief Description of Proposal</b>	To consider the report by Licensed Vehicles Survey and Assessment (LVSA) in relation to demand for the services of additional licensed hackney carriages and consider the city council’s current policy of numerical control of the number of hackney carriage licences.
<b>Brief Service Profile (including number of customers)</b>	
<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>Section 16 of the Transport Act 1985 provides that the grant of a licence may be refused, for the purpose of limiting the number of hackney carriages in respect of which licences are granted, if, but only if, the person authorised to grant licences is satisfied that there is no significant demand for the services of hackney carriages (within the area to which the licence would apply) which is unmet. In order to establish If there is an unmet demand, it is best practice to commission a survey which we refer to as an unmet demand survey. This survey did not identify any significant unmet demand. It is also notable that during 2021, we had two licences given up for various reasons. This is the first time that this has ever</p>	

<p>occurred and we had a policy in place that implemented a public ballot for the rights to apply for those two licences. The take up for this open and free ballot was not considered high. This implies that if the cap was lifted, the uptake of additional hackney carriages would not be significant.</p>	
<p><b>Potential Positive Impacts</b></p>	
<p>Current policy states that if any additional hackney carriage licences are issued, they will be by condition required to be wheelchair accessible. This will increase the percentage of wheel chair accessible vehicles in the fleet.</p>	
<p><b>Responsible Service Manager</b></p>	<p>Phil Bates, Licensing Manger</p>
<p><b>Date</b></p>	
<p><b>Approved by Senior Manager</b></p>	
<p><b>Date</b></p>	

**Potential Impact**

Impact Assessment	Details of Impact	Possible Solutions & Mitigating Actions
Age	The elderly are more likely to pre-book a licensed vehicle and are likely to be less reliant on hackney carriages however the elderly are more likely to require a wheel chair accessible vehicle	The council has adopted the elements of the Equality Act and publishes a list of licensed wheel chair accessible vehicles with contact details.
Disability	An increase of hackney licences will mean an increase in the percentage of wheelchair accessible vehicles on the fleet.	If the cap were lifted, there is data to show that the demand for extra licences would be relatively low because of the cost of purchasing and maintaining a suitable vehicle.
Gender Reassignment	No identified impact	N/A
Marriage and Civil Partnership	No identified impact	N/A
Pregnancy and Maternity	No identified impact	N/A
Race	No identified impact	N/A
Religion or Belief	No identified impact	N/A
Sex	No identified impact	N/A
Sexual Orientation	No identified impact	N/A
Community Safety	No identified impact	N/A



<b>Impact Assessment</b>	<b>Details of Impact</b>	<b>Possible Solutions &amp; Mitigating Actions</b>
<b>Poverty</b>	No identified impact	N/A
<b>Health &amp; Wellbeing</b>	No identified impact	N/A
<b>Other Significant Impacts</b>	No identified impact	N/A

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# Agenda Item 8

<b>DECISION-MAKER:</b>	LICENSING COMMITTEE
<b>SUBJECT:</b>	LICENSING HEARING GUIDANCE NOTES
<b>DATE OF DECISION:</b>	14 <sup>th</sup> June 2023
<b>REPORT OF:</b>	Ian Collins, Director, Environment

<b><u>CONTACT DETAILS</u></b>			
<b>Executive Director</b>	<b>Title</b>	EXECUTIVE DIRECTOR; PLACE	
	<b>Name:</b>	Adam Wilkinson	Tel: 023 8254 5853
	<b>E-mail</b>	Adam.wilkinson@southampton.gov.uk	
<b>Author:</b>	<b>Title</b>	Service Manager, Licensing	
	<b>Name:</b>	Phil Bates	Tel: 023 8083 3523
	<b>E-mail</b>	Phil.bates@southampton.gov.uk	

