

## **HACKNEY CARRIAGE AND PRIVATE HIRE POLICY STATEMENT 2026 TO 2031**

### **1. VISION STATEMENT**

- 1.1 The overriding factor in licensing is the safety of the public. This policy sets out how Southampton City Council will apply legislation to maintain public safety, to ensure users of licensed vehicles receive a safe and pleasant service and those providing the service are appropriately rewarded and protected.

### **2. INTRODUCTION**

- 2.1 The Council and those who provide hackney carriage and private hire services share the aim of providing a safe, reliable and efficient service. This document and its appendices set out the policies and conditions applied to hackney carriage and private hire licensing.
- 2.2 The Council has an overriding duty to protect the public. In setting its policies and licence conditions the Council has to ensure this is done but in such a manner that does not unnecessarily restrict prosperous business within the trades.
- 2.3 It therefore makes sense for the Council and those who drive, operate and own hackney carriages and private hire vehicles to work together. Council officers and members representing the licensing committee will hold regular meetings with taxi trade reps and user groups.
- 2.4 The Council is responsible for issuing licences and making policy and conditions. Elected councillors set these. Officers of the council, or their agents, put them into practice. Appendices 1 to 5 set out the specific policy and conditions for the 5 types of licensing. As hackney carriage drivers cannot have conditions applied to their licences the council has adopted a code of conduct for both hackney carriage and private hire drivers to set standards expected. This is at Appendix 9
- 2.5 Section 177(4) of The Policing and Crime Act 2017 enables the Secretary of State for Transport to issue statutory guidance on exercising hackney carriage and private hire vehicle licensing functions to protect children and vulnerable individuals who are over 18 from harm when using these services.
- 2.6 In carrying out these functions Councillors and officers must have regard to the Statutory guidance. "Having regard" is more than having a cursory glance at a document before arriving at a preconceived conclusion
- 2.7 There is evidence to support the view that hackney carriages and private hire vehicles are a high-risk environment. In terms of risks to passengers, this can be seen in abuse and exploitation of children and vulnerable adults facilitated and, in some cases, perpetrated by the trade and the number of sexual crimes reported which involve hackney carriage and private hire vehicle drivers. For those in the trade they are at risk of abuse, assault and theft.
- 2.8 Although it remains the case that licensing authorities must reach their own decisions, both on overall policies and on individual licensing matters in light of the relevant law, it may be that the Statutory Taxi and Private Hire Vehicle Standards might be drawn upon in any legal challenge to an authority's practice, and that any failure to adhere to the standards without sufficient justification could be detrimental to the authority's defence.

- 2.9 The Statutory Taxi and Private Hire Vehicle Standards does not purport to give a definitive statement of the law and any decisions made by a licensing authority remain a matter for that authority.
- 2.10 The Statutory Guidance recommends all licensing authorities make publicly available a cohesive policy document that brings together all their procedures on hackney carriage 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.
- 2.11 When formulating a hackney carriage and private hire vehicle policy, the primary and overriding objective must be to protect the public. The importance of ensuring that the licensing regime protects the vulnerable cannot be overestimated.
- 2.12 Any changes in licensing requirements will be followed by a review of the licences already issued. If the need to change licensing requirements has been identified, this same need is applicable to those already in possession of a licence. Where appropriate licence holders will be given time to meet any new requirements. For more subjective changes such as a change in convictions policy each case will be determined on its own merits. Where there are exceptional, clear and compelling reasons to deviate from policy the authority will consider doing so and record the reasons for doing so.

### **3. CONSULTATION**

- 3.1 Southampton City Council will consult on proposed changes in licensing rules that may have significant impacts on passengers and/or the trade. Such consultation will include not only the hackney carriage and private hire vehicle trades but also groups likely to be the trades' customers.
- 3.2 As any decision taken to alter the licensing regime is likely to have an impact on the operation of the hackney carriage and private hire vehicle sector in neighbouring areas Southampton City Council will engage with these areas to identify any concerns and issues that might arise from a proposed change.
- 3.3 Officers, members of the licensing committee and representatives agreed by the council will meet quarterly to discuss matters relevant to the trade. A code of conduct for these meetings is at appendix 6.
- 3.4 Southampton City Council officers attend the Hampshire and Isle of Wight Licensing Officers Group meetings to discuss licensing matters including taxi matters.

### **4. DURATION OF LICENCES**

- 4.1 The Local Government (Miscellaneous Provisions) Act 1976 (as amended) sets a standard length at three years or such lesser period as the council deems appropriate for hackney carriage and private hire vehicle drivers and five years or such lesser period as the council deems fit for private hire vehicle operators. Driver licences will be given an expiry date at the end of the month prior to the birth month. Any shorter duration licence should only be issued when the licensing authority deems it is appropriate in the specific circumstances of the case, if a licensee has requested one or where required (e.g. when the licence holder's leave to remain in the UK is time-limited) or when the licence is only required to meet a short-term demand; they should not be issued on a 'probationary' basis. To assist in managing the Operator licences all operator licences will end on 31<sup>st</sup> December in the relevant year.
- 4.2 Vehicle licences cannot be for more than one year. To manage the renewal process and spread demand across the year Southampton City Council has allocated plate expiry dates to blocks of licences. See the table below. For new vehicle applications this will mean the grant of the licence will be for a period less than one year. Applicants will always be offered the longest period that is available. For licences that are less than 6 months in duration a

reduced fee will be charged.

## **Plating Schedule**

### **Hackney Carriages**

| <b>Plate</b> | <b>Expiry date</b> | <b>Renewal date</b> |
|--------------|--------------------|---------------------|
| 001 to 075   | 31 AUG             | 1 SEP               |
| 076 to 145   | 30 SEP             | 1 OCT               |
| 146 to 223   | 31 OCT             | 1 NOV               |
| 224 to 283   | 30 NOV             | 1 DEC               |

### **Private Hire Vehicles**

| <b>Plate</b>                 | <b>Expiry Date</b> | <b>Renewal date</b> |
|------------------------------|--------------------|---------------------|
| 0001 to 0100<br>1101 to 1200 | 31 JAN             | 1 FEB               |
| 0101 to 0200<br>1201 to 1300 | 28/29 FEB          | 1 MAR               |
| 0201 to 0300<br>1301 to      | 31 MAR             | 1 APR               |
| 0301 to 0400                 | 30 APR             | 1 MAY               |
| 0401 to 0500                 | 31 MAY             | 1 JUN               |
| 0501 to 0600                 | 30 JUN             | 1 JUL               |
| 0601 to 0700                 | 31 JUL             | 1 AUG               |
| 0701 to 0800                 | 31 AUG             | 1 SEP               |
| 0801 to 0900                 | 30 SEP             | 1 OCT               |
| 0901 to 1000                 | 31 OCT             | 1 NOV               |
| 1001 to 1100                 | 30 NOV             | 1 DEC               |

## **5. CAP ON NUMBER OF HACKNEY CARRIAGES**

- 5.1 Southampton City Council has set a cap on the number hackney carriage licences it will grant at 283.
- 5.2 The Council will arrange for an unmet demand survey to be conducted every three years to determine if there is any significant unmet demand at any of the hackney carriage stands in the city excluding the ranks in Southampton Docks.
- 5.3 The Unmet Demand Survey report will be presented to the licensing committee who will determine whether to retain the cap, increase the number of hackney carriage licences or remove the cap altogether.

- 5.4 Should an existing hackney carriage licence cease, for whatever reason, or if the licensing committee determine to increase the number of hackney carriages the Council will follow the process as outlined in Appendix 13
- 5.5 Should the licensing committee determine to remove the cap this section will cease to have effect.

## **6. WHISTLEBLOWING**

Southampton City Council has a whistleblowing ([Duty to Act](#)) policy. This sets out the process for staff to report concerns if policies are not being correctly applied.

## **7. INFORMATION TO BE CONSIDERED FOR APPLICATIONS**

- 7.1 The licensing authority will consider all relevant information when determining the suitability of an applicant or current licence holder. The following is not an exhaustive list.
- 7.2 Southampton City Council will require drivers of Hackney Carriages and Private Hire Vehicles to subscribe to the DBS update service and undertake an enhanced DBS check including both the children and adult barred lists. Operators and proprietors will be required to undergo basic DBS checks.
- 7.3 Applicants that have been abroad for a period in excess of 6 months in any one year in the previous 5 years will be required to obtain a certificate of good conduct from the country/countries they visited in that time. Any inability to obtain such a certificate will result in the application being refused.
- 7.4 Southampton City Council maintain a close link with the police and other regulatory bodies and when necessary share information for the purpose of determining applications.
- 7.5 Licence holders are required to notify the authority within two working days of any arrest, charge or conviction of any offence including any motoring offence or the issue of an endorseable fixed penalty notice. A notification of this may result in a review as to whether the licence holder continues to be fit.
- 7.6 Southampton City Council will share with other authorities and on the National NR3S site details of any licence revoked or refused or suspended. The authority will carry out checks of applicants and licence holders on the NR3S database. The authority will share the reasons for any such decisions upon lawful request..
- 7.7 Southampton City Council will share with other authorities, upon receipt of the appropriate request, details of any complaints or enquiries received regarding a licence holder.
- 7.8 The licensing team will maintain contacts with various departments within the Council and partners such as Children and Adult Services, School transport commissioning teams and community wardens to assist in identifying and reporting on risks linked to the hackney carriage and private hire trades.
- 7.9 The licensing team will keep a separate record of all complaints and enquiries relating to licence holders, both current and expired. This will include the date, nature of the complaint, the licence complained about and result.

## **8. ENFORCING THE LICENSING REGIME**

- 8.1 Southampton City Council will work with relevant enforcement agencies such as the police and other local authorities to ensure any licensed vehicle or driver working in Southampton, regardless of the authority that licences them, meets any national standards and is legally compliant.
- 8.2 Complaints and condition breaches will be monitored and considered when assessing the

suitability of any applicant. Officers will use the 4Es principles of

- Engage
- Explain
- Educate
- Enforce

Where enforcement is the last option except in more serious cases when it may become necessary.

- 8.3 Southampton City Council will ask for complaints to be submitted either through the [‘How to make a complaint’](#) webpage [or email](#) or letter to:

Licensing Team,  
Civic Centre,  
Southampton.  
SO14 7LY

Verbal complaints will only be accepted in exceptional circumstances.

## **9. DECISION MAKING**

- 9.1 Southampton City Council will ensure any individuals involved in determining licensing applications are appropriately trained. For officers determining to grant licences this will involve training on the law relating to hackney carriages and private hire trades. These officers will be provided with refresher training as and when required.
- 9.2 For officers and any Councillors involved in making a determination whether to suspend, revoke or refuse a licence, appropriate training will be annual and delivered by a suitably qualified person well versed in licensing law, including, but not limited to, hearing processes, decision making and taxi legislation.
- 9.3 Public safety is the paramount consideration, but the discharge of licensing functions must be undertaken in accordance with the following general principles:
- policies will be used as internal guidance and is supported by a member/officer code of conduct.
  - any implications of the Human Rights Act will be considered.
  - the rules of natural justice will be observed.
  - decisions will be reasonable and proportionate.
  - where a hearing is required it will be fairly conducted and allow for appropriate consideration of all relevant factors.
  - decision makers must avoid bias (or even the appearance of bias) and predetermination.
  - data protection legislation
- 9.4 When a decision maker has a prejudicial interest in a case, whether it be financial or a personal relationship with those involved they must declare their interest at the earliest opportunity; this must be prior to any discussions or votes and, once declared, they will not participate in the determining process.
- 9.5 Each case will be considered on its own merits.

## **10. REGULATORY STRUCTURE**

- 10.1 Southampton City Council's constitution sets out how the functions and responsibilities will be carried out.
- 10.2 The Licensing Committee will determine policy and from the committee it delegates to the Licensing (General) subcommittee the determination of licences.
- 10.3 The Service Manager for licensing also has delegated authority to determine licences. The Licensing manager will use this authority
  - in urgent cases when the continuance of any licence poses a risk to the public or
  - in cases that are a clear breach of policy or
  - to deal with minor breaches when suspension is considered and the chair of the licensing committee or their deputy agree the licensing manager can make the determination.
- 10.4 In each case the licensing manager will liaise with the chair of the licensing committee or their deputy before making the determination except in urgent cases when it is not practicable to delay making the determination.
- 10.5 The licensing manager will not normally be involved in any investigations, however should the manager be involved in an investigation the decision may be referred to the sub committee.

## **11. FIT AND PROPER TEST**

- 11.1 Licensing authorities have a duty to ensure that any person to whom they grant a hackney carriage or private hire vehicle driver's licence is a 'fit and proper' person to be a licensee. When assessing whether an applicant or licensee is fit and proper the following question will be considered:

*Without any prejudice, and based on the information before you, would you allow a person for whom you care, regardless of their condition, to travel alone in a vehicle driven by this person at any time of day or night?*

- 11.2 If, on the balance of probabilities, the answer to the question is 'no', the individual should not hold a licence.
- 11.3 Licensing authorities have to make difficult decisions, but the safeguarding of the public is paramount. All decisions on the suitability of an applicant or licensee will be made on the balance of probability. This means that an applicant or licensee should not be 'given the benefit of doubt'. If the committee or delegated officer is only "50/50" as to whether the applicant or licensee is 'fit and proper', they will not hold a licence. The threshold used here is lower than for a criminal conviction (that being beyond reasonable doubt) and can take into consideration conduct that has not resulted in a criminal conviction.

## **12. SUITABILITY TO HOLD A HACKNEY CARRIAGE OR PRIVATE HIRE LICENCE**

- 12.1 To assist in applying the fit and proper test Southampton City Council will take note of the Department for Transport recommendation in their Statutory Taxi and Private Hire standards and the revised Institute of Licensing Guidance on determining the suitability of applicants and licensees in the hackney carriage and private hire trades. Appendix 7 has been adopted as the policy for determining the suitability to hold a licence.

## **13. DRIVER MEDICALS**

- 13.1 Southampton City Council have adopted the DVLA Group 2 medical standards for all drivers. See appendix 8.
- 13.2 The medical assessment will be carried out by either the applicant/licence holder's own GP

practice or one of the approved providers listed on the medical form.

- 13.3 Southampton City Council has the discretion to seek an independent assessment of any completed medical form to assist in forming their decision on the fitness of an applicant/driver.

#### **14. DRUG TESTING**

- 14.1 Licence holders may be asked to submit to a drugs test to assist in determining the suitability of that individual to hold a taxi licence. These may be by appointment or spot checks. A separate drug testing policy is at Appendix 12.

#### **15. EQUALITY ACT 2010**

- 15.1 Southampton City Council is committed to an accessible public transport system in which disabled people have the same opportunities to travel as other members of society. Hackney Carriages and Private Hire Vehicles are a vital link in the accessible transport chain, and it is important that people who use wheelchairs or assistance dogs can have confidence that drivers will accept them and their wheelchair or assistance dog and carry them at no extra charge.
- 15.2 Southampton City Council maintains a list of wheelchair accessible vehicles which can be [here](#).
- 15.3 See appendix 10 for the policy for drivers to obtain medical exemptions from the obligations placed upon them by the Equality Act 2010.

