

# Taxi Consultation with SCC Licensing

## 10am Thursday 26<sup>th</sup> August 2021

### Conference held via Microsoft Teams

**Attendees:** Cllr Graham Galton [GG] (Chair); Cllr Valerie Laurent [VL]; Cllr Beryl Harris [BH]; Cllr Steve Leggett [SL]; Cllr Cathie McEwing [CE]; Cllr. Joshua Payne [JP]; Cllr. R. Stead [RS];

Les Slater, Former Hackney Rep; Simon May, Private Hire Rep; Anwar Sumra, Hackney Rep; Ali Haydor, Private Hire Rep; Jamilur Rahman, Private Hire Rep; Shammi Raichura (Uber)

Ian Loynes, SPECTRUMCIL; Helal Ali, Victim Support;

Phil Bates, Licensing Manager, SCC; Russell Hawkins, Senior Licensing Officer, SCC; Kate Aspinall, Business Support Licensing, SCC.

**Apologies:** Cllr S. Spicer; Sam Shahid (Southampton Hackney Organisation); Prad Athwal (Transmobility);

#### 1. Minutes of previous meeting

Accepted

#### 2. Race Hate Crime – Helal Ali, Hate Crime Training & Engagement Co-ordinator, H&IOW Victim Support.

Helal's role includes engaging with marginalised business communities; taxi drivers might benefit from the support on offer by this national charity.

HA is working with Blue Lamp Trust to include advice on hate crime within the Safeguarding training. Victim Support can offer confidential support and help point people to other services.

AH: welcomed input and support for drivers that goes beyond just being told to contact the Police. Emphasised that discrimination of any kind is unacceptable not only towards drivers but also by drivers to customers.

SL: Do we have data for reports of these crimes? Are there any trends in crime?

HA: no specific data for taxi drivers; however we know that many drivers are desensitised to the experience and have come to see hate crime as "part of the job", so it remains under-reported, and perpetuated with the next generation of drivers. Trying to encourage victims to come to Victim Support so that as well as supporting they can get a better picture of the problem and liaise with the Police at a senior level. VS can help with advice on how to deal with situations, diffuse situations, confidence and resilience building, personal safety, security measures and the like. HA will be reaching out directly to drivers.

SM: hate crime has increased over last year; agrees it works both ways. Training is key, and BTEC course doesn't go into enough detail. Will happily pass on details of the VS service to drivers.

IL: as well as representing SPECTRUM Ian is also chair of the Southampton Hate Crime Network. A number of reporting/supporting centres in Southampton, could be linked to Victim Support?

CE: Definitely NOT part of the job to suffer hate crime, should not be accepted. Also, has recently heard reports of some Muslim taxi drivers talking to passengers about Islam leading to the customers feeling that the driver is trying to convert them. Finds it difficult to believe that drivers would do that, and it is not her direct experience, but felt it should be raised.

BH: asked if there should be a panel that links Victim Support, the Police and the Taxi Trade; the police are supposed to be the ones who can take action. Suggests drivers should keep diaries of incidents by way of evidence of the extent of the problem.

VL: asked for contact details for Victim Support. Also asked about collection of people with disabilities as there is discrimination there too.

LS: reminder about the use of CCTV in vehicles and the ability to opt to record audio for any incidents.

PB: No complaints received about drivers trying to convert passengers. Drivers are told to activate the camera if they feel a conversation is going the wrong way, in order to record audio; they should advise the passengers that they are doing this as long as they feel it is safe to do so. Contact details for Victim Support will be put on noticeboard/website.

Agrees that discrimination works both ways, and it is not right that abuse is seen as part of the job. Licensing work closely with the Police so can pass details on, but don't have the capacity to record incidents, so please report any incidents to the Police or to Victim Support.

HA: people do report to the police, but don't always get an appropriate response; if you haven't experienced it you can't appreciate the impact on individuals and communities.

Helal's email is [helal.ali@victimsupport.org.uk](mailto:helal.ali@victimsupport.org.uk) .

### **3. New Hackney Plate Allocation Policy - RH**

Licensing have gone out to consultation on a formal policy on allocating Hackney plates; letter has gone out to all Hackney drivers. To go to committee at a later date to approve minor change in conditions.

