

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

<u>CONTACT DETAILS</u>			
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STATEMENT OF CONFIDENTIALITY	
N/A	
BRIEF SUMMARY	
<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>	
RECOMMENDATIONS:	
	(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.
REASONS FOR REPORT RECOMMENDATIONS	
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.
ALTERNATIVE OPTIONS CONSIDERED AND REJECTED	
5.	<ul style="list-style-type: none"> • 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 • Removal of door stickers – makes it easier for ordinary vehicles to mimic licensed private hire vehicles. More difficult to identified hired vehicle.
DETAIL (Including consultation carried out)	
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"> • 81% support the removal of the operator details. • 81% support the condition requiring a driver to complete a booking • 77% agreed with operators needing to have a policy on reviewing cancelled jobs • 78% agreed with formalising the reporting conditions for operators • 82% support operators notifying council of vehicles and drivers on their platform.
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.
RESOURCE IMPLICATIONS	

<u>Capital/Revenue</u>	
21.	N/A
<u>Property/Other</u>	
22.	N/A
LEGAL IMPLICATIONS	
<u>Statutory power to undertake proposals in the report:</u>	
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.
<u>Other Legal Implications:</u>	
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.
RISK MANAGEMENT IMPLICATIONS	
28.	<ul style="list-style-type: none"> • Financial risk is low – no cost implications to proposal • 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.

	<ul style="list-style-type: none"> • Reputation low – although this is innovative work by officers, untested anywhere else to our knowledge, it is considered by many to be an improvement.
POLICY FRAMEWORK IMPLICATIONS	
29.	The changes proposed are in line with the policy framework of the council.

KEY DECISION?	No
WARDS/COMMUNITIES AFFECTED:	All
<u>SUPPORTING DOCUMENTATION</u>	
Appendices	
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.	DfT 2010 Best Practice guidance

Equality Impact Assessment

Do the implications/subject of the report require an Equality and Safety Impact Assessment (ESIA) to be carried out.	Yes
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Data Protection Impact Assessment

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