#### **16. VEHICLE TESTING STANDARDS**

- 16.1 The owners of licensed vehicles must have a mechanical inspection to the satisfaction of the Council at their approved Test Centre for current and replacement vehicles. Exempted from this are new vehicles. A new vehicle is one that is less than three months since manufacture and has covered less than 500 miles.
- 16.2 The Council may appoint a suitably qualified and experienced VOSA approved MOT test station operator to undertake compliance testing for all licensed vehicles.
- 16.3 All testing is at the vehicle proprietor's expense, to ascertain fitness of vehicles and is carried out prior to first licensing of a vehicle, prior to the annual renewal of the licence and at the instruction of an authorised officer of the council or constable under section 68 of the Local Government (Miscellaneous Provisions) Act 1976
- 16.4 Southampton City Council (SCC) has an exemption certificate under regulation 6(4) of The Motor Vehicle (Tests) Regulations 1981. The Council has the capacity to nominate a suitably qualified and experienced test station to carry out compliance testing of vehicles licensed by it. The Council requires the management and supply of the service to be provided by a single supplier to comply with regulations.
- 16.5 The following is a list of requirements as a minimum for vehicles to achieve.
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- Full mechanical inspection to current VOSA standards, and to the Council's satisfaction.

- Test of compliance with SCC licence conditions including:
  - (a) Accident damage and general body and engine condition including oil/fluid leaks, dash warning lights, engine management faults
  - (b) Seats and upholstery clean and fit for purpose;
  - (c) Roof signs and lights for hackney carriages;
  - (d) Absence of roof signs for private hire vehicles;
  - (e) Compliance of required and permitted signage;
  - (f) Engine noise and smoke emissions;
  - (g) Tyres less than 10 years in age and to have at least 2mm of tread across the entire circumference with no cuts or damage to the side walls or nails or similar in the tread;
  - (h) Ancillary equipment such as ramps on wheelchair accessible vehicles, positioning of data heads, radios and camera equipment;
  - (i) If fitted, taxi meter sealed;
  - (j) The ability to test and ensure window tinting complies with relevant standards
  - (k) All vehicles to be an appropriate colour – hackney carriages white and private hire vehicle not to be white, except for exempted vehicles, such as limousines.

16.6 As a matter of Council policy and conditions, see appendix 1 and 3 below, licences will not be renewed for wheelchair accessible and ULEV's vehicles more than 12 years after their date of first registration and for other vehicles more than 9 years after their date of first registration, unless exempted by the Council. All vehicles exempted from the age limit restrictions, are passed fit at the discretion of the Test Centre.



## APPENDIX LIST

[Appendix 1 Hackney Carriage policy and conditions](#)

[Appendix 2 Hackney carriage drivers' policy](#)

[Appendix 3 Private hire vehicle policy and conditions](#)

[Appendix 4 Private hire driver policy and conditions](#)

[Appendix 5 Private hire operator policy and conditions](#)

[Appendix 6 Taxi trade rep consultation meetings code of conduct](#)

[Appendix 7 Guidance on determining suitability of applicants and licensees in the hackney and private hire trades](#)

[Appendix 8 Medical policy](#)

[Appendix 9 Drivers code of conduct](#)

[Appendix 10 Medical Exemptions under Equality Act 2010](#)

[Appendix 11 Taxi camera policy](#)

[Appendix 12 Drug testing policy](#)

[Appendix 13 Hackney carriage allocation process](#)

## Appendix 1

# HACKNEY CARRIAGE LICENCE POLICY AND CONDITIONS From 2026

## 1. APPLICATIONS

- 1.1 Before a licence is granted in respect of a hackney carriage, the applicant being a proprietor of the vehicle must:-
- complete 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 hackney carriage 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 carriage, or person concerned, either solely or in partnership with any other person, in the keeping, employing or letting to hire of such carriage. In the case of a Limited Company the requisition shall be signed by the Secretary and all Directors of such Company shall be named.
  - Satisfy the Council that the vehicle complies with the conditions for hackney carriage licences made by the Council.
- 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.

## 2. GENERAL

- 2.1 Operators of licensed hackney carriages shall comply with all the requirements of the Town Police Clauses Act 1847 and any byelaw made thereunder, of the Local Government (Miscellaneous Provisions) Act 1976, Part II, and any other local or general legislation regarding the use of motor vehicles.
- 2.2 The Council does not allow dual licensing of vehicles- that is, licensing of a vehicle with more than one licensing authority.
- 2.3 **Interpretation**
- 2.3.1 In this licence and in this document, unless the subject or context otherwise requires: -
- 2.3.2 "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;
- 2.3.3 "the Council" means Southampton City Council;
- 2.3.4 "hackney carriage" has the same meaning as in the Town Police Clauses Act 1847;
- 2.3.5 "licence plate" means the plate issued by the Council for the purpose of identifying the vehicle as a hackney carriage duly licensed to ply for hire by the Council;
- 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.
- 2.3.7 "licence holder" includes a part-licence holder and, in relation to a vehicle which is the subject of a hiring agreement or a hire purchase agreement, means the person in possession of the vehicle.

## 2.4 **Duration of Licence**

- 2.4.1 Each licence shall expire on the date shown in the licence as the expiry date, not being more than one year from the date of issue.
- 2.4.2 To manage the licensing process efficiently the Council sets the expiry date of vehicle licences dependant on the licence plate number. (See over arching policy)
- 2.4.3 The licence holder shall observe and carry out the following terms and conditions: -

## 3. **TYPE OF VEHICLE**

- 3.1 General conditions covering all types of vehicles that are licensable as hackney carriages 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 mentioned herein must be suitable in size, type and design for use as a hackney carriage to the satisfaction of the Council.
- 3.3 Without prejudice to the generality of 3.2 above, the vehicle shall,
- having an engine producing 50 kW, or greater
  - have a rear bench seat with a width of no less than 1220 mm or individual seats that have a minimum seat width of 407 mm per person;
  - shall carry not less than four passengers;
  - knee space: The measurement between the rear of the front seats and the backrest of the rear seat must not be less than 762mm (30 inches) with the front seat at its centre point (that is, midway on its runners).
  - have rear headroom that is adequate for passengers to sit comfortably and in any event, the distance from the squab to the headlining, as measured at the squab's central point (from side to side) at the point where it meets the headlining, and then measured vertically to the headlining, shall be no less than 840 mm;
  - be of right hand drive; and
  - shall be fitted with sufficient and suitable seat belts for every person who may be carried in the licensed vehicle, pursuant to condition 18.
  - 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 possible displacement of luggage;
  - must at all times be in and maintained to standards that meet the then current requirements of the Council, and must be in a clean, safe 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 hackney carriage 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 hackney carriage 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 are:
- Specifically designed and manufactured for hackney carriage operation
- or
- 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 With the exception of vehicles detailed in 3.5.3 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
- 3.5.3 No diesel wheelchair accessible 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 2024 unless the vehicle has been converted with approved CVRAS technology. See 3.5.2
- 3.6 Hackney Carriage licence numbers 216 and higher shall only be issued to wheelchair accessible vehicles as prescribed in 3.4.
- 3.7 Any new Hackney Carriage licences issued, shall only be issued to wheelchair accessible vehicles as prescribed in 3.4. Those particular hackney carriage numbers are listed here:  
031

#### 4. **AGE OF VEHICLE**

- 4.1 No Category A vehicle will be licensed (or relicensed by way of renewal) as a hackney carriage 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 No Category B vehicle will be licensed (or relicensed by way of renewal) as a hackney carriage 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 The bodywork of all hackney carriages (subject to other conditions herein) shall be white. Standard production components etc fitted by the manufacturer in the course of production, which are not white, will be exempted from this requirement.

#### 6 **ADVERTISEMENTS**

- 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 any licensed hackney carriage including the windows.
- 6.2 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.
- 6.3 All such advertising as mentioned below may only be displayed following approval by the Service Manager for Licensing.

- 6.4 At all stages prior to approval the proprietor or operator will accept the risk involved in not meeting these criteria or requirements.
- 6.5 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.
- 6.8 The white body colour shall predominate, as referred to below, over any other sign, notice, mark, illumination or other feature whatsoever. The white body colour shall cover no less than 65% of the total area of the vehicle's body, after the advertising area has been allowed for. The window area and any manufacturers' standard components that may not be white on a white car, such as bumpers, shall be excluded from the calculation.
- 6.9 Internal advertising, including the use of display screens must first be approved by the Licensing Manager, prior to installation.

## 7. **ADVERTISEMENT CONTENT**

- 7.1 All advertisements must comply with the ASA's UK Code of Non-broadcast Advertising and Direct & Promotional Marketing (CAP Code). It is the responsibility of the agency or individual seeking the Licensing Authority's approval to ensure that they do so.
- 7.2 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.
- 7.2.1 • those with political, ethnic, religious, sexual or controversial texts
- 7.2.2 • those for escort agencies, gambling or massage parlours
- 7.2.3 • those displaying nude or semi-nude figures
- 7.2.4 • those likely to offend public taste.
- 7.2.5 • those which seek to advertise more than one company/service or product
- 7.2.6 • those which promote the sale or consumption of tobacco products or cigarettes.
- 7.3 The Service Manager for Licensing will be delegated to determine approval of matters in 7 above.
- 7.4 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 hackney carriage, a re-spray to the vehicles original manufacturer's colour is included.
- 7.5 Advertising reels used on display screens either inside or outside the vehicle must be pre-approved by the Licensing Manager prior to display. The approval for such advertising reels may attract a fee.

## 8 **"TAXI" SIGN**

- 8.1 All hackney carriages shall exhibit a TAXI sign on the roof (subject to these conditions) as approved by the Council. This shall be capable of being illuminated at night. No other form of lighting shall be displayed on the vehicle save those required by law.
- 8.2 Category A vehicles not having an integral or otherwise factory fitted TAXI sign mounted on its roof similar in size and design to that fitted to London-style purpose built vehicles, and all Category B vehicles shall display a full-width illuminated roof sign.
- 8.3 The sign will be 900 mm wide and 170 mm high, measured from the centre point of the sign to the top, with a depth of approximately 170 mm. The front of the sign will show the word "TAXI" centrally placed in lettering 83 mm x 460 mm width (in black) above will show the words "CITY OF SOUTHAMPTON" 35 mm height x 460 mm width (in blue). The City

Council "Bargate" logo will also appear either side of the word "TAXI" and will be 90 mm in height x 130 mm in width in size and in blue, the lettering will be colour black, and the logo will be prefixed by the words "LICENSED BY" colour white, contained in a black box, text width 130 mm. The front of the sign will be white.

- 8.4 The rear of the sign shall be the same as the front save some dimensions will differ slightly and the background will be white as in the front but will appear red when illuminated. The rear of the sign will show the word "TAXI" centrally placed in lettering 55 mm in height x 460 mm in width (in black), above will appear the words "CITY OF SOUTHAMPTON" 35 mm in height x 460 mm in width (in blue). The City Council "Bargate" logo will also appear either side of the word "TAXI" and will be 75 mm in height x 110 mm in width, colour blue, the lettering will be colour black and the logo will be prefixed by the words "LICENSED BY", colour white, contained in a box, text width 110 mm. The owner of the vehicle may display his/her name and telephone number, or that of the operator, under the word "TAXI" and City logos, in black lettering no higher than 30 mm in height and no wider than 800 mm in width.

- 8.5 The sides of the sign will be left blank other than for the hackney carriage plate number in black on a white background in numbers which will fit a space no larger than 70 mm in height and 90 mm in width.

## 9. IDENTIFICATION

- 9.1 A Category A vehicle, which is not required under these conditions to carry a full-width roof sign, shall display a "taxi" sticker on each side of the vehicle above the rear doors or windows.

- 9.2 The "taxi" stickers shall be to the satisfaction of the City Council and shall be 100 mm in height by 500 mm in width on a white background. The stickers shall comprise the City "Bargate" logo in blue to the left and the words "LICENSED" "SOUTHAMPTON" and "NUMBER" in lettering not less than 14 mm in height across the top of the sticker to the right of the Bargate logo.

Below these words will appear "TAXI" in bold black upper case lettering not less than 273 mm in total width and 54 mm in height and the number of the licence of the licensed hackney carriage in black numerals being not less than 45 mm in height.

## 10. LICENCE PLATE

- 10.1 The licence plate shall be securely fixed in a position at the rear of the hackney carriage to the satisfaction of the Service Manager for Licensing.
- 10.2 A second licence plate shall be securely fixed in a position on the front of the hackney carriage to the satisfaction of the Service Manager for Licensing.

## 11. RETURN OF LICENCE PLATE

- 11.1 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.

## 12. TAXIMETERS

- 12.1 An accurate electronic taximeter of a type approved by the Council must be affixed in the hackney carriage in a position satisfactory to the Council. No licence holder or driver may tamper with the mechanism of the taximeter or its seals, provided that, should the meter become defective it may be repaired and a service meter substituted. The service meter and repaired meter must, before use, be duly tested and sealed.

## 13. CARD PAYMENTS

- 13.1 The vehicle must be equipped with a card payment terminal which can accept payment by credit/debit card, including contactless. The device must be connected, maintained and working at all times that the vehicle is available for hire to ensure customers are

able to pay by card. Customers that pay by card must be able to identify the vehicle or driver or registered limited company that took the payment on their bank statements. In the case of driver identification or vehicle identification, plate numbers or badge numbers must be included.

#### **14. INSPECTION OF VEHICLE**

- 14.1 The hackney carriage 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.
- 14.2 Without prejudice to the foregoing, where more than two years has elapsed since the first registration of the hackney carriage under the Vehicles (Excise) Acts of 1949, 1971, or successor legislation, the hackney carriage 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").

#### **15. DAMAGE TO VEHICLE**

- 15.1 If a hackney carriage is involved in a road traffic accident and either mechanical or bodily damage is sustained, a report must be made by the licence holder to the Service Manager for Licensing within three days of the accident and, after repair, which must be completed within 28 days 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 hackney carriage 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 hackney carriage.
- 15.2 On completion of the repairs, to the satisfaction of the Service Manager for Licensing, the plate may be restored.
- 15.3 The removal of the hackney carriage licence plate will constitute suspension of the hackney carriage licence.

#### **16. PRODUCTION OF DOCUMENTS**

- 16.1 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 hackney carriage. 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 licensing office.

#### **17. TARIFF SHEET**

- 17.1 The tariff sheet, must be mounted and displayed inside the hackney carriage in a position approved by the Council.

#### **18. NUMBER OF PASSENGERS**

- 18.1 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.
- 18.2 For the avoidance of doubt the Council considers any child, including babies as a single passenger for the purposes of 18.1.

#### **19. EMPLOYMENT OF DRIVERS**

- 19.1 The holder of a hackney carriage licence shall notify the Council within seven days of the commencement or termination of employment of any driver of his hackney carriage.

## 20. **CHANGE OF ADDRESS**

- 20.1 The proprietor(s) shall notify the Council in writing within seven days of any change of their address.