CE: please can councillors have copy of letter/draft policy in order to understand implications? RH to provide.

AH: questioned the need for a survey re. issuing new plates at the current time.

LS: has already heard from drivers with some misunderstanding. Assumes there will be no survey and that no new plates will be issued. Concern that SCC will now take plates away straight away with no leeway for drivers.

RH: The gist of Anwar's point was about the requirement for disabled adapted vehicles where new plates are being issued; AS feels this is unfair for Hackney drivers because of the proportions of private hire vehicles that are adapted or not.

LS: reinforced the point that private hire vehicles do not have the same requirement to be adapted for wheelchair users.

AH: many of local operators have wheelchair adapted vehicles that can be requested, but there is no way this can be done with Uber. What percentage of SCC licensed vehicles are wheelchair adapted?

PB: SCC cannot require PH vehicles to be wheelchair accessible in the way that it can specify for Hackney Carriages.

SCC is not about to issue any new plates, and we hope that current Hackney drivers will be able to maintain their business and retain their plates. However it did seem that there was a possibility of some drivers not being able to replace vehicles; this prompted SCC to look to draft the policy currently out to consultation.

RH: Equalities Act does state that all hackney vehicles shall be suitable for wheelchair users, but that part of the act has not yet been enacted. In anticipation of this SCC is seeking to increase the number of suitable vehicles in order to mitigate the effects of the whole Hackney fleet having to be replaced once the legislation is enacted.

PB: Unmet demand survey: in order to maintain the cap on the number of plates SCC must carry out a survey every three years; there could be a legal challenge that would most likely succeed without the survey. A survey was due to be conducted this year, but was postponed because of the reduction in trade during the pandemic. This will reviewed as trade picks up after the pandemic. The cost of the survey is approximately £15,000 (c.£5k per annum) and is paid out of fee income.

Uber wheelchair adapted vehicles: we have no information on numbers at present; in some areas Uber offers wheelchair accessible vehicles.

IL: wheelchair users have great difficulty booking and using taxis especially out of office hours so there is a great amount of unmet need.

LS: Uber rep had advised that they had no need or want to provide taxis in this area.

IL: It's not an issue of Uber but about wheelchair users being able to get taxis in Southampton.

LS: Uber have devastated the Hackney trade in Southampton and have been allowed to extend their range into Southampton. Hackney drivers would like to be able to help anyone but the number of people wanting to use Uber doesn't help the Hackney trade. Some private hire companies offer wheelchair vehicles and there are specialist companies. LS doesn't feel that the policy re. Hackney vehicles will help wheelchair users wanting to book as IL described.

Jay: in order to promote Hackney drivers changing from saloons to wheelchair accessible vehicles SCC needs to explore different vehicles that are affordable and consider a grant scheme to assist.

SD: agrees that there are not enough disabled vehicles; Radio Taxis struggle to attract them even with the incentive of commission or lower rent and can't tell drivers which vehicle to drive, nor when to work. Adding more Hackneys would not help because a disabled customer needs to book their taxi; there needs to be more private hire vehicles.

PB: notes IL's comments about unmet demand and will get survey company to contact Spectrum for their perspective.

Financial support for vehicle purchase: SCC cannot use the income from fees to subsidise particular types of vehicles – fees are based on the cost of administering the system. Any SCC subsidy would have to come from the council's general fund or from central government. Not aware of any national scheme; SCC's budgets are under great pressure so unlikely to be able to fund any such scheme.

#### **4. Euro 5 WAV's - RH**

The new Clean Air regulations mean that all diesel vehicles in the fleet must be Euro 6 by the end of 2023; Licensing have recognised that this creates a particular problem with Wheelchair Accessible Vehicles as there is not a ready supply of such vehicles at an economic cost; petrol or hybrid alternatives are not readily available. The SCC Clean Air team requested an extension to the deadlines/ages of vehicles which has been accepted and is currently out to consultation. This will mean that WAVs with Euro 5 engines would be allowed to remain in the fleet until 2025. The individual age limits of the vehicle is not changed – any vehicle over 12 years old will need to be changed.

AH: is it possible to notify drivers affected know about consultation so that no one changes their vehicle unnecessarily.

