

Taxi Consultation with SCC Licensing

10am Thursday 13th May 2021

Conference held via Microsoft Teams

Attendees: Cllr Catherine McEwing (Chair) [CM]; Cllr Graham Galton [GG]; Cllr Matthew Renyard [MR]; Cllr Dave Shields [DS]; Cllr Toqueer Kataria [TK]; Cllr John Noon [JN]; Cllr Matt Bunday [MB]; Cllr Valerie Laurent [VL]; Cllr Terry Streets [TS]; Les Slater (HC Rep) [LS]; Simon May (PH rep) [SM]; Ali Haydor (PH rep) [AH]; Rosie Zambra (SCC Consumer Protection and Environmental Services) [RZ]; Russell Hawkins (SCC Licensing) [RH]; Kate Aspinall (SCC Licensing, note taker) [KA].

Apologies: Sam Shahid (Southampton Hackney Organisation) [SS]; Jamilur Rahman (PH rep) [JR]; Mohammed Sumra (HC rep, SHO); Ian Lines (Spectrum).

1. Introduction

This is Cllr. McEwing's last meeting as Chair.

2. Minutes of previous meeting

Accepted

3. Docks – RH update from recent meeting with ABP

First cruise ship due in on 20th May; there is now an additional cruise berth, Horizon Berth. Tried to argue for extension of current permits into next year as there have been no ships this year, but ABP argued that they would not charge for the current period or increase the charge in the light of the extra capacity. Suggests that in 2022/23 there will be an increase in the charge. They would not agree to a five-year agreement, only one year. Change of management seems to have brought a more heavy-hitting approach. Permits remain free for the current period.

4. Future of Consultation Group - RH

The City Council wants the group to allow a fair exchange of views conducted in an orderly and civil manner, and for as broad a spectrum of the trade as possible to be represented: including large and small operators, specialist operators e.g. disability, executive and novelty sectors, app and non-app, sub-contractors, and drivers from all backgrounds, races and genders.

The previous system did not result in this breadth of representation; although the election system has brought in drivers who were previously not represented at all, it is limiting the breadth in different ways. There is disagreement between groups but it is important that all views are heard and that the Council is challenged. We will be looking at a change of process after the next round of elections in order to achieve a system that works for all involved with a wide view of the trade; the Council will be seeking suggestions and views on what that system should be from everyone.

CM: thanks to Ali Haydor for the suggestions he has already put in writing to RH.

AH: Agreed there have been disagreements in the past but that there needs to be discussion of the issues and views of all parties need to be heard. Election for driver reps is however important because it gives every driver the opportunity to stand and negates the argument that their views are not being represented.

LS: Wondered whether it was worth standing for election if the system was going to be changed? Also recognises the benefit of more varied input to meetings but feels there needs to be some continuity in representation as well.

RH: clarified that the next elections will be followed by a full three-year cycle; it is only the early stages of considering what should come after it.

5. Current consultation on DfT standards & Conditions – RH

There seems to be some confusion about the process so RH and Phil Bates will be holding online (Teams/Zoom, to be confirmed) drop-in sessions; these are likely to be next week subject to solving some technical questions. This is not an opportunity to make representations but to clarify aspects e.g. how the changes will affect their business and any confusion about the process. More details to follow.

The consultation process continues until July.

6. New Licensing Staff - RH

Simon Wood has left; new staff are Christine Cassell and Sami Barrett returning on a fixed term contract.

7. Post-Covid re-opening of Civic Office - RH

Date unknown, will not happen before 21st June because of current space restrictions – the staff numbers required to deliver a fully open service cannot be accommodated. At present the office is open to the trade for a limited number of activities by appointment - knowledge tests, vehicle transfers, interviews where there have been issues, and anything else that cannot be dealt with other than by an in-person meeting. The more successful methods of communicating online will be retained, but others such as emailing photographs of documents are not satisfactory. A better system for this is being developed.

CM: the Director of Public Health has advised that online meetings will continue for some time, but the taxi trade has been identified as one area where in person meetings are needed; details still to be confirmed.

AH: Congratulated the office staff for the effective ways of working developed during the pandemic.

8. Screens in taxis - RH

Central government has made money available to assist communities disadvantaged because of Covid. Phil Bates has identified scope for bidding for money to pay for screens in taxis, possibly retrospectively. This is likely to be difficult to administer, details still need to be confirmed, but a bid will be submitted if possible.

LS: the standard of screens fitted is variable; this should be looked at.

RH: the Government has issued standards for screens, but they are not very detailed. Adams Morey are checking and removing any that are unsuitable, e.g. affect safety. The standards have been shared with the trade via the SCC website and the unions and reps.