## 21. **LOST PROPERTY**

- 21.1 The holder of a hackney carriage licence shall, if any property is accidentally left in the vehicle by any passenger is found by or handed to him, refer to the instructions of the local police force on lost property. Should that guidance leave the property with the finder then retain it for a period of at least 7 working days before disposing in line with the police guidance.

## 22. **TRANSFER OF LICENCE**

- 22.1 If the holder of a hackney carriage licence intends to transfer their interest in the hackney carriage to any other person, they shall arrange an appointment to see a licensing officer with all the parties that have an interest in the vehicle and those intending to have an interest in the hackney carriage licence.
- 22.2 Those attending that meeting will be required to provide sufficient documentation as required by the Licensing Authority to confirm the identity of those with an interest in the hackney carriage

## 23. **RECORDS OF BOOKINGS**

- 23.1 Where one or more persons form an association for the purpose of providing a hackney carriage service to the public and an office is established for the purpose, records of bookings shall be kept in such form as the Council may prescribe. Such records shall be kept for at least one year. The entries to be entered in such record book to be: -
- 23.1.1 • Name of person making booking, name and address of passenger and place where passenger is to be picked up.
  - 23.1.2 • Time and date when passenger(s) are to be picked up.
  - 23.1.3 • Destination.
  - 23.1.4 • Licence number of hackney carriage so used.
- 23.2 The person acting as the operator or controller of such service shall enter therein before commencement of each journey particulars of every booking of a hackney carriage invited or accepted by them whether by accepting the booking from the hirer or by undertaking it at the request of another operator.
- 23.3 Such record shall be produced on request to any authorised officer of the Council, or to any constable for inspection.

## 24. **ORIGINAL VEHICLE SPECIFICATION**

- 24.1 All licensed hackney carriages shall be maintained to their original specification whilst the licence remains in force.
- 24.2 All licensed vehicles will be kept clean both internally and externally, all furniture and fittings must be well maintained.

## 25. **DIGITAL TAXI CAMERAS**

- 25.1 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.

25.2 An approved yellow Taxi camera sticker will be displayed on both side windows of the vehicle and be both inside and outside so they can be easily read by the public.

25.3 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.

## 26. **CONVICTIONS**

26.1 Any person who has an interest in the licence must notify the Licensing team at the Council within two working days of any arrest or conviction.

## 27. **SMOKING**

27.1 Smoking, including the use of electronic smoking devices, is not permitted in a licensed vehicle. (See Additional Information below)

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Note: For the purposes of condition 9 (Identification) and in order to avoid doubt, an example of the taxi sticker appears below:



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.

## ADDITIONAL INFORMATION

Please note that this information does not form part of Southampton City Council's licence policy or conditions

Drivers, proprietors and operators of licensed hackney carriages and private hire vehicles are reminded of the other statutory duties and restriction placed on them, amongst which are the following:

### Smoking

The Health Act 2006 prohibits the smoking of tobacco or any other substance by anyone in a licensed hackney carriage or private hire vehicle. The legislation applies at all times whilst the vehicle remains licensed, thus smoking remains prohibited when the vehicle is not hired or not for hire.

Every licensed vehicle is required to carry appropriate signage under the Smoke-free (Signs) Regulations 2007. Guidance and signs are available from: <http://www.smokefreeengland.co.uk/resources/guidance-and-signage.html>



### Assistance Dogs

The Equality Act 2010 imposes a duty on licensed drivers and operators to convey any guide, hearing or other assistance dog in a licensed hackney carriage or private hire vehicle. Drivers must:

- carry assistance dogs accompanying disabled people;
- do so without additional charge; and
- allow the dog to remain with the passenger

Operators must:

- accept bookings made by or on behalf of a disabled person who is accompanied by an assistance dog;
- accept bookings made by a person who will be accompanied in a PHV by such a disabled person; and
- not make an additional charge for carrying the assistance dog

If a driver has a medical condition, such as severe asthma, which is aggravated by contact with dogs, or is allergic or has an acute phobia to dogs, it may be possible for them to qualify for an exemption. Please discuss this with the licensing team in the first instance, to whom application for exemption must be made. The driver will be required to produce conclusive medical evidence in support of his application.

Please note that the law does not allow for an exemption to be granted on religious grounds.



Additional information is available from: <http://www.dft.gov.uk/transportforyou/access/taxis/>

## Appendix 2

# HACKNEY CARRIAGE DRIVERS LICENCE POLICY

## From 2026

Please note that the holder of a Hackney Carriage Driver's licence must observe and carry out the requirements of the Town Police Clauses Act 1847 and any byelaw thereunder, 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 Hackney Carriages.

1. Before a hackney carriage 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 hackney carriage. 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 VI of the Road Traffic Act 1988 authorising him to drive a motor car;
    - 1.2.5 he/she has a sound knowledge of the topography of the City of Southampton.
  - 1.3 produce for examination a current driving licence issued to the applicant under the Road Traffic Acts 1960-1988.
  - 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 hackney carriage 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 hackney carriage driver's licences shall obtain a BTech qualification or a council approved similar qualification for transporting passengers by taxi and private hire vehicle before the expiry of six months from the first grant of their licence. For the avoidance of doubt, this requirement will not apply to those holders of hackney carriage driver's licences who had held their licence for a continuous period of three years as at 26<sup>th</sup> August 2009 or to an applicant for a hackney carriage driver's licence who, at the date of grant of that licence, holds a Southampton private hire driver's licence.
- 1.11 All applicants for hackney carriage and 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 LICENCE POLICY AND CONDITIONS From 2026**

## **1. APPLICATIONS**

- 1.1 Before a licence is granted in respect of a private hire vehicle, the applicant being a proprietor of the vehicle must complete 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 The Council does not allow dual licensing of vehicles- that is, licensing of a vehicle with more than one licensing authority.
- 2.4 **Interpretation**

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

  - 2.4.1 "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;
  - 2.4.2 "the Council" means Southampton City Council;
  - 2.4.3 "private hire" has the same meaning as in the Local Government (Miscellaneous Provisions) Act, 1976
  - 2.4.4 "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;
  - 2.4.5 "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.
  - 2.4.6 "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.

## **2.5 Duration of licence**

- 2.5.1 Each licence shall expire on the date shown in the licence as the expiry date, not being more than one year from the date of issue
- 2.5.2 To manage the licensing process efficiently the Council sets the expiry date of vehicle licences dependant on the licence plate number. (See overarching policy)
- 2.5.3 The licence holder shall observe and carry out the following terms and conditions: -

## **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:-
- have an engine producing 50 kW or greater;
  - 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;
  - have a rear bench seat with a width of no less than 1220 mm or individual seats that have a minimum seat width of 407 mm per person;
  - knee space: The measurement between the rear of the front seats and the backrest of the rear seat must not be less than 762mm (30 inches) with the front seat at its centre point (that is, midway on its runners).
  - 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;
  - except as provided in condition 23 below, be of right hand drive;
  - be fitted with sufficient and suitable seat belts for every person who may be carried in the licensed vehicle pursuant to conditions 15 and 16;
  - 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;
  - 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 All advertising is to be completed to a professional standard and quality.
- 6.5 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.
- 6.6 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.
- 6.7 Internal advertising, including the use of display screens must first be approved by the Licensing Manager, prior to installation.

## **7. ADVERTISEMENT CONTENT**

All advertisements must comply with the ASA's UK Code of Non-broadcast Advertising and Direct & Promotional Marketing (CAP Code). 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, gambling 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 or refusal 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.
- 7.6 Advertising reels used on display screens either inside or outside the vehicle must be pre-approved by the Licensing Manager prior to display. The approval for such advertising reels may attract a fee.



## **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 22 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 There shall be a 3mm thick black boarder inset 10mm from the edge of the sticker with 25mm radiused corners. The corners of the sticker shall also be radiused in parallel with the black boarder.
- 8.8 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 22 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 Service Manager for Licensing.

## **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

- 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, they shall within fourteen days give notice to the Service Manager for Licensing details of the name and address of the person to whom they have 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.

**20. ADHERENCE TO BOOKINGS**

- 20.1 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.

**21. WEDDINGS AND FUNERALS**

- 21.1 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.

**22. SPECIALIST VEHICLES**

- 22.1 In exceptional circumstances, the Service Manager for Licensing may determine that a vehicle is a specialist vehicle, such as, but not exclusively, stretched limousines, Executive hire vehicles (see 22.2), classic cars and other unusual vehicles to be used for private hire.
- 22.2 Executive hire vehicles are vehicles solely used for high level executive hire, the vehicle will have to be a high end executive vehicle, the applicant will have to provide evidence and assurances the vehicle will only be used for contract work, namely not standard private hire work but work with known clients on a contract for a number of journeys and not just one or one and a return journey.
- 22.3 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.
- 22.4 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)

**23. ORIGINAL VEHICLE SPECIFICATION**

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

**24. DIGITAL TAXI CAMERAS**

- 24.1 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.

24.2 An approved yellow Taxi camera sticker will be displayed on both side windows of the vehicle and be both inside and outside so they can be easily read by the public.

24.3 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.

25. **CONVICTIONS**

25.1 Any person who has an interest in the licence must notify the Licensing team at the Council within two working working days of any arrest or conviction.

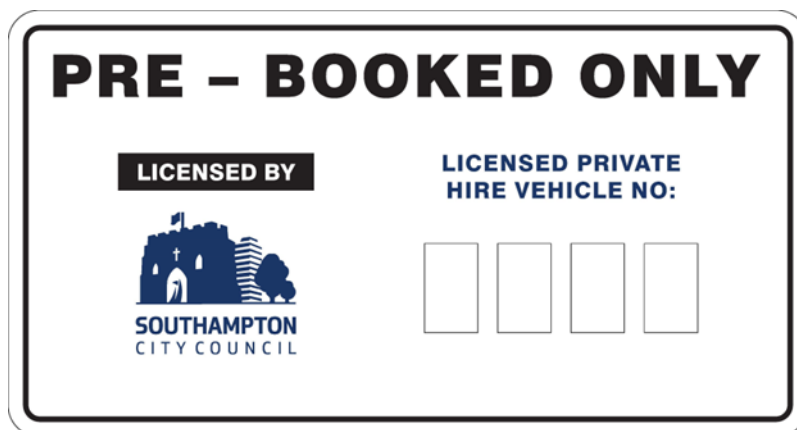
26. **SMOKING**

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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**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.

## Appendix 4

# PRIVATE HIRE VEHICLE DRIVERS LICENCE POLICY AND CONDITIONS From 2026

## 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 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:
- convey a reasonable quantity of luggage,
  - 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:-
- 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
  - any petroleum spirit or explosive or dangerous substance.
  - any noxious, odorous, foul or offensive substance.
  - 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 two working 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.

## Appendix 5

### PRIVATE HIRE VEHICLE OPERATOR LICENCE POLICY AND CONDITIONS From 2026



#### 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 Applicants will be required to provide a Basic DBS certificate no more than 6 months old.

The proprietor shall observe and carry out the following terms and conditions:-

#### 2. OPERATOR NAME

- 2.1 The operator trading name shall be approved by the Council prior to licence issue. The name shall not include any reference to a hackney carriage, taxi or cab or any other word that may be associated with a hackney carriage. The name shall not be the same or similar to or likely to be confused with another operator or transport provider. Trading names cannot be changed without prior approval by the Council.

#### 3. TRANSFER OF LICENCE

- 3.1 The licence is not transferable to another person or company nor does it authorise the licensee to operate from any address(es) other than that (those) specified in the licence.

#### 4. STAFF WITH ACCESS TO CUSTOMER DATA

- 4.1 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.
- 4.2 The licence holder will provide a policy on employing ex-offenders recognising those with a conviction for offences provided in the council's policy on previous convictions, other than those relating to driving matters, may not be suitable to have access to such data.
- 4.3 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.
- 4.4 Operators may outsource booking and dispatch functions but they cannot pass on the obligation to protect the data obtained and held. Operators are required to evidence that comparable protections are applied by the company to which they outsource these functions.

#### 5. NUMBER OF PASSENGERS

- 5.1 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 clarity babies in arms are included in the calculation.

#### 6. RECORDS OF BOOKINGS

- 6.1 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.
- 6.2 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.
- 6.3 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.

## **7. CONTRACTS**

- 7.1 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

## **8. VEHICLES/DRIVERS OPERATED BY THE LICENCE HOLDER**

- 8.1 The operator shall, to the satisfaction of the licensing authority, notify the Licensing Authority in writing of the commencement or termination of any vehicle and/or driver operated by them.

## **9. 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.

## **10. DISABLED PERSONS**

- 10.1 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

**11. USE OF PREMISES**

- 11.1 The licence holder while carrying on the business of an operator must ensure that their operator base is within the Southampton City Council boundaries. Also it must comply with the requirements of the Town and Country Planning Act 1971 and Orders and Regulations made thereunder.
- 11.2 The operator base must meet the satisfaction of the Council by way of being a physical location where inspection of records and compliance can take place. .
- 11.3 The licence holder, while carrying on the business of an operator, shall not permit licensed private hire vehicles to obstruct entrances to adjoining premises

**12. CHANGE OF ADDRESS**

- 12.1 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).

**13. CONVICTIONS**

- 13.1 The operator shall, within two working 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)
- 
- 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

#### **14. FOUND PROPERTY**

- 14.1 Drivers undertaking work from an operator have a requirement to hand found property to the 'operator'. Operators are to have facilities to accept such property and retain it for up to 7 days and assist in facilitating the return to losers. .

# Taxi Trade Representatives

## Code of Conduct

### Introduction

There is no legal requirement for the Licensing Authority to have any consultation process with the Hackney carriage and Private Hire trade other than the discreet issues concerning fees for Vehicle and Operators licences and hackney carriage fare revisions where formal notices must be given.

It is, however, considered to be a matter of good practice that a formal framework exists for two-way exchange of views. It also assists with the Council's obligation to comply with the Regulators code.

The purpose of consultation is defined as:

- A two way exchange of information, dialogue and discussion
- To hear views, comments and concerns of the trade
- To receive information, comments, and concerns of the Licensing Team, Members and the Council as a whole.
- Not a decision making forum
- Where matters of a particular concern and where appropriate, matters raised can be referred to the Licensing Committee where a formal decision can be made.

It should be borne in mind that consultation does not necessarily mean agreement with and that consultation meetings cannot be decision making meetings. The Council and the licensing trades are keen to develop a relationship built on trust, openness and honesty.

### 1. Common Principles

- 1.1 All elements of the Code apply equally to trade representatives, councillors and officers, (called "participants", unless otherwise stated).
- 1.2 Participants are required at all times to act in a civil manner. Personal attacks, offensive, abusive or racist comments are not acceptable.
- 1.3 In carrying out their role, no participant will discriminate against any person in a manner that is contrary to the Equality Act 2010 and Council's Equal Opportunities Policy. All participants acknowledge that everybody has the right to be treated with dignity and respect, regardless of ethnic or national origins, disability, gender, marital status, age, sexuality, religion or any other matter which causes people to be treated with injustice.