RH: already done.

#### **5. Driver Badges – PB**

Notice that Licensing will be enforcing the wearing/displaying of badges more stringently, and will be looking to prosecute for non-compliance. This will also be applied to out-of-town vehicles.

CE & GG both endorsed the need for drivers to comply with the law in the interests of public safety; VL wondered if the alternative of armbands had been taken up?

AH: endorsed, wonders if a second badge on display somewhere in the vehicle would help? Suggests putting up a clear notice for drivers mentioning the word “prosecute” would help get the message across.

PB: armbands have not been progressed but are still a possibility; a second badge could be considered – this is used in Eastleigh. Will definitely put up a suitable notice for drivers as AH suggests.

#### **6. Future of Consultation Group – RH**

Elections have just happened; this cycle will go through to next June when the next elections would be due. Still being considered and proposals will be brought to a future meeting.

#### **7. DfT Standards Consultation Update – PB**

The consultation received 323 responses – thanks to the reps for their work in getting people to respond. Recommendations will go to Licensing Committee on 8<sup>th</sup> September at 10am. It has to be held “in person” but there will be restrictions on the numbers attending at any one time. It will be live streamed; those wanting to address the committee will need to attend in shifts! The agenda will be published on Tuesday 31<sup>st</sup> August and will include the recommendations.

## **8. Increase in table of hackney fares – AS**

There has been no increase in the last seven years; this is needed to help boost the trade.

Jay: there will need to be a tariff change next year as there is an extra bank holiday; this would be a good opportunity to include an upgraded tariff.

AH: agrees that the tariff needs to be increased. Licensing cannot regulate PH prices, but customers have reported surcharges of 4 or 5 times the normal price at times. Feels the increase needs to be substantial to help redress the balance, and needs to happen as soon as possible.

LS: Agrees, but also feels that Hackney drivers need to consider their own behaviour e.g. when going out of town.

AS: Feels there is no need for such charges if drivers charge whatever is on the meter.

RH: SCC can only regulate what we are allowed to regulate, i.e. that Hackney Carriages must run from the table of fares whilst operating in their borough. Any further restrictions would not be popular with the trade as they would give no flexibility. It could be simplified, though, which would make it easier to read.

SR: Uber in surge uses dynamic pricing to help people get a ride when they need it; when demand is high in a specific area, fares will rise to encourage drivers to go to the area where demand is high to help meet that demand. Fares are stated in advance and passengers have the option to accept a fare or wait until the price comes down.

AH: Claims that many drivers reject a job or log off in order to get the algorithm to increase the fares. No safety nets/checks to protect customer.

SR: Refutes the claim that rejecting a fare increases the price, which is all about demand, not driver rejection.

LS: Has heard from Uber drivers that this does happen.

SR: agrees that there are some drivers who try to game the system, but there are systems in place to prevent this.

CE: concerned that vulnerable people (dyslexia etc) may not realise what they are agreeing to and create a problem when they get to their destination and are asked for the fare.

PB: Legally nothing to prevent surge pricing and Licensing can't intervene.

Fares: if we do review, we need agreement from the trade to a simplified table. Understand the pressure; the risk is that raising prices too far will drive customers to app based companies.

## **9. Compensation for sharing addresses on SCC website – AH**

PHV owners' details were published on SCC website; now removed. Drivers now feel they want compensation for this being done without their permission. Some thinking of taking legal advice.

PB: Licensing felt that publishing addresses of PH and HC owners on a public register was lawful. SCC carried out a review when someone raised an issue; it was decided that private hire proprietors addresses would no longer be published, but that does not mean that the previous publication was unlawful. If anyone wishes to take action that is their right but SCC do not feel there is grounds for a claim.

## **10. Free installation of electric vehicle charging point at drivers homes, to encourage drivers to buy electric vehicles. – AH**

AH sent details to GG & RH; need to plan for the future and electric cars will be more common and we should get ahead of the game. Charging and range are the key issues; AH proposes that a home charging station costing c. £450 would be a good way to start. Government is providing a grant of up to 75% (up to £350); AH suggests that SCC could make up the difference of approx. £100.