<b>STATEMENT OF CONFIDENTIALITY</b>	
N/A	
<b>BRIEF SUMMARY</b>	
Report of Executive Director for Place, seeking adoption of procedure / guidance notes for remote hearings before the Licensing (Licensing and Gambling) Sub Committee.	
<b>RECOMMENDATIONS:</b>	
(i)	The Licensing Committee consider this report and the attached procedure note and approve / adopt it.
<b>REASONS FOR REPORT RECOMMENDATIONS</b>	
1.	Recent lower court case has recognised holding remote hearings under the Licensing Act Hearing Regulations is lawful.
<b>ALTERNATIVE OPTIONS CONSIDERED AND REJECTED</b>	
2.	The council has held remote hearing since 2020 without such a note without a challenge, however the provision of a procedure note for remote hearings clearly explains the procedure to be adopted which gives all participants clear expectations allowing meetings to run more efficiently.
<b>DETAIL (Including consultation carried out)</b>	
3.	These notes provide general guidance for all parties involved in licensing and Gambling sub-committee hearings. The written procedure should be read in conjunction with the relevant procedure note for the type of hearing being held. The procedure notes attached are intended to assist with the process and inform parties that may not be used to hearings of the usual practice. The procedure note is set out and attached in the Appendix
4.	Whilst formal approval is not strictly necessary it was considered important that all committee members have the opportunity to scrutinise and approve the procedure

<b>RESOURCE IMPLICATIONS</b>	
<b><u>Capital/Revenue</u></b>	
5.	None
<b><u>Property/Other</u></b>	
6.	None
<b>LEGAL IMPLICATIONS</b>	
<b><u>Statutory power to undertake proposals in the report:</u></b>	
7.	Licensing Act 2003 (Hearings) Regulations 2005
<b><u>Other Legal Implications:</u></b>	
8.	Licensing committees are an administrative hearing and must observe the rules of natural justice. Clear procedures enable each party to any hearing to properly understand how a hearing is structured and when and how they will have an opportunity to address the committee / sub-committee. A fair hearing is important to ensure human rights are respected and upheld.
<b>RISK MANAGEMENT IMPLICATIONS</b>	
9.	Nil
<b>POLICY FRAMEWORK IMPLICATIONS</b>	
10.	Nil

<b>KEY DECISION?</b>	<b>No</b>
<b>WARDS/COMMUNITIES AFFECTED:</b>	All
<b><u>SUPPORTING DOCUMENTATION</u></b>	
<b>Appendices</b>	
1.	Remote hearing procedure note
<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 /</b>

		Schedule 12A allowing document to be Exempt/Confidential (if applicable)
1.		
2.		

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## Remote hearing protocol (Licensing and Gambling)

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### What is a remote hearing?

Any hearing where at least one of the below participate in the hearing by whatever means, other than written evidence, when not in the same room as the sub-committee. This includes meetings where all participants attend online or hybrid meetings where there is a mix of in-person and on-line attendance.

- Any member of the sub-committee involved in the hearing
- The applicant
- The licence holder
- Any legal representative for any party
- Any witness giving evidence orally at the hearing

The hearings can fall into one of three categories

- In person
- Hybrid
- Remote

In person hearing is when all parties are in the same room.

Hybrid meetings are when some of the participants are in the same room but at least one of the other parties to the hearing participate online.

A remote hearing is when all parties to the hearing participate online.

### Deciding if hearing is to be remote or not.

- The default position of the council is to hold remote hearings.
- Any request from either party to hold a particular type of hearing should be submitted at least 2 weeks in advance of the meeting where possible will be considered by Democratic Services in consultation with legal services and the Chair of the licensing committee.
- Requests for the style of hearings will be determined on a case-by-case basis. All requests will need to provide documented reasons for their request.
- The overriding factor in deciding on the style of the hearing is to ensure a fair hearing. Witnesses giving corroborative evidence provided by another are unlikely to have requests to give their evidence remotely accepted. Similarly, reasons of convenience will not be accepted as a reason to change a style of hearing.
- Any decision to refuse a particular style of hearing will be recorded in writing with reasons for the decision. This will be read out by the chair of the sitting sub-committee at the start of the agenda item it relates to.

### Access to the hearing remotely

Hybrid or Remote hearings will be held using the Microsoft Teams Platform.

If you are taking part in the hearing in any of the roles noted above you will be sent an invitation to join the MS Teams meeting.

The MS Teams meeting will be started 15 minutes before the hearing begins to be able to test the connection, audio and video feeds.

This invitation will specifically be for those taking part in the meeting and should not be shared.

Where required the hybrid/remote meeting will also be live streamed so that it can be watched remotely.

The link to view the hearing will be published on the council website and contained in any correspondence concerning the hearing.

### Connection Problems

If a participant is unable to connect to the meeting before the meeting starts they are to contact democratic services to try and resolve the issue. Legal advice will be required on how to proceed if the connection cannot be secured.

If a participant loses connection part way through, then the meeting should be adjourned until connection is resolved or decided to be heard at a different time.