### 2. Officer code

- 2.1 At all times, officers shall act in a professional manner and shall treat participants with courtesy and respect.
- 2.2 Officers shall use reasonable endeavours to make themselves available to meet with participants providing reasonable notice is given of the meeting and demands are not excessive.
- 2.3 Officers will, providing sufficient notice has been given, supply information to participants regarding issues raised. This will not include information relating to individuals (except at that

individual's request and with their written consent) which is confidential and data protected. Officers have a responsibility to adhere to the Data Protection Act 2018 and GDPR.

- 2.4 The Council is committed to being open and transparent.
- 2.5 "Reasonable notice" will be at least 14 working days prior to any meeting or information request, unless a shorter timescale has been agreed.
- 2.6 Officers will not provide any more or less favourable services to any participants.

### **3. Representatives' Code**

- 3.1 Representatives shall be courteous at all times in their dealings with each other, officers and councillors.
- 3.2 Representatives have a responsibility to accurately report the views of the persons they represent and to accurately feedback those views to the trade in general. If anyone makes a personal point they must state clearly this is their own personal view and not those of the group.
- 3.3 There may be occasions where officers cannot give their personal views about the policies, management, staff or elected members of the Council and should not be pressed to do so.
- 3.4 Representatives must respect the impartiality of officers and must undertake not to make party political statements.
- 3.5 From time to time representatives will have access to sensitive and confidential information which is not yet in the public domain. When representatives are advised that information is confidential or where it is clear by the nature of the information or the purpose of the meeting that the information is confidential, that information must not be disclosed to others under any circumstances. This includes discussions outside of the meeting(s) or with any participants' partners and/or family/friends. Participants may be required to sign a confidentiality statement before the start of the confidential section of the meeting. The Council will explain why this information is confidential. Such information must not be used for personal gain.

### **4. All Participants**

- 4.1 Participants shall respect all individuals' confidentiality, whether present or not, and should not mention specific individual cases in public meetings which may cause embarrassment to or identification of an individual or a member of that person's family.

### **5. Standards for meetings**

- 5.1 The Chair of the licensing committee will chair the meeting or nominate another member of the licensing committee to chair the meeting in their absence.
- 5.2 The Agenda will be followed unless amended by agreement of the chair. The meetings will last no more than 2 hours.
- 5.3 It is intended to hold four meetings a year, approximately one every three months. The Chair of the licensing committee will determine if there is a need to either cancel or arrange for further meetings.

## **6. Representatives' contact with the Media**

- 6.1 Any participant who wishes to express their own individual views to the media must make it clear that the view being expressed is the participant's own view and not that of any group/body.
- 6.2 Representatives can seek advice from the Council's Communications Team if they would like assistance before making any statement to the media. You can contact the Council's media team on 023 8083 2000
- 6.3 It is recommended that all statements to the media should be in written format to ensure that there is no confusion over what has been said and an audit trail is available. Media contact should be made by email wherever possible.
- 6.4 Information given to the media:–
- Should not identify any individual or enable any identification of any individual unless that person has consented to their identification.
  - Must be factual and must not be party political.

## **7. Political affiliation**

- 7.1 Individual participants may be affiliated to or be members of a political party but may not represent a political party in their role as a participant of a group.
- 7.2 No party political references should be made during meetings.

## **8. Breaches of Code of Conduct**

- 8.1 If it comes to the Council's attention that there has been a breach of this Code by a participant, the Licensing Manager and Chair will be informed and the Council will take such action against the individual as appropriate.
- 8.2 Such action may include but is not limited to:
- Verbal or written warning;
  - Removal from a specific meeting
  - Time limited suspension
  - Termination as a representative and exclusion from re-election, either permanently or for a fixed period of time.

## **9. Appeals process**

- 9.1 If an individual or group is not satisfied with the Council's decision to suspend or terminate an individual as a representative then they may appeal against the decision through the Council's formal Customer Complaints Procedure.
- 9.2 Until any appeal has been determined by the Customer Complaints Procedure, the decision will remain in force. The time limit for any exclusion will run from the date of the original decision and not the outcome of the appeal process.



## Appendix 7

### **GUIDANCE ON DETERMINING THE SUITABILITY OF APPLICANTS IN THE HACKNEY CARRIAGE AND PRIVATE HIRE TRADES**

1. The Council will consider the Department for Transport recommendation in their Statutory Taxi and Private Hire standards and the revised Institute of Licensing Guidance on determining the suitability of applicants and licensees in the hackney carriage and private hire trades when determining licences. The Council will adopt the following in such determinations.
2. As is clear from Chapter 2 of the Institutes guidance there is no evidence which can provide precise periods of time which must elapse after a crime before a person can no longer be considered to be at risk of reoffending, but the risk reduces over time. In light of that, the suggested timescales below are intended to reduce the risk to the public to an acceptable level.
3. Many members of our society use, and even rely on, hackney carriages and private hire vehicles to provide transportation services. This can be on a regular basis, or only occasionally, but in all cases passengers, other road users and society as a whole must have confidence in the safety and suitability of the driver, the vehicle itself and anyone involved with the booking process.
4. Ideally all those involved in the hackney carriage and private hire trades (hackney carriage and private hire drivers, hackney carriage and private hire vehicle owners and private hire operators) should be persons of the highest integrity. In many cases that is true and the vast majority of those involved in these trades are decent, upstanding, honest and hard-working individuals. Unfortunately, as in any occupation or trade, there are those few who fail to conform to those standards.
5. The purpose of this Appendix (7) is to offer guidance on how Southampton City Council will determine whether a particular person is safe and suitable either to be granted a licence in the first place or to retain such a licence.

#### **Pre-application requirements**

6. Licensing authorities are entitled to set their own pre-application requirements. Southampton City Council has set the following requirements.

##### Vehicles:

- Basic DBS checks;
- Specifications e.g. minimum number of doors, minimum seat size, headroom, boot space etc;
- Mechanical tests and tests of the maintenance of the vehicle e.g. ripped seats etc;
- Emission limits/vehicle age limits;
- Wheelchair accessibility requirements (in respect of relevant vehicles).

##### Drivers:

- Enhanced DBS checks with update service;

- Checks made to the National Anti Fraud Network database on refusals and revocations of hackney carriage and private hire licences (when available);
- Medical checks;
- Knowledge of the geographic area;
- Spoken and written English tests;
- Child sexual exploitation and safeguarding training.

Operators:

- Basic DBS checks;
- Details of their vetting procedures for their staff;
- Knowledge of the licensing area.

7. In relation to each of these licences, the licensing authority has discretion as to whether to grant the licence.
8. Drivers and operators cannot be granted a licence unless the authority is satisfied that they are a “fit and proper person” to hold that licence (see Local Government (Miscellaneous Provisions) Act 1976 ss 51 and 59 in respect of drivers; s55 in respect of operators).
9. There are no statutory criteria for vehicle licences, therefore the authority has an absolute discretion over whether to grant either a hackney carriage or private hire proprietor’s licence.
10. “Fit and proper” means that the individual (or in the case of a private hire operator’s licence, the limited company together with its directors and secretary, or all members of a partnership) is “safe and suitable” to hold the licence.
11. In determining safety and suitability the licensing authority is entitled to take into account all matters concerning that applicant or licensee. They are not simply concerned with that person’s behaviour whilst working in the hackney carriage or private hire trade. This consideration is far wider than simply criminal convictions or other evidence of unacceptable behaviour, and the entire character of the individual will be considered. This can include, but is not limited to, the individual’s attitude and temperament. The categories of behaviours described below are introduced as “offences” which may or may not lead to convictions. Any such behaviours will be taken into account, whether or not it resulted in convictions or other sanctions.
12. Convictions for attempt or conspiracy will be regarded as convictions for the substantive crime. A caution is regarded in exactly the same way as a conviction. Fixed penalties and community resolutions will also be considered in the same way as a conviction.
13. It is important to recognise that matters which have not resulted in a criminal conviction (whether that is the result of an acquittal, a conviction being quashed, decision not to prosecute, police decide on no further action (NFA), bailed, released under investigation or where an investigation is continuing can and will be taken into account by the licensing authority. In addition, complaints where there was no police involvement will also be considered. Within this document, any reference to “conviction” will also include matters that amount to criminal behaviour, but which have not resulted in a conviction.
14. In the case of any new applicant who has been charged with any offence and is awaiting trial, the determination may be deferred until the trial has been completed or the charges withdrawn. Where an existing licensee is charged, it will be for the licensing authority to decide what action to take in the light of these guidelines.
15. In all cases, the licensing authority will consider the conviction or behaviour in question and what weight should be attached to it, and each and every case will be determined on its own merits, and in the light of these guidelines.

16. Any offences committed, or unacceptable behaviour reported whilst driving a hackney carriage or private hire vehicle, concerning the use of a hackney carriage or private hire vehicle, or in connection with an operator of a private hire vehicle will be viewed as aggravating features, and the fact that any other offences were not connected with the hackney carriage and private hire trades will not be seen as mitigating factors.
17. As the licensing authority will be looking at the entirety of the individual, in many cases safety and suitability will not be determined by a specified period of time having elapsed following a conviction or the completion of a sentence. Time periods are relevant and weighty considerations, but they are not the only determining factor.
18. In addition to the nature of the offence or other behaviour, the quantity of matters and the period over which they were committed will also be considered. Patterns of repeated unacceptable or criminal behaviour are likely to cause greater concern than isolated occurrences as such patterns can demonstrate a propensity for such behaviour or offending.
19. Most applicants or licensees will have no convictions and that is clearly the ideal situation. In relation to other people, it is accepted that human beings do make mistakes and lapse in their conduct for a variety of reasons, and it is further accepted that many learn from experience and do not go on to commit further offences. Accordingly, in many cases an isolated conviction, especially if committed some time ago, may not prevent the grant or renewal of a licence.
20. It is also important to recognise that once a licence has been granted, there is a continuing requirement on the part of the licensee to maintain their safety and suitability. The licensing authority has powers to take action against the holder of all types of licence (driver's, vehicle and operator's) and it must be understood that any convictions or other actions on the part of the licensee which would have prevented them being granted a licence on initial application will lead to that licence being revoked.
21. Any dishonesty by any applicant or other person on the applicant's behalf which is discovered to have occurred in any part of any application process (e.g. failure to declare convictions, false names or addresses, falsified references, cheating in tests) will result in a licence being refused, or if already granted, revoked and may result in prosecution.
22. Although the direct impact on the public varies depending upon the type of licence applied for or held, to maintain public confidence in the integrity of the taxi and private hire licensing regimes, the authority will apply the same standards to all licences with the exception of motoring convictions in relation to a private hire operator.
23. This policy sets minimum periods of time that should elapse between the date of conviction or completion of the sentence (whichever is the later) and a grant of the licence. Those periods are for single offences. Where a person has more than one conviction and can be seen as a persistent offender, this will raise serious questions about their safety and suitability. Convictions do become less important over time (hence the time periods) but multiple convictions or continued offending over a period of time will always be of significant concern to a licensing authority. The licensing authority is looking for safe and suitable individuals, and once a pattern or trend of repeated offending is apparent, a licence will not be granted or renewed.
24. Where an applicant/licensee is convicted of an offence which is not detailed in this guidance, the licensing authority will take that conviction into account and use these guidelines as an indication of the approach that should be taken.
25. This policy does not replace the duty of the licensing authority to refuse to grant a licence where they are not satisfied that the applicant or licensee is a fit and proper person. Where a situation is not covered by these guidelines, the authority must consider the matter from first principles and determine the fitness and propriety of the individual.

26. It must be borne in mind that the time periods are guidance and not fixed periods, and if there are truly exceptional circumstance the time periods can be reduced in individual circumstances and not frequent occurrences. Each case will be determined on its own merits, taking into account all factors, including the need to protect the public, the circumstances and effect of the offence and any mitigation that has been offered. However the convictions itself cannot be reconsidered.

## Drivers

27. As the criteria for determining whether an individual should be granted or retain a hackney carriage driver's licence are identical to the criteria for a private hire driver's licence, the two are considered together.
28. A driver has direct responsibility for the safety of their passengers, direct responsibility for the safety of other road users and significant control over passengers who are in the vehicle. As those passengers may be alone, and may also be vulnerable, any previous convictions or unacceptable behaviour will weigh heavily against a licence being granted or retained.
29. As stated above, where an applicant has more than one conviction showing a pattern or tendency irrespective of time since the convictions, serious consideration will need to be given as to whether they are a safe and suitable person.
30. In relation to single convictions, the following time periods should elapse following completion of the sentence (or the date of conviction if a fine was imposed) before a licence will be granted.
31. As stated above, the categories of behaviours described below are introduced as "offences" which may or may not lead to convictions. Any such behaviours will be taken into account, whether or not it resulted in convictions or other sanctions.

## Barred lists

32. A licence will not be granted to a person on any bared list. (DBS)

## Offences resulting in death

33. Where an applicant or licensee has been convicted of a crime which resulted in the death of another person or was intended to cause the death or serious injury of another person they ***will not be licensed***.

## Offences involving exploitation and criminal harrassment

34. Where an applicant or licensee has been convicted of a crime involving, related to, or has any connection with abuse, exploitation, use or treatment or criminal harrassment of another individual irrespective of whether the victim or victims were adults or children, they ***will not be licensed***. This includes slavery, child sexual exploitation, grooming, psychological, emotional, financial or domestic abuse, stalking without violence, but this is not an exhaustive list.

## Offences involving violence against persons, property, animals or the state

35. Violence includes situations where the victim is put in fear, alarm or distress without any physical contact. It is accepted that the context of violence is wide. But any such behaviour is of a concern.
36. Where an applicant has a conviction for an offence of violence, or connected with any offence of violence, a licence will not be granted until at least ***10 years*** have elapsed since the completion of any sentence imposed. Where the offence of violence was against a child or vulnerable adult a licence will never be granted

### Offences involving public order

37. Where an applicant has a conviction for a public order offence or similar that is not in itself an act of violence, a licence will not be granted for a period of **5 years**.

### Offences involving possession of a weapon

38. Where an applicant has a conviction for possession of a weapon or any other weapon related offence, a licence will not be granted until at least **7 years** have elapsed since the completion of any sentence imposed.

### Offences involving sex and indecency offences

39. Where an applicant has a conviction for any offence involving or connected with illegal sexual activity or any form of indecency, a licence **will not be granted**. This includes any sexual harassment.
40. In addition to the above, the licensing authority **will not grant a licence** to any applicant who is currently on the Sex Offenders Register or on any 'barred' list.

### Offences involving dishonesty

41. Where an applicant has a conviction for any offence of dishonesty, or any offence where dishonesty is an element of the offence, a licence will not be granted until at least **7 years** have elapsed since the completion of any sentence imposed.

### Offences involving alcohol abuse, misuse or dependency

42. Where an applicant has any conviction for, or related to, drunkenness not in a motor vehicle, a licence will not be granted until at least **5 years** have elapsed since the completion of any sentence imposed. If the applicant has a number of convictions for drunkenness and/or there are indications of a medical problem associated with possible abuse, misuse of, or dependence on alcohol, the applicant will also be subject to additional medical/assessment before the application is considered. If the applicant was found to be dependent on alcohol, a licence will not be granted unless at least **5 years** have elapsed since the dependency ceased.