CE: Agrees about the need for charging provision, but has concerns about flats where there is no suitable supply.

SL: there is an Electric Charging Point rollout plan that has installed charging points in car parks across the city and two rapid chargers for taxis at Lances Hill car park and Central Station (£50,000 each!); charging is currently free. Also looking to roll out in residential streets. This comes at a cost – all funded by govt grants.

RH: as before, subsidising recharging stations is not a cost that SCC can pay for from Licensing fees. Happy to advertise the information on SCC website for drivers.

## **11. Use of front seat, current SCC position regarding this matter – AH**

Covid guidance re masks etc don't help re the use of the front seat; SCC guidance would be very useful for drivers – some allow it, others don't. Many operators are advising that front seats can't be used, but drivers may allow it in order not to miss out on a fare.

AS: Clarity needed; some drivers are picking and choosing, allowing front seat use where it's a longer journey/higher fare but not taking shorter journeys.

LS: no mention of front seat rule on Uber app, causes problems for 4 passengers – local licensing should help give clarity.

RH: currently can only order an Uber in Southampton for 3 people and it's clear on opening the app. SCC is not going to issue any guidance that is different to central Government's as this would be wholly misleading. That guidance is currently that there won't be any offence if a driver refuses a fare because they don't want someone to sit in the front seat. However this policy must be consistent, and if SCC do not see it maintained by a driver, appropriate action will be taken.

## **12. Management of bus lanes and routes from 1st September – AH**

New policy effective from September; AH feels it needs to be properly managed and enforced against those vehicles that are using the bus lanes when they shouldn't be, and don't meet the same emissions standards as SCC licensed vehicles, should have appropriate action taken against them. This would mean that the policy needs to be applied vehicles plated in neighbouring authorities.

RH: this is being implemented from mid-September; Licensing already supplies a weekly "white list" of all SCC and Eastleigh licensed vehicles to the enforcement admin team. From mid September this list will be modified, with an SCC list plus a separate EBC list of compliant vehicles. The latter will be the basis of the list for peak times only and new vehicles can be added as they are picked up. Enforcement will start shortly afterwards, mostly by way of camera.

### **13. Annual year set charge for Hackney and PH drivers for Itchen bridge use.**

Drivers feel there should be a fixed amount for taxis to avoid having to top up cards.

GG: nothing in place at the moment; has been considered but there are cost implications to changing the system.

LS: Could camera technology be used?

PB: Not a Licensing matter, but will talk to the team looking at automation.

### **14. When will the office open to normal service? - AH**

PB: no date for full re-opening. Some pre-arranged access allowed e.g. for transfers. Vehicles will continue to be dealt with as at present. Application process is conducted by email, but we have been instructed that we now need to see the original documents for Right to Work checks. PB is seeking advice from senior management on how to manage that - trying to avoid the need for appointments because this will increase admin costs; we are trying to find a safe way to check documents.

LS: drivers finding it frustrating that council officers are not there to help drivers with problems; Les has had numerous enquiries from drivers about how to download forms etc and feels this should be the Council's job.

PB: Grateful for those in the trade who are helping in this way, Licensing staff are doing the same over the phone to help navigate this more cumbersome process. We have to work within the rules set by SCC re access to the building; PB continuing to push for easing of restrictions but it needs to be done safely.

### **15. DBS update service – AH**

Reps do their best to encourage drivers to sign up for the update service and raise awareness of the issues that arise from DBS checks, late applications and so on. Can Licensing make it a requirement for all new DBS applicants to enrol in the update service, rather than getting drivers to get the certificate and then provide to SCC?

RH: If SCC or Personnel Checks could do this we would, but DBS do not allow a third party to manage someone's update account, which must be maintained by the applicant. Personnel Checks' service does keep tabs on drivers' DBS status and will alert any driver when they need a new certificate, so the problem of a driver not being able to work for a long period while they wait for a new certificate should be minimised.

PB: Licensing could produce a checklist for drivers to help them manage their DBS account.

### **16. Awareness campaign for passengers without booking - AH**

AH continues to tell private hire drivers about taking passengers without a booking; would urge Licensing to add to the information given to drivers about the rules and penalties on top of what is covered in the BTEC etc.