### Offences involving drugs abuse, misuse or dependency

43. Where an applicant has any conviction for, or related to, the production, import, trade in or **supply of drugs**, or possession with intent to supply or connected with possession with intent to supply, a licence will not be granted until at least **10 years** have elapsed since the completion of any sentence imposed.
44. Where an applicant has a conviction for **possession of drugs**, or related to the possession of drugs, a licence will not be granted until at least **5 years** have elapsed since the completion of any sentence imposed. In these circumstances, any applicant will also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.
45. If there are indication that an applicant or licensee has, or has had a history of a medical problem associated with possible abuse, misuse or dependency of drugs, the applicant will also be subject to additional medical testing/assessment before the application is considered. If the applicant was found to be dependent on drugs, a licence will not be granted unless a period of at least 5 years have elapsed since the dependency ceased.
46. Where an applicant or licence holder provides a sample for drug testing that indicates significant contact with drugs, or refuses to supply a sample with no evidence of mitigation then a licence will not be granted until at least 5 years have elapsed. In these circumstances, any applicant will also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.

### Offences involving discrimination

47. Where an applicant has a conviction involving or connected with discrimination in any form, including non-compliance with the Equality Act 2010 a licence will not be granted until at least **7 years** have elapsed since the completion of any sentence imposed. This includes e.g. refusals to carry assistance dogs or to provide mobility assistance.

### Offences involving regulatory non compliance

48. Regulatory crimes include local authority offences, licensing matters and other offences prosecuted by other authorities. It also includes matters relating to the administration of justice such as failing to surrender to bail and any other matter where regulations or requirements have been ignored or broken. These offences demonstrate a lack of compliance with legal requirements which would clearly be a worry in relation to taxi and private hire licensees. Serious consideration should be given as to whether they are safe and suitable person to hold a licence.

### Motoring convictions

49. Hackney carriage and private hire drivers are professional drivers charged with the responsibility of carrying the public. Any motoring conviction demonstrates a lack of professionalism and will be considered seriously. A single occurrence of a minor traffic offence would not prohibit the granting of a licence or may not result in action against an existing licence. Subsequent convictions suggest the fact the licensee may not take their professional responsibilities seriously and may therefore not be a safe and suitable person to granted or retain a licence.

### Drink driving/driving under the influence of drugs/ using a hand-held telephone or hand-held device whilst driving

50. Where an applicant has a conviction for drink driving or driving under the influence of drugs, or failing to provide a specimen in relation not a driving matter a licence will not be granted until at least **7 years** have elapsed since the completion of any sentence or driving ban imposed. With drug offences, any applicant will also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.
51. Where an applicant has a conviction for using a **held-hand** mobile telephone or a hand-held device whilst driving, a licence will not be granted until at least **5 years** have elapsed since the conviction or completion of any sentence or driving ban imposed, whichever is the later. .

### Other motoring offences

52. Penalty points applied to a DVLA driving licence remain active for either 3 or 10 years, which may be from the date of the offence or the date of the conviction depending on the offence as detailed on Gov.uk website. They maybe removed from the licence after 4 or 11 years. The action does not negate the offence that lead to the points being imposed. Penalty points (and the underlying offence) will be relevant and taken into consideration for 4 to 11 years from the date of the conviction or the date of the offence depending on the type of offence.
53. By attaining **7 or more penalty points** on their DVLA driving licence a driver is demonstrating they may not be fit and proper and the authority should assess their suitability. It is suggested part of the assessment is to undertake a driver awareness course and pass a driver assessment with no more than 8 minor infringements, within 2 months of notice from the authority they are considering the suitability of the licence holder. Failure to do so strongly suggests the driver is not fit and proper and not be licensed until a period of **12 months** has elapsed with no further convictions and has passed a driver assessment, as above, since the last conviction.

54. Any offence which results in ***injury to any person or damage*** to any property, including vehicles, or any insurance offence then a licence will not be granted until at least **7 years** has elapsed since the completion of any sentence..
55. Any driver who accumulated **12 or more points** on their DVLA licence and has not been disqualified under the totting up procedure by a court as a result of making an exceptional hardship argument shall not be able to advance such arguments before the licensing authority as they are not a relevant consideration in determining what action the authority should take. Any such driver will not be licensed for a period of **5 years** from the date of the accumulation of 12 or more points.
56. Any driver who has been **disqualified** as a result of totting up, which erases the points when the licence is restored will not be licensed for a period **of 5 years** from the date of disqualification. Other disqualifications will need to be investigated, the reasons ascertained and a decision based on the results of that investigation.
57. Drivers who commit parking, obstruction and other such motoring offences that do not attract penalty points are not displaying a professional approach to their work. Persistent offenders should be reported to their licensing authority who may consider a period of suspension depending on the severity and frequency of the incidents reported.

### **Behaviours**

58. Driver behaviours that fall short of criminal behaviour but are indicators of more sinister behaviour need to be addressed to maintain confidence in the taxi trades and to stop unwanted behaviours before they evolve into criminal acts.
59. Behaviours such as
  - Asking a passenger for their contact or social media details
  - Asking personal or intimate questions
  - Inappropriate physical contact with passengers or invade their personal space
  - Inappropriate conversations, questions or behaviour.

This is more important if the passenger is a lone vulnerable individual.

60. Except in the most serious of cases, drivers should be given a warning in the first instance, if appropriate sent on refresher safeguarding training and explained how the behaviour maybe perceived by a vulnerable passenger.
61. If the behaviour, on the balance of probability, is repeated and considered to be predatory in nature then any applicant should not be licensed.

### **Any other convictions**

62. Where an applicant or licence holder has a conviction for an offence contrary to any legislation relating to taxi or private hire activity not covered elsewhere, a licence will not be granted until at least **7 years** have elapsed since the completion of any sentence imposed.

### **Private hire operators**

63. A private hire operator (“an operator”) does not have direct responsibility for the safety of passengers, other road users or direct contact with passengers who are in the private hire

vehicle (except where they are also licensed as a private hire driver). However, in performing their duties they obtain and hold considerable amounts of personal and private information about their passengers which must be treated in confidence and not revealed to others or used by the operator or their staff for criminal or other unacceptable purposes.

64. As stated above, where an applicant has more than one conviction, serious consideration will need to be given as to whether they are a safe and suitable person.
65. Operators must ensure that any staff that are used within the business (whether employees or independent contractors) and are able to access any information as described above are subject to the same standards as the operator themselves. This can be effected by means of the individual staff member being required by the operator to obtain a basic DBS certificate. If an operator is found not to be applying the required standards and using staff that do not meet the licensing authority's overall criteria, that will lead to the operator's licence being revoked.
66. As public trust and confidence in the overall safety and integrity of the private hire system is vital, the same standards will be applied to operators as those applied to drivers, which are outlined above.

### **Vehicle proprietors**

67. Vehicle proprietors (both hackney carriage and private hire) have two principal responsibilities.
68. Firstly, they must ensure that the vehicle is maintained to an acceptable standard at all times.
69. Secondly, they must ensure that the vehicle is not used for illegal or illicit purposes.
70. As stated above, where an applicant has more than one conviction, serious consideration will need to be given as to whether they are a safe and suitable person to be granted or retain a vehicle licence.
71. As public trust and confidence in the overall safety and integrity of the private hire system is vital, the same standards will be applied to proprietors as those applied to drivers, which are outlined above.



### MEDICAL STANDARDS FOR HACKNEY CARRIAGE OR PRIVATE HIRE DRIVERS

All medical reports must be completed by a General Practitioner at the practice with whom you are registered (your Doctor) or an approved medical provider.

Medicals are required by all new applicants for hackney carriage or private hire driver's licences. Current licensed drivers will be required to undertake a medicals at ages 45, 50, 55, 60, 65, and annually thereafter, in line with DVLA best practice guidelines. All medicals need to be completed prior to the relevant date, i.e. date of application or birthday and be no more than **4 months old**.

Completed medical forms are to be delivered to the licensing office within 4 weeks of completion.

Drivers may be required to undertake further medical examinations if evidence is presented raising doubt on the fitness of the applicant/driver.

The council has the discretion to seek an independent assessment of any completed medical form to assist in forming their decision on the fitness of an applicant/driver.

The council will suspend driver's licences who do not satisfy the council they continue to meet the required standards, this will include no evidence of a satisfactory medical at the above ages or evidence of an emerging health issue likely to impact on the individual meeting the required standard.

Standards for hackney carriage or private hire drivers, as vocational drivers, are higher than those for ordinary car drivers. In line with recommended good practice, the City Council will expect licensed drivers to meet the **Group 2 vocational driver standards**. Please also refer to the most recent version of leaflet INF4D available via <https://www.gov.uk/government/publications/medical-examination-report-d4-information-and-useful-notes>.

Specific medical conditions which may be a bar to obtaining or holding a hackney carriage or private hire driver's licence are as follows: -

#### 1. **Epilepsy or liability to epileptic attacks**

A diagnosis of epilepsy or spontaneous epileptic attack(s) requires 10 years free of further epileptic attack without taking anti-epilepsy medication during that 10-year period. For conditions that cause an increased liability to epileptic attacks, the risk of attacks must fall to that of the general population. The City Council will refuse or revoke the licence if these conditions cannot be met.

#### 2. **Diabetes**

Applicants with insulin treated diabetes will not normally be able to obtain a licence **unless**:

- they held a hackney carriage or private hire driver's licence valid at 1 April 1991 and the City Council's licensing team had knowledge of the insulin treatment before 1 January 1991
- or
- if they are able to provide documentary evidence that their diabetes is consistently well controlled, with reference to the advice in chapter 3 of the latest edition of the DVLA's "At a Glance Guide to the Current Medical Standards of Fitness to Drive" in respect of Group 2 vocational drivers.

If you have any condition other than insulin treated diabetes your Doctor should be able to advise you as to whether you meet the relevant higher medical standards. Please refer to the section "Other Medical Conditions" in this report.

### **3. Eyesight**

All applicants must be able to read in good light with glasses or corrective lenses if necessary, a number plate at 20 metres (65 feet), (post 1 September 2001 font) and, if glasses or contact lenses are required to do so, these must be worn while driving. In addition: -

#### **(i) Visual Acuity**

Applicants must have: -

- a visual acuity of at least 6/7.5 (decimal Snellen equivalent 0.8) in the better eye; and
- a visual acuity of at least 6/60 (decimal Snellen equivalent 0.1) in the worse eye; and
- If glasses are worn, the distance spectacle prescription of either lens used must not be of a corrective power greater than plus 8 (+8) dioptres.
- Applicants to whom the following applies may be considered, exceptionally:
- An applicant who held a Southampton hackney carriage or private hire driver's licence after 1 March 1992 and also held that licence on 31 December 1996 and has an acuity of 6/9 (decimal Snellen equivalent 0.6) in the better eye and 6/12 (decimal Snellen equivalent 0.5) in the worse eye and an uncorrected acuity of 3/60 (decimal Snellen equivalent 0.05) in at least one eye.
- An applicant who held a hackney carriage or private hire driver's licence before 1 March 1992 if they can still meet the Group 2 eyesight standards which applied when they first held a Southampton hackney carriage or private hire driver's licence.

Please contact the licensing team if you require further information.

#### **(ii) Visual field**

The horizontal visual field should be at least 160 degrees, the extension should be at least 70 degrees left and right and 30 degrees up and down. No defects should be present within a radius of the central 30 degrees.

#### **(iii) Monocular vision**

Drivers who have sight in one eye only or their sight in one eye has deteriorated to less than 0.05 (3/60) cannot normally be licensed to drive. Exceptionally, it may be possible for such a driver to be licensed if the Group 2 standards were met before 1 April 1991. You must have a visual acuity of at least 6/12 (decimal Snellen equivalent 0.5) if you held a Southampton hackney carriage or private hire driver's licence on 1 April 1983 or 6/9 (decimal Snellen equivalent 0.6) if you were licensed after that date.

#### **(iv) Uncontrolled symptoms of double vision**

If you have uncontrolled symptoms of double vision, or you have double vision treated with a patch, you will not meet the Group 2 standard.

**Please note that a failure to meet the epilepsy, diabetes or eyesight requirements will normally result in the refusal of an application.**

#### **4. Other Medical Conditions**

**In addition to those medical conditions mentioned above, an applicant or licence holder is likely to be refused if they are unable to meet the national recommended guidelines in cases of:-**

- Within six weeks of myocardial infarction, an episode of unstable angina, CABG or coronary angioplasty
- Angina, heart failure, or cardiac arrhythmia which remains uncontrolled
- Implanted cardiac defibrillator
- Hypertension where the blood pressure is persistently 180 systolic or more or 100 diastolic or more
- A stroke or TIA within the last 12 months
- Unexplained loss of consciousness with liability to recurrence
- Meniere's and other sudden and disabling vertigo, within the last 12 months, with a liability to recurrence
- Insuperable difficulty in communicating by telephone in an emergency
- Major brain surgery and/or recent severe head injury with serious continuing after effects
- Parkinson's disease, multiple sclerosis or other chronic neurological disorders likely to affect safe driving
- Psychotic illness within the past three years
- Serious psychiatric illness
- If major psychotropic or neuroleptic medication is being taken
- Alcohol and/or drug misuse within the last 12 months or alcohol and/or drug dependency or use in the past three years
- Dementia
- Any malignant condition, within the last 2 years, with a significant liability to metastasise to the brain
- Any other serious medical condition likely to affect the safe driving of a hackney carriage or private hire vehicle

#### **5. Tiredness: Sleep Disorders**

Up to one fifth of accidents on motorways and other monotonous roads may be caused by drivers falling asleep at the wheel.

Many accidents are attributed to “driver inattention”, but once vehicle faults, traffic offences, poor road or weather conditions, alcohol and specific medical causes are excluded, closer inspection suggests driver sleepiness may be the cause. Evidence for this includes the apparent failure to respond to traffic and road conditions generally and in particular the absence of signs of emergency braking.

Driver sleepiness may be caused by modern lifestyles preventing adequate rest. It may be made worse by shift working combined with the monotonous nature of certain types of driving. Alertness fluctuates naturally throughout the day. Driving between 02:00 and 07:00 increases the risk of a sleep related accident. Most people also tend to be less alert during the mid-afternoon or after a heavy meal. All drivers need to address these problems responsibly.

However, some medical conditions may cause excessive sleepiness. These will greatly increase any normal tendency to sleepiness.

The commonest medical cause is **Obstructive Sleep Apnoea Syndrome (OSA)**. This condition occurs most commonly, but not exclusively, in overweight individuals, particularly those with a large collar size. Partners often complain about the snoring and notice that sufferers seem to have irregular breathing during sleep. Sufferers of OSA rarely wake from sleep feeling fully refreshed and tend to fall asleep easily when relaxing.

OSA is one of the few medical conditions that has been shown to increase significantly the risk of traffic accidents. However, once diagnosed, there is very effective treatment available, normally through specialist centres.

The greatest danger is prior to diagnosis, when the significance of the symptoms is not appreciated. A road traffic accident may be the first clear indication of the condition. All drivers, especially professional drivers, and doctors need to be much more aware of the risks of sleepiness from this treatable cause.

## **Appendix 9**

### **HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS CODE OF CONDUCT**

In order to promote the image of the hackney carriage and private hire trades, the Council has adopted the following Code of Good Conduct, which should be read in conjunction with the other statutory, policy and condition requirements set by the authority.

#### **Responsibility of the Trade**

Licence holders shall endeavour to promote the image of the hackney carriage and private hire trade by:

- a) complying with this Code of Good Conduct
- b) complying with all the Policy and Conditions of their Licence
- c) behaving in a civil, orderly and responsible manner at all times

#### **Responsibility to Customers**

Licence holders shall:

- a) maintain their vehicles in a safe and satisfactory condition at all times
- b) keep their vehicles clean and suitable for hire to the public at all times
- c) attend punctually when undertaking a pre-booked hiring
- d) at no additional cost assist, where necessary and appropriate, passengers into and out of vehicles
- e) at no additional cost offer passengers reasonable assistance with luggage
- f) relationships with customers should be no more than professional, avoid:
  - unnecessary physical contact
  - building personal relationships
  - talking about sensitive or intimate subjects

#### **Responsibility to Local Residents and other Road users**

To avoid nuisance to residents and other road users when picking up, dropping off or waiting for a fare, a driver shall:

- a) not sound the vehicle's horn
- b) keep the volume of any amplified music to a minimum
- c) switch off the engine if required to wait
- d) take whatever additional action is necessary to avoid disturbance to residents in the neighbourhood
- e) park and/or stop considerately, avoiding bus stops, school gates, school zig zags etc.

At hackney carriage ranks drivers shall, in addition to the requirements above:

- a) rank in an orderly manner and proceed along the rank in order and promptly;
- b) remain with the vehicle.
- c) direct any customer to the front vehicle in the rank. However, please be aware that the customer does have the right to select ANY Hackney Carriage they see fit.

## General Information

Drivers shall:

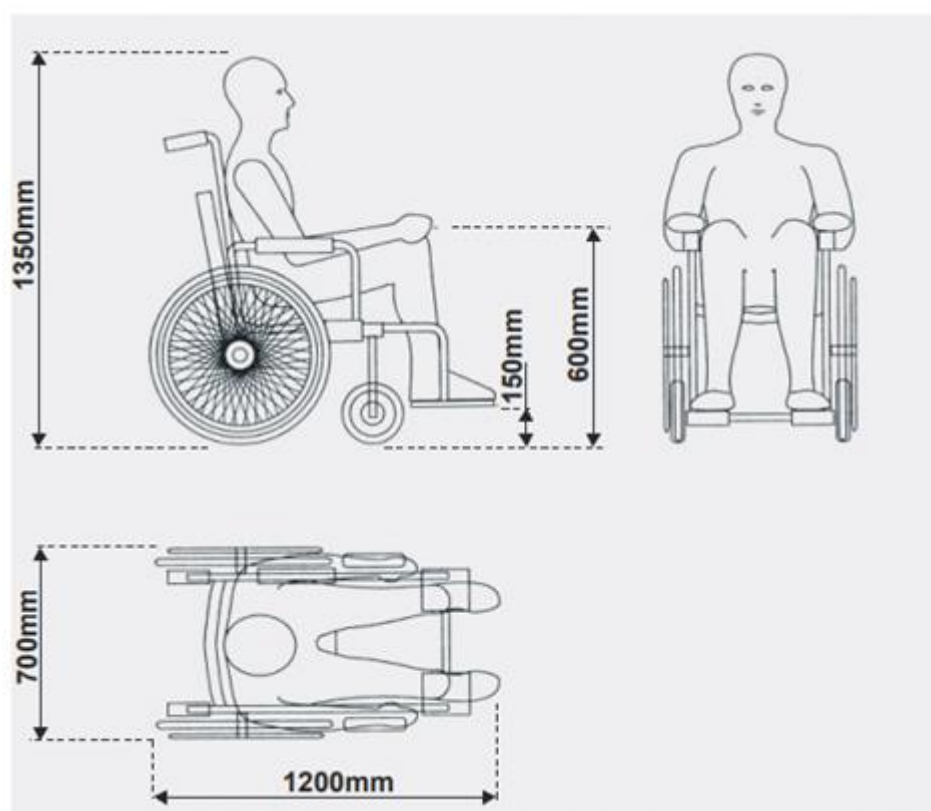
- a) pay attention to personal hygiene and dress so as to present a professional image to the public:
  - As a minimum clothing should be clean, smart casual in appearance with shoes.
  - Unacceptable clothing include jeans, singlets, sports shorts or bathing costumes, sandals or flip flops or open toed sandals
- b) be polite, helpful and fair to passengers;
- c) drive with due care and consideration for other road users and pedestrians and in particular shall not use a hand held mobile phone or device whilst driving;
- d) obey all Traffic Regulation Orders and directions at all time;
- e) not smoke in the vehicle, including e-cigarettes;
- f) not consume alcohol at least 8 hours before or at any time whilst driving or being in charge of a hackney carriage or private hire vehicle;
- g) not drive while having misused legal or illegal drugs and submit themselves for testing for illegal drugs at the request of Licensing Staff or a Police Officer.
- h) ensure appropriate breaks from work are taken and never drive when tired. It is recommended drivers should endeavour to have a minimum of 8 hours rest between finishing work after midnight and starting again in the day and not exceed 13 hours work in any one day.
- i) Inform the licensing team at Southampton City Council within 2 working days of any arrest, conviction, including motoring convictions, caution or similar sanction imposed by the police, being reported for summons for an offence or receiving a fixed penalty notice that attracts endorsement points.
- j) report to the council in writing within 24 hours or as soon as is practicable if you suffer any serious illness or injury such as heart attack, stroke, broken limbs, diabetes or sleep apnoea. 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. The council 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.

## MEDICAL EXEMPTION POLICY FOR HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS UNDER THE EQUALITY ACT 2010

The Equality Act 2010 requires employers and service providers to make 'reasonable adjustments' or changes to take account of the needs of disabled employees and customers.

Southampton City Council is committed to an accessible public transport system in which disabled people have the same opportunities to travel as other members of society. Hackney Carriages and Private Hire Vehicles are a vital link in the accessible transport chain and it is important that people who use wheelchairs or assistance dogs can have confidence that drivers will accept them and their wheelchair or assistance dog and carry them at no extra charge.

Section 167 of The Act permits the Licensing Authority to designate Hackney Carriages and Private Hire Vehicles as being wheelchair accessible. The Department for Transport's Statutory Guidance on Access for wheelchair users recommends that vehicles should only be included in the list if it would be possible for the user of a "reference wheelchair" to enter, leave and travel in the passenger compartment in safety and reasonable comfort whilst seated in their wheelchair. A reference wheelchair is illustrated below:



Vehicles identified as such shall be included on a list of designated vehicles.

Inclusion of a vehicle on the designated list may be appealed under Section 172 to the Magistrates' Court within 28 days of the vehicles in question being published on the Licensing Authority's list. Proprietors of all vehicles included on the list will receive a letter detailing the new provisions of the Act and their right of appeal.

The Equality Act 2010 (Section 165) places the following duties on drivers of designated wheelchair accessible Hackney Carriages and Private Hire Vehicles;

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

In addition, Sections 168 and 170 places the following duty on drivers of Hackney Carriages and Private Hire vehicles;

- i. To carry the passenger's dog, allowing it to remain with the passenger and not make any additional charge for doing so.

A driver who fails to comply with any of the above is guilty of an offence and may receive a fine if convicted.

In some circumstances a driver of a designated Hackney Carriage or Private Hire vehicle may be unable to fulfil the requirements of the Equality Act 2010 for medical reasons, either short or longer term.

Section 166 of the Act allows licensing authorities to exempt drivers from the duties to assist passengers in wheelchairs if they are satisfied that it is appropriate to do so on medical grounds or because the driver's physical condition makes it impossible or unreasonably difficult for them to comply with the duties.

Sections 169 and 171 of the Act allow licensing authorities to exempt drivers from the duties to transport assistance dogs if they are satisfied that it is appropriate to do so on medical grounds.

To apply for a Medical Exemption Certificate a driver must submit to the Licensing Team an application form along with a medical report from their GP, dated no more than 28 days prior to submission of the application, detailing exactly what duties cannot be undertaken, why they cannot be undertaken and for how long they cannot be undertaken. This assessment will be at the applicant's expense as part of the application process.

Upon receipt the Licensing Manager will consider the evidence and may request further independent medical assessment to decide if the driver is:

- (i) Fit for work
- (ii) Temporarily unfit to carry passengers in wheelchairs and/ or assistance dogs
- (iii) Permanently unfit to carry passengers in wheelchairs and/ or assistance dogs

If the driver is declared fit for work no exemption certificate will be issued and a letter explaining the decision will be given to the driver. If the driver does not agree with the decision to refuse the application for a medical exemption, Section 172 of the Act gives the driver a right to appeal the decision to the Magistrates Court. The driver has 28 days from the date of refusal to appeal.



If the driver is declared temporarily unfit, a temporary exemption certificate of up to three months may be issued. Prior to the expiry of the temporary exemption certificate the driver will contact the Licensing Team to either;

- (i) declare themselves fit, return to normal duties and return the temporary exemption certificate; or
- (ii) arrange a further medical assessment to be submitted for the Licensing Manager to consider extending the exemption certificate.

If the driver is declared permanently unfit to carry passengers in wheelchairs and/ or assistance dogs an Exemption Certificate will be issued. The certificate will include a photograph of the driver who has been granted exemption and must be displayed prominently in the vehicle for public viewing.

The exemption may be reviewed at any time with reference to expert medical evidence, and each case will be reviewed on its own merits. This may result in a further referral to independent medical assessors to determine if the driver remains medically unfit to carry passengers in wheelchairs and/or assistance dogs.

### TAXI CAMERA POLICY



#### 1. GENERAL

- 1.1 We use the term Taxi to describe hackney carriages and private hire vehicles.
  - 1.2 Hackney carriages can be hailed in the street and take passengers from a rank. Southampton hackney carriages are white in colour, will have a red and white licence plate on the rear of the vehicle as well as a small paper plate in the front windscreen positioned at the top on the nearside. They will have either a factory fitted taxi sign or a large roof box sign displaying the Bargate logo and the word TAXI.
  - 1.3 Private hire vehicles have to be pre-booked through an operator. The driver can take no part in the booking process. Southampton licensed private hire vehicles are any colour other than white, display a blue and white rear licence plate and a paper plate in the front windscreen. They will have approved door stickers on both front doors.
  - 1.4 As part of the vehicle conditions for hackney carriages and private hire vehicles Southampton City Council has a policy that all vehicles so licensed will be fitted with an approved taxi camera. A check that power is reaching the unit forms part of the annual compliance test.
  - 1.5 The legislation does allow for taxis licensed elsewhere to operate in the city, very few authorities mandate the use of cameras so we recommend the public look for and use Southampton licensed vehicles
  - 1.6 The council has conducted a Data [Protection](#) Impact Assessment (DPIA) to support this policy.
- This policy sets out how these conditions will be applied.

#### 2. OWNERSHIP

- 2.1 The camera systems will be purchased by the vehicle proprietor and they will own the system. The data belongs to Southampton City Council who are the data controllers.

#### 3. TAXI CAMERA SPECIFICATION

- 3.1 To manage the administration of the scheme Southampton City Council will approve no more than 5 systems at any one time. Each system will have to meet the [specifications](#) set by Southampton City Council.
- 3.2 Part of the specification is to have properly qualified approved fitters of the systems who will issue a camera certificate to confirm the camera has been fitted and meets the specifications set by Southampton City Council.

#### 4. SIGNAGE

- 4.1 The vehicles will be required to display in the window of each rear side door an approved double sided sticker advising the public that both visual and audio recording is taking place in the vehicle and contain SCC contact details for any enquiries.

#### 5. AUDIO RECORDING

- 5.1 Taxi cameras fitted in SCC licensed vehicles are required to be able to record audio for a period of 5 minutes when activated by a button operated by the driver.
- 5.2 After a challenge by the ICO in 2012 it was deemed there was not sufficient justification to allow the permanent recording of audio data in taxis, however there are times when audio recording is justified. When it is justified the current default position is that the driver will inform the passengers, they are activating the audio recording and explain why. It is acceptable not to announce this if the driver considers by doing so it will place either himself or another at risk.
- 5.3 To be properly prepared drivers should consider various potential scenarios and think of options on how they will deal with it in the safest manner.

- 5.4 It is not acceptable for drivers or passengers to be subjected to abuse or threats. Neither is it acceptable for taxis to be used to facilitate crimes.

The audio button should only be pressed:-

- When there is a conflict between parties.
- As soon as someone becomes abusive.
- As soon as someone becomes threatening.

The driver will announce at the time of activation

FOR EVERYONE'S PROTECTION I AM NOW ACTIVATING THE AUDIO RECORDING WITHIN THIS VEHICLE. THE SYSTEM HAS BEEN RECORDING VISUAL DATA ALL THE TIME.

- 5.5 Only if the driver considers it is not safe to make such an announcement should the announcement not be made and the passengers should be advised of the activation should it become safe to do so.
- 5.6 The driver can add that they have no access to the data; that SCC is the data controller and should be contacted ([licensing@southampton.gov.uk](mailto:licensing@southampton.gov.uk)) if they have any enquiries; that only specific staff have access to the data when it is necessary for them to do so. Details can be found on the council website Taxi cameras ([southampton.gov.uk](https://www.southampton.gov.uk/taxi-cameras))
- 5.7 Drivers will be made aware of this policy and specifically the instructions on use of the camera system and acknowledge they have read it at the time of application/renewal.

## 6. DOWNLOADS

- 6.1 Licensed hackney carriages and private hire vehicles licensed by Southampton City Council are required, unless an exception is granted, to be fitted with an approved taxi camera. (See camera specification below but note the fitter and system needs to be approved)
- 6.2 The cameras are to be set up to activate and record permanently visual data when the ignition is turned on and remain on for a period of at least 20 minutes after the ignition is turned off. Audio data will only be activated by means of a button available to the driver.
- 6.3 All passengers are made aware of the fact that they are being recorded by notices strategically placed on the vehicles. These notices are placed on the rear windows adjacent to the B pillar on both sides and in purpose-built vehicles also on the security screen that separates the driver and passenger. These labels clearly warn that both audio and visual recordings take place in the vehicle using wording and images of a camera and a microphone.
- 6.4 Data will only ever be downloaded on four occasions
- where a crime report has been made involving the specific vehicle and the Police have formally requested that data or,
  - when the authority is notified in writing of a complaint in relation to a specific vehicle or driver and the matter cannot be resolved in any other way.
  - where a Data request is received from an applicant e.g. police or social services, that has a legitimate requirement to have access to the data requested to assist them in an investigation that involves a licensed vehicle or driver or passenger.
  - Subject Access Request compliant with the General Data Protection Regulation.
- 6.5 To safeguard the data all downloads will be conducted in the presence of at least two relevant people. Relevant people are: a member of the Southampton City Council licensing team, a serving police employee or the driver or proprietor of the vehicle. This will generally be at the Council offices with a member of Licensing staff and the driver of the vehicle.
- 6.6 All requests must be in an appropriate format detailing the powers that allow the release of the data and providing all the information required. The request form for download must state the approximate time of the event/occurrence and only the timescale relevant to the specific incident will be downloaded, decrypted and thereafter stored.
- 6.7 On receipt of a download request to be conducted by SCC staff a member of the Licensing Team will

confirm it is a legitimate request. If practical, arrangements will be made with the owner of the licensed vehicle for the vehicle to attend the Licensing Office. If it is not practical then a member of the Licensing Team will attend the location of the vehicle or data box to facilitate the download. Any download will be carried out in the presence of at least one other person if at the licensing office. If the download is taking place away from the licensing office then either an additional member of Council staff or a member of the requesting organisation i.e. police officer will be present in addition to the member of staff conducting the download.