AS: Some drivers don't care and can get nasty when approached about this; more action needs to be taken over this and on private hire drivers taking jobs at a taxi rank.

LS: Concerned about the dropping of a condition re. parking for PH vehicles; causes issues especially at night. Feels there should be more licensing enforcement presence at night.

PB: Enforcement officers will be coming out at night and will check on parking and ranks; this includes checking that PH drivers waiting outside venues have a booking and noting details if they do not for future reference. SCC also carries out test purchases to ensure drivers are operating legally.

The vehicle condition that is being removed has not been enforced for many years and is deemed to be superfluous; its removal does not weaken the Council's position or stance on enforcing conditions for drivers.

LS: Will the enforcement of PH conditions be strengthened? Hackney drivers want to see enforcement being even-handed.

PB: Licensing work with Parking Enforcement will mean more focus on private hire. A number of drivers have been refused or revoked recently but usually without reporting to the media in order to avoid painting the whole trade in a bad light. Happy to help get this message across to drivers.

RH: The balance of enforcement is equal, but as Hackney drivers have been doing renewals recently staff have seen and checked more vehicles, so will pick up on any non-compliance issues.

## **17. Rank Marshall during night-time – AS**

When there is no marshall, drivers have had disputes about fares; also no-one to challenge drivers parked illegally on ranks.

PB: Taxi Marshalls were introduced in order to address disorder among the public queuing at the ranks, not between drivers! It has been funded by the Late Night Levy or grants from the Police & Crime Commissioner. A side effect has been that they have helped to resolve driver disputes. The queues have diminished so much that the Police do not have the same concerns about disorder, so cannot justify the cost involved in continuing to deploy marshalls at the moment. This will be kept under review. Licensing will be coming out with Parking Enforcement to look at the areas of concern including parking on ranks, and Phil will ask officers to keep an eye out for these issues.

## **18. Driver Medical Test - JR**

Medicals should be done by drivers' GPs, but some GPs don't provide this service and Licensing have been looking into alternative arrangements. It seems that some drivers have had their examination done by private clinics and this has been accepted by Licensing, but there are no clear guidelines.

RH: current policy is clear, that drivers are instructed to go to their own GP to get a medical examination signed off by their own GP. If the GP cannot do this the driver needs to make contact with Licensing so that a solution can be found.

An alternative approach is being examined to give more options, but nothing has been finalised yet.

AH: Fully supports the GP as the first point of contact, but there needs to be more flexibility with maybe two or three options. Against opening up to allow any doctor's signature on the form.

JR: had heard of a case where a driver had a private report done without prior consultation with Licensing; this was accepted when the driver threatened legal action if it was refused.

RH: SCC would not accept something in the face of threats of legal action; if the report was accepted it was most likely after contact with the GP to corroborate. SCC is not considering



allowing a free-for-all situation as described by AH. The policy is being reviewed and it is expected that the Council's Procurement department will be involved in selecting which medical practices to use.

AH: Concerned that policies need to be implemented consistently and that if a driver goes to a private practice without first going to their GP then it should be rejected.

RH: We will reject such a case in the first instance, but will also do our best to work with the driver to make it work - it would be negligent not to do so, as long as we are satisfied that the driver is safe and fit to be on the road.

PB: We know that some GPs are struggling to meet these requests and that it is not something they are required to provide under their NHS contract; we recognise that this causes some difficulties for some drivers why is why we advise drivers to contact the office for further assistance. We are looking to develop a scheme that would offer a choice of a small number of approved providers in addition to their GP, but until a new system is in place we need to continue with the current system.

LS: Some drivers have used their own initiative and gone to a medical practice; feels that rather than overloading officers a lenient approach is appropriate.

PB: SCC has to follow procurement rules so we can't just devise a list to use. In the case described a follow-up with the driver's GP resulted in a suitable referral, but if another driver were to do the same but wasn't able to get a referral then the driver runs the risk that we may refuse it and incurring the cost of another medical.

## **19. Any Other Business**

- Cllr McEwing raised the issue of magnetic signs; she has found a magnetic Uber door sign by the side of the road, demonstrating how easy it is for them to be detached.
- Cllr Galton thanked Les Slater for his work as Hackney rep.