- 6.8 A dedicated computer not linked to the council or any network will be used to facilitate the download from the data box. This computer will copy the downloaded footage onto its files. A master copy will be created from this computer and placed on the external hard drive dedicated for such use and retained by SCC Licensing Team. This hard drive will be kept secure to prevent loss of data. A working copy will be produced and either given to the requesting authority or subject or retained by the investigating officer. Data retained by SCC Licensing Team will only be retained for the following periods:

- A) Cases leading to prosecution or suspension/revocations/refusal of a taxi licence 10 years from date of trial or determination.
- B) Formal caution 3 years from date of caution
- C) Written warning or no formal action 3 years from date of decision
- D) Subject Access request 6 years from date of request.

The file on the dedicated computer will be deleted once the master and working copies are produced.

- 6.9 Staff in the Licensing Team will conduct a review of material held on the hard drive each year in March and erase any material over one year old. Any working copies should be placed on the appropriate files and they will be weeded and safely destroyed with the files whose time limits mirror those set out above. Data will only be viewed by the person performing the download to the extent necessary to facilitate the download process. Data being used in any investigations will only be viewed by persons involved in that investigation but will be released to be used in court or for determinations if necessary.
- 6.10 After a period of time any data held by the system installed in any vehicle is automatically overwritten dependent upon the specification of the system installed. Typically, this will be within a period of 14 – 30 days.
- 6.11 Only systems approved by the Licensing Team may be installed by an approved installer – thereby ensuring that any equipment may not be tampered with, encryption is of a sufficient standard and data may not be interfered with or released to any third party / published.

## **7. EXEMPTIONS TO THE POLICY**

- 7.1 The private hire vehicle policy has a section on Specialist Vehicles where the service manager of licensing has discretion to apply an exemption to the requirement for a taxi camera. These will be very rare and only when justified with supporting evidence.
- 7.2 The exemptions will apply to vehicles solely used for high level executive hire, the vehicle will have to be a high end executive vehicle, the applicant will have to provide evidence and assurances the vehicle will only be used for contract work, namely not standard private hire work but work with known clients on a contract for a number of journeys and not just one and a return journey. Airport runs for non business purposes are not considered to be within this definition.
- 7.3 Anyone has the right to object to having their data processed. Any objections should be sent to [licensing@southampton.gov.uk](mailto:licensing@southampton.gov.uk) . Each case will be determined on the merits in accordance with relevant legislation and Southampton City Council Policies.

## TECHNICAL SPECIFICATIONS

### 1.0 Operational

| Reference | Specification  | Details  |
|-----------|--|--|
| 1.1       | 100% solid state design or a proven vibration and shock resistant system (solid state is preferable) | The recording should be vibration and shock proof, i.e.: <ul style="list-style-type: none"> <li>- Flash-based SSD (100% industrial grade),</li> <li>- Hard disk with both mechanical anti-vibration and anti-shock mechanism and self-recovery and self-check file writing system.</li> </ul>                                    |
| 1.2       | SD cards systems   | The use of SD cards is prohibited with the exception of systems in place prior to 31 <sup>st</sup> December 2025   |
| 1.3       | 8 to 15 Volts DC   | Operational between 8 and 15 volts DC  |
| 1.4       | Reverse polarity protected   | System to be protected against reverse voltage.  |
| 1.5       | Short circuit prevention   | System to be protected against short circuits  |
| 1.6       | Over voltage protection  | System to be protected against high voltage transients likely to be encountered in the vehicle electrical system.  |
| 1.7       | Automotive Electromagnetic Compatibility Requirements  | The in-vehicle Camera system must be compliant with the Council Directives: <ul style="list-style-type: none"> <li>- 2014/30/EC on Electromagnetic Compatibility (CISPR 22/EN55022), or equivalent UK standard</li> <li>- 2014/30/EC on Radio Interference (sections 6.5, 6.6, 6.8 and 6.9) or equivalent UK standard</li> </ul> |
| 1.8       | Absence of "on/off" switch   | The system must be permanently wired to the power supply of the vehicle, and shall not be equipped with an on/off switch.  |
| 1.9       | First-in/first-out buffer recording principle  |  |
| 1.10      | Image export formats and media   | Images must be exported to common commercially available formats.  |
| 1.11      | Image protection during power disruption   | Images must be preserved in the event of loss of power. Battery back-up will not be permitted  |
| 1.12      | Image and audio data shall be recorded and stored in a unit separate from the camera head.           |  |
| 1.13      | The system must be capable of recording audio time synchronized to the recorded images.              |  |
| 1.14      | The system shall be programmed not to record audio unless triggered by an approved trigger.          | The system needs to have the ability to start recording audio data by means of a panic button. Once audio recording is triggered the length of the audio recording needs to be able to be set to record for a duration of 5 minutes.   |
| 1.15      | The audio playback, when triggered, shall be in 'real time' regardless of the image capture rate     |  |
| 1.16      | The audio microphone shall be integrated within the camera   |  |

|      |   |  |
|------|---|--|
|      | head.   |  |
| 1.17 | Audio data and image data must be stored together, not in separate files, and must be protected against unauthorised access or tampering. |  |
| 1.18 | The system must support testing of the audio function for installation set-up and inspection purposes.                                    |  |
| 1.19 | The system must 'go to sleep' to reduce battery drain during prolonged idle time. It must be capable of reactivation within 30 seconds    |  |

## Technical Specifications

### 2.0 Storage Capacity

| Reference | Specification  | Details   |
|-----------|--|---|
|           |  |   |
| 2.1       | Minimum of seven days of continuous recording capacity | The camera system must be capable of recording and storing a minimum of seven days of continuous recording                  |
| 2.2       | Images must be clear in all lighting conditions        | System to provide clear images in bright sunshine, shade, dark and total darkness. Also, when strong back light is present. |

## Technical Specifications

### 3.0 Camera Head

| Reference | Specification  | Details   |
|-----------|--|---|
|           |  |   |
| 3.1       | Camera installation non-obstructive                      | The camera and all system components shall be installed in a manner that does not interfere with the driver's vision or view of mirrors or otherwise normal operation of the vehicle.     |
| 3.2       | Protected camera disconnect                              | The camera head shall be designed to disconnect for ease of removal and replacement by maintenance personnel.   |
| 3.3       | Special tools for adjustment/removal                     | To prevent inappropriate interference only tools supplied to authorised fitters should be capable of carrying out adjustments or removal.   |
| 3.4       | Field of view to capture all passengers in the vehicle   | The lens of the camera must be of a type that captures the driver and all passengers of the vehicle on the recorded image. The lens must be of a style not to create a "fishbowl" effect. |
| 3.5       | Images must be clear                                     | System to provide clear images in all lighting conditions and allow different skin tones to be detected.  |
| 3.6       | Compatible for use in vehicles with a partition (shield) | The camera system must be adaptable to provide clear images when a vehicle is equipped with a shield. This may be accomplished with the use of multiple camera heads.                     |
| 3.7       | Multiple cameras   | The unit shall be capable of supporting up to four (4) cameras. Four cameras may be required to   |

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|  |  | provide adequate coverage in larger vehicles and/or certain purpose built vehicles. |
|--|--|---|

## Technical Specifications

### 4.0 Storage Device (Recorder)

| Reference | Specification  | Details   |
|-----------|--|---|
|           |  |   |
| 4.1       | Impact and shock resistance  | The recorder shall be impact resistant, sufficient to withstand a typical car accident, or striking with a large, heavy object such as a suitcase.  |
| 4.2       | Controller in concealed location   | The storage unit shall be concealed from view and effectively inaccessible except by authorised personnel.  |
| 4.3       | Download provision   | Any new models are to have a removable drive that only allows access by approved persons, namely fitters, council staff and others authorised to carry out downloads. Existing models can be equipped with a communication port for downloading by authorised personnel or a removable drive. |
| 4.4       | Download port shall be located in an easily accessible location such as a glove compartment. | The recorder download port shall be located in a location that does not require the removal of panels and is accessible.  |
| 4.5       | Download port cable length (1 foot minimum)  | Download port cable shall be at least one foot in length for ease of download.  |
| 4.6       | Recorder to be securely affixed to the vehicle   |   |
| 4.7       | Log to register each user access   |   |
| 4.7.1     | Log to register camera system parameter modifications  |   |
| 4.7.2     | Log to register each image download session  |   |
| 4.7.3     | Log to register modification/manipulation of downloaded images                               |   |
| 4.7.4     | Log to register exporting of downloaded images   |   |
| 4.7.5     | Log to register exporting of downloaded clips  |   |
| 4.7.6     | Log file protected against unauthorised access   |   |
| 4.7.7     | Time/date stamp  | All stored images must be time and date stamped.  |
| 4.7.8     | Vehicle ID number stamp  | All stored images must have vehicle identification (number plate).  |
| 4.7.9     | Controller non-modifiable ID code stamp  | Each recorded image shall be automatically stamped with a unique and non-modifiable code that identifies the controller that was used to record the image.  |
| 4.7.10    | Controller (Storage Recorder)  | Manufacturer to supply Southampton City Council Licensing Team and Hampshire Police with a supply of specialized tools to allow for removal of the Controller and download of data when required.   |

## Technical Specifications

### 5.0 Activation

| Reference | Specification  | Details  |
|-----------|--|--|
| 5.1       | System to record when ignition switch is on.                               | System to record when ignition switch is in the accessory position and in the engine run position even if the engine is not running.                       |
| 5.2       | System to continue to record images when engine is off.                    | System must continue to record images for 20 minutes after engine is shut off.   |
| 5.3       | System to record audio for a period of 5 minutes on activation of a button | Currently we only require a button for the driver but the system should be capable of allowing at least one other audio trigger, including another button. |

## Technical Specifications

### 6.0 Visual data quality

| Reference | Specification  | Details   |
|-----------|--|---|
| 6.1       | System to record at least 4 frames a second and increase to a minimum of 10 frames per second on activation of any emergency button. | When starting system to record a minimum of 4 frames per second and to remain constant at the initial rate until the activation of an emergency button when it must record at least 10 frames per second for a period of 5 minutes. |

## Technical Specifications

### 7.0 Downloading

| Reference | Specification  | Details   |
|-----------|--|---|
| 7.1       | Time to download complete memory not to exceed 30 minutes  | Time to download to be accomplished in 30 minutes or less.  |
| 7.2       | Provision of necessary software, cables, security keys to Southampton City Council Licensing Team and Hampshire Police |   |
| 7.3       | Microsoft OS compatible.   |   |
| 7.4       | Downloaded images stored in non-volatile media   |   |
| 7.5       | Downloaded images stored in secure format  |   |
| 7.6       | Verifiable image authenticity  | Each image shall be stamped with controller ID and vehicle ID and be tamperproof.   |
| 7.7       | Provision of technical support to Southampton City Council Licensing Team and Hampshire Police when necessary.         | To assist in accessing system in case of damage to the vehicle or to the system in case of accident within 1 hour during normal working hours and within 8 hours otherwise. |
| 7.8       | Wireless Download Prohibited   | Unit must not allow for wireless downloads. Wireless diagnostic may be used. All wireless   |



|     |  |   |
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|     |  | hardware to be disabled.  |
| 7.9 | Filter the specific images for events and times for the approximate time of the incident | In order to obtain only relevant data, system must require officers to set a time frame that captures required data and only that time frame is downloaded. |

## System Requirements

### 8.0 System Information

| Reference | Requirement  | Details   |
|-----------|--|---|
| 8.1       | Provision of service log sheet with each unit shipped                          | The manufacturer shall enclose detailed instructions for the drivers with each unit shipped. An installation manual shall also be furnished to authorised installers and fleet operators.   |
| 8.2       | Serial number indication on service log  | The unit will be marked with a serial number  |
| 8.3       | Installation date indication on service log                                    | The provision for the installer to indicate the installation date   |
| 8.4       | Provision of driver instruction card with each unit shipped                    |   |
| 8.5       | Provision of installation manual to installers and fleet operators             |   |
| 8.6       | Clarity of operating instructions  | The system shall be provided with clear and concise operation instructions which are written with due consideration to varying levels of literacy.  |
| 8.7       | Installation by authorised agents  | The unit shall be installed by manufacturer's authorised agents.  |
| 8.8       | Provision of authorised agents list to Southampton City Council Licensing Team | The manufacturer shall provide a list of all authorised agents to Southampton City Council Licensing Team.  |
| 8.9       | Documentation  | The manufacturer/supplier must provide clear and concise operating instructions which are written in layman's terms. (Details on how the system records the images). Also to include how the driver can check system is functioning correctly (See 9.1 below) |
| 8.10      | Image Protection   | All captured images must be protected using encryption software that meets or exceeds the current FIPS 140-2 (level 2) standard or AES 256 or equivalent.   |

## System Requirements

### 9.0 Vehicle Inspection Facility – Inspections

| Reference | Requirement                                 | Details  |
|-----------|---|--|
| 9.1       | Provision of system status/health indicator | The driver shall have an indicator showing when the system is operational and when there is a malfunction. |

|     |  |   |
|-----|--|---|
| 9.2 | Designed/Installed to be testable by Southampton City Council Licensing Team | The system shall be designed and installed such that the system may be easily tested by Southampton City Council Licensing Team staff to ensure that all features are operating and that images are being recorded as prescribed. |
| 9.3 | Maintained and tested  | Systems shall be maintained and tested to the satisfaction of the council. The council may ask for appropriate proof the unit is operational at reasonable intervals.   |

## System Requirements

### 10.0 General

| Reference | Requirement   | Details  |
|-----------|---|--|
| 10.1      | Vandal and tamper resistance                            |  |
| 10.2      | Provision of statement of compliance                    | In addition to a formal test of all aspects of this requirement specification, a statement of compliance shall be provided and signed by an officer of the company.        |
| 10.3      | Reliability in operational and environmental conditions | The system shall provide reliable and full functionality in all operational and environmental conditions encountered in the operation of taxis.                            |
| 10.4      | Programmability of image timing parameters              | It shall be possible to change timing and parameters without the requirement to change components.   |
| 10.5      | Training and Technical Support and Equipment            | Manufacturer must provide Southampton City Council Licensing Team a Training and Technical Manual. Supply a working unit to Southampton City Council for testing purposes. |
| 10.6      | Software and Hardware                                   | Manufacturer to supply Southampton City Council and Hampshire Police a supply of cables and software to be installed under the supervision of the City's authorised staff. |

## **DRUG SCREENING POLICY FOR APPLICANTS AND LICENCE HOLDERS**

### **1. Introduction**

- 1.1 As an applicant or existing holder of a hackney carriage driver's or private hire driver's licence, you are required to demonstrate that you are medically fit to drive by having a medical check with your Doctor or an approved GP. In addition, a licence holder must also be and remain a 'Fit and Proper Person'. Guidance notes and the respective policies for both of these aspects are contained within this document.
- 1.2 Although drug screens are primarily undertaken on drivers, we reserve the right to request that either vehicle proprietor(s) and/or operators submit to a drug screen as required.

### **2. Drug Screening**

- 2.1 In addition to undertaking a medical examination, we may on occasion require evidence of satisfactory negative drug screening as part of your overall medical fitness to hold a licence.
- 2.2 You may be required to undertake drug screening under and of the following circumstances.
- Before a licence is granted
  - Where there is sufficient cause and reason to believe an existing licence holder may be using drugs
  - Licensing Enforcement Staff may also carry out random drug screening on existing drivers, proprietors and operators or following an instruction by the Licensing Committee.
- 2.3 Screening is normally required for the following drug types:
- Amphetamines (to include methamphetamines)
  - Cocaine
  - Opiates
  - Cannabinoids
  - Benzodiazepines
  - Methadone

### **3. Drug Screening facilities from the Licensing Team**

- 3.1 Subject to receiving your formal written consent, a template of the consent form is at the end of this policy, trained licensing staff will collect a saliva sample by way of a mouth swab. This will give an indication there and then of the possibility of the presence of the substances named above.
- 3.2 If an 'on site test' indicates a positive result for one of the substances mentioned above, then a further sample will be required to be taken. This sample may be either saliva or urine. This sample will be taken by a trained officer or agent of the Council and sent to an analytical laboratory to be verified.

### **4. Important Information**

- 4.1 PERSONS PROVIDING A SAMPLE MUST NOT EAT, DRINK OR SMOKE FOR AT LEAST 20 MINUTES BEFORE THE TEST. THEY MUST ALSO PROVIDE DETAILS OF ANY PRESCRIBED OR OVER THE COUNTER MEDICINES THEY ARE TAKING
- 4.2 Failure to follow the instructions will be treated as a refusal to provide a sample (See Section 6).
- 4.3 Individuals will be advised of any costs (if any) before a test is conducted.

### **5. Problems arising from screening results**

- 5.1 If you are an applicant for a private hire or hackney carriage driver's licence and your test results are

positive then you will NOT be granted a licence without referral to the Licensing Committee (or by the Licensing Manager through delegated powers) who will decide whether or not to grant you a licence.

- 5.2 If you are a licensed driver and provide a positive test result, then your licence may be suspended or revoked after consideration on individual merit.
- 5.3 Any “positive” certificates of analysis will be accompanied by a supporting statement indicating the illicit drug(s) and will be given to you upon request.

## **6. Failure to undertake drug screening**

- 6.1 If you refuse, without satisfactory or reasonable excuse, to provide a sample or follow the instructions for providing a sample for analysis then your application for a licence will not be processed or, if you are an existing driver, your licence may be suspended or revoked. It is also an offence to obstruct or to make a false statement to an authorised officer.
- 6.2 Southampton City Council will process your personal information in accordance with data protection law. The personal details provided by you will be used for licensing service purposes. Your details will be held on a database and where the law allows, may be shared with other departments within the council to update details they hold about you. The council may also be required to disclose personal information to third parties (such as Police, Department for Work and Pensions or for the National Fraud Initiative) for the purposes of preventing or detecting crime or apprehending or prosecuting offenders.
- 6.3 For further information about how the Council collects and uses personal information please visit our website: <https://www.southampton.gov.uk/contact-us/privacy-cookies/privacy-policy.aspx>

# DRUG SCREENING CONSENT

## Local Government (Miscellaneous Provisions) Act 1976

### Town Police Clauses Act 1847

SOUTHAMPTON CITY COUNCIL has to be satisfied that persons are deemed to be "fit and proper". This includes undertaking medical and other enquiries to establish overall fitness to drive a licensed vehicle.

Drug screening can form an important part of the initial application and on-going licensing process but we require your consent to undertake a screening.

The details we hold about you are shown below:

Name of applicant or licence holder:

Address:

Licence number (if applicable):

#### IMPORTANT

Are you taking any medication whether prescribed by your doctor or not? **YES\*/NO**

**\*If yes, please state opposite drug name(s), amount taken and date last taken**

Drug(s):

Amount:

Date taken:

#### DECLARATION

I confirm that the details above are correct and by signing below I give my **CONSENT** for an authorised officer to collect and process a sample for screening. I have read and understand the council's drug screening requirements guidance notes. I further confirm and understand that:

- It is an offence to knowingly or recklessly make a false statement
  - **I DO/DO NOT\*** have any previous drug misuse or current drug dependency problems
  - **I DO/DO NOT\*** have any medical condition(s) that might interfere with the sample process
  - I understand that an authorised officer may refuse to take a sample in individual circumstances
  - My driver application will not be processed if I refuse to provide a sample
  - My hackney carriage or private hire driver licence may be suspended or subsequently revoked if I refuse to provide a sample
- \*Delete as appropriate**

Signature of applicant:

Name of officer taking sample:

Date of sample collection:

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## DVLA "ASSESSING FITNESS TO DRIVE" CURRENT MEDICAL STANDARDS\*

| DRUG MISUSE OR DEPENDENCE   | GROUP 2 ENTITLEMENT (VOCATIONAL) TO INCLUDE ADOPTED PCC STANDARDS FOR HACKNEY CARRIAGE & PRIVATE HIRE APPLICANTS/LICENCE HOLDERS  |
|---|---|
| <b>Cannabis</b><br><b>Amphetamines (note: Methamphetamine below)</b><br><b>Ecstasy (MDMA)</b><br><b>Ketamine</b><br><b>&amp; other psychoactive substances, including LSD and Hallucinogens</b>   | <p>Must not drive and must notify either DVLA or the council with persistent use or dependence.</p> <p>Medical or screening enquiry confirming the problem will lead to refusal or revocation of a licence for a minimum <b>1 year period free of misuse or dependence</b>. Future licensing will require independent medical assessment and urine screen arranged by DVLA.</p>   |
| <b>Heroin</b><br><b>Morphine</b><br><b>Methadone*</b><br><b>Cocaine</b><br><b>Methamphetamine</b>   | <p>Must not drive and must notify either DVLA or the council with persistent use or dependence.</p> <p>Medical or screening enquiry confirming the problem will lead to refusal or revocation of a licence for a minimum 3 year period free of misuse or dependence. Future licensing will require independent medical assessment and urine screen arranged by DVLA.</p> <p>*Applicants or drivers complying fully with a Consultant supervised oral Methadone maintenance programme may be considered for an annual review licence once a minimum 3 year period of stability on the maintenance programme has been established, with favourable random urine tests and assessment. Expert Panel advice will be required in each case.</p> <p>Persistent misuse of, or dependence on these substances, will require revocation or refusal of a vocational licence for a minimum three-year period. Independent medical assessment and urine screen arranged by DVLA will normally be required. In addition, a favourable Consultant or Specialist report will be required before relicensing.</p> |
| <b>Benzodiazepines</b>  | <p>The non-prescribed use of these drugs and/or the use of supra-therapeutic dosage, whether in a substance withdrawal/maintenance programme or otherwise, constitutes misuse/dependence for licensing purposes.</p> <p>The prescribed use of these drugs at therapeutic doses (BNF), without evidence of impairment, does not amount to misuse/dependence for licensing purposes (although clinically dependence may exist).</p>   |
| <p>NOTE (1): Multiple substance misuse and/or dependence including misuse with alcohol is incompatible with licensing fitness</p> <p>NOTE (2): A seizure associated with drug use will result in a licence being refused or revoked for a minimum period of 5 years</p> |   |

**\*The medical guidelines shown above are subject to periodic review by the Driver Medical Group of DVLA**

### TO BE READ IN CONJUNCTION WITH OUR LEAFLET "DRUG SCREENING REQUIREMENTS"

Southampton City Council will process your personal information in accordance with data protection law. The personal details provided by you will be used for licensing service purposes. Your details will be held on a database and where the law allows, may be shared with other departments within the council to update details they hold about you. The council may also be required to disclose personal information to third parties (such as Police, Department for Work and Pensions or for the National Fraud Initiative) for the purposes of preventing or detecting crime or apprehending or prosecuting offenders.

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## **POLICY FOR THE ALLOCATION OF NEW HACKNEY CARRIAGE LICENCE(S)**

### **1 Definitions:**

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- 1.1 "The Council" is Southampton City Council as licensing authority for the purposes of the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976
- 1.2 "Application form" is the application form that must be completed by applicants who wish to be considered for the grant of a hackney carriage licence. All applicants must be over 18 years of age.
- 1.3 "Applicant" means an individual or a limited company.
- 1.3 "Closing date" will be stated on the application form and be no less than 28 days from the date that applications will be accepted.
- 1.4 "The ballot" for licences will be made within 14 days of the closing date.
- 1.5 "Licence dates" will be stated in the application form. The licence will not commence within 28 days from the ballot.
- 1.6 "Cut off dates" will be stated in the application form.
- 1.7 "Reserve list" will be a list comprising of double the number of applications drawn in turn after the successful application(s) but be no less than five applications. If less than 5 valid applications are received it will be that number of valid applications. The reserve list will only operate for the purpose of reallocating licences where successful applicants have been unable to provide a compliant vehicle by the cut off dates, where applicants who succeed in the ballot have not satisfied the Council of the likelihood of their meeting the Council's objectives. It will not in any way operate or be construed as a general "waiting list" for applicants. For the avoidance of doubt the reserve list will be destroyed immediately following the completion of this process.

### **2. The Council's Licensing Committee authorised the re-allocation of surrendered or expired licences, maintaining the total to 283 hackney carriage licences. Any new licences issued must be for wheelchair accessible vehicles.**

### **3. The Council's policy objectives in this matter are:**

- 3.1 to spread the licences amongst as many potential applicants / proprietors as possible and then randomly so as to be as fair as possible;
- 3.2 to allocate them on a one application, one licence basis;
- 3.3 not to discriminate against, or in favour of, anyone on any identifiable basis, provided that the applicant shows that the application is likely to further the Council's policy objectives;
- 3.4 not to restrict applications to existing members of the trade or licence holders;
- 3.5 to favour applicants who intend to become proprietors and not acquire licences simply to transfer them to others in order to obtain a benefit;

### **4. The following rules are intended to that the Council's objectives are met:**

- 4.1 Prevention of multiple or duplicate applications:
- 4.1.1 the acceptance of application forms will be restricted to one per applicant or limited company.;
- 4.1.2 the acceptance of application forms be further restricted to one per household/company address;

4.1.3 Company officers and directors of applying limited companies cannot submit additional applications in their name. Duplicate applications will result in all related applications being rejected.

4.1.4 completed application forms must be legible, completed in all sections and completed in all respects;

4.1.5 applicants will be required to produce evidence that of their address to the satisfaction of the Council, so as to ensure that applicants are not submitting forms from a number of different addresses;

4.1.6 applicants will be required to submit a basic disclosure (DBS) that is less than 28 days old from the date of application or hold a current Southampton City Council hackney or private hire licence. In the case of Limited Companies, all directors and company officers are required to submit a basic disclosure (DBS) that is less than 28 days old from the date of application or hold a current Southampton City Council hackney or private hire licence.

4.1.7 details of all applications will be held in electronic form. Any attempt to submit duplicate applications by any means, including the use of third parties or agents will result in the elimination of the application from the process. In these circumstances all applications from or involving that individual or company or company officers and directors will be eliminated at the sole discretion of the Council;

## 4.2 **Generally**

4.2.1 The whole process will be monitored by the Solicitor to the Council;

4.2.2 Any attempt to fraudulently affect or alter the ballot or any part of the process will result in not only any applications by the perpetrators being eliminated but those concerned may be liable to criminal proceedings;

4.2.3 Applicants should note that success in the ballot will not be transferable and that the Solicitor to the Council reserves the right to require further information from prospective applicants where necessary. Failure to provide such information by return will result in the elimination of that application.

4.2.4 The Council will notify successful applicants in writing.

## 4.3 **Payment of Licence Fee**

The fees relating to the licence and plate will be required prior to any licence being issued.

In the event of any payment being dishonoured, the application to which it relates will immediately be eliminated from the process.

## 4.5 **Wheelchair accessible hackney carriages**

Applicants are reminded that, before a licence is issued to them from the appropriate licensing date, they will have to satisfy all the usual requirements for a disabled adapted vehicle to be licensed, including the production of the vehicle registration document (in the applicant's name) and appropriate insurance certificate.

5. Applications will only be accepted by means of the prescribed form, which must be completed and received by the Licensing Team at the Civic Centre by the closing date together with the completed questionnaire and all accompanying documentation as stipulated in the attached checklist.

6. The ballot will take place by means of one of the following two methods, dependent on the number of applications received by the closing date.

6.1 **Method 1** - If the total number of properly completed, submitted, valid and accepted and application forms is the same or fewer than available licences, then:



6.1.1 There will be no requirement for a ballot or for a reserve list to be produced, if required, as every applicant (subject to satisfying the Council's requirements) will be declared successful.

6.1.2 After the cut-off date, any unissued licences will be re-advertised. The re-advertising will give details of how such licences will subsequently be distributed.

6.2 **Method 2** - If the total number of properly completed and submitted applications is more than the available licences:

6.2.1 Every applicant subject to the rules set out in this document will be eligible to participate in the ballot;

6.2.2 The ballot process will consist of one round;

6.2.3 The ballot will produce successful applicant(s), together with a reserve list;

6.2.4 Successful applicant(s) will be notified in writing by the Council and such applicants will then be able to proceed to obtain a suitable wheelchair accessible vehicle and present them for submission before the cut off date so as to be licensed from the appropriate licensing date;

6.2.5 A sufficient number of applicants who were not amongst those drawn will be placed on the reserve list in the order in which their application is drawn and will also be notified in writing. That number will be double the number of available licences but not less than five. In the event there are less applications remaining to achieve this, all those valid accepted remaining applications will form the reserve list.

6.2.6 The reserve list will operate so that, if any successful applicant is either unable or unwilling to produce a compliant vehicle by the appropriate cut off date, then the opportunity to obtain a licence will be offered to the next named applicant on the reserve list. The reserve list will also operate in the event of any person drawn but not being able to satisfy the Council's requirements as to meeting its objectives.

6.2.7 The only persons entitled to be included on the reserve list will be those who have made a valid application but who have been unsuccessful in the first instance.

6.2.8 The reserve list will only operate for the purpose of allocating licences in this process and will not become a "waiting list" for any other purpose. For the avoidance of doubt the reserve list will be destroyed immediately following the completion of this process.