9. Updating badge photos - SM

Problems have been experienced because of the age of photos on badges e.g with passengers being unsure whether the driver is legitimate. Can photos be updated at each renewal?

RH: This was the practice but has not been possible because of Covid; it will be resumed once the office is fully open.

AH: Endorsed the need for this to be done every three years.

10. Badges on display in vehicles - SM

SM: asked for clarification on how the badge should be worn – round their neck or in the vehicle?

RH: the law requires the badge to be worn “to the Council’s satisfaction”; currently SCC policy is that the badge should be *worn*.

CM: Has personal experience of challenging a driver who wasn’t wearing their badge and the driver’s adverse reaction to being told he should be wearing it.

SM: Passengers can’t always see the badge if it is worn; could the council explore a secure way to display the badge e.g. on the dashboard?

AH: A similar scheme in Brighton issues two badges: one to wear and one for the windscreen, so the passenger has no need to challenge the driver. An alternative solution might an armband.

LS: against having too many things in the windscreen for safety reasons.

TK: an armband might be uncomfortable for a long shift.

RH: This does need to be addressed - this is one of the worst areas for compliance, such that officers have been issuing written warnings. PB’s preference is currently for an armband, but SCC can bring proposals to a future meeting for discussion. Does not require consultation as it is a requirement of the licence and set in legislation.

11. Drivers’ Medicals – SM

A company has been promoting medical examinations/reports for drivers including taxi/private hire. Would SCC accept this?

AH: Agree that a central place to have a medical would be a useful option, but would like to see the facility for drivers to go to their own GP remain.

CM: GP will have a better understanding of an individual and the effect of any health issues on their ability to drive a taxi.

LS: Recently renewed HGV licence; feels that doctor’s questions did not show an understanding of the requirements of the assessment.

RH: SCC has not been happy with the current system for some time; GPs are not required to carry out such medicals and do it as private work with a range of charges. Has previously considered changes involving the use of the GP’s medical summary, but this can be changed at the patient’s request, so is far from ideal. To be added to next agenda for an update.

12. Safety & door signs - LS

LS feels that the question of changing condition 8.7 of SCC’s Private Hire Vehicle Licence Policy re. door signs should not have been included in the consultation because of safety concerns; individuals have the option of challenging the licence condition in the magistrates courts.

SM: Agrees; how can an operator ensure that a driver is not exceeding the maximum hours permitted if the driver is working for more than one operator? The SCC logo is not enough for passengers to know which car to get in. Most Radio Taxis drivers are happy to keep the policy as it is.

AH: cross-border working is an issue in all areas of the UK. The main reason for seeking this change is so that drivers can work for multiple operators in more than one LA area.

RH: reluctant to discuss here the rights and wrongs of the policy as that is what the consultation is about. LS concern was whether it should have been included in the consultation in the first place.

AH: feels it is right to allow the trade to express its opinion via the consultation.

SM: agrees with AH that the subject should be discussed.

RH: SCC would have been negligent not to raise it in the light of the many changes in the trade in the past few years. It is not something that should be decided by officers, so asking the trade and public for their opinion is the appropriate way, and gives everyone the opportunity to have their say.

13. Itchen Bridge Toll Fees – LS obo Southampton Hackney Organisation

SHO have previously stated that they will campaign for the toll to be removed for taxis; also there is an issue re. the use of the Smart Cities card, whereby to put £10 on the card you have to add £10.05.

RZ: the issue re the extra 5p has been resolved – IT error has been fixed. The removal of the toll for taxis is a political decision. This has been raised before, RZ will look into raising it again.

AH: Passengers often comment that the bridge was paid for many years ago, so tolls should be scrapped altogether, not just for taxis – maintenance could be covered via Council Tax.

CM: There was never a commitment to scrap tolls once construction costs were covered. Any removal of tolls will be a political decision.

14. Double Badges - AH

Raising a request from those who hold both a Hackney and a private hire licence that they should pay a reduced fee, e.g. the second badge reduced by 50%. In other LAs the two badges are combined because they have identical conditions but that is not possible in SCC. Therefore it is suggested that there could be a discount for holding both.

RH: Where elements apply equally to both regimes such as DBS, DVLA checks, Safeguarding training etc, the one cost works for both badges. However for the separate aspects the council is required to allocate the costs to separate budgets, so cannot have a category that falls into two pots. There are two separate pieces of work involved with no reduction in the time taken to issue the two badges. Also enforcement has to work to two different regimes. When surpluses have been accumulated, fees have been lowered accordingly.

LS: queried why the council hadn't invested in ways of making the processing easier and allow the budget regimes to be mixed.

RH: Finance rules mean that we can't cross regimes; SCC has to be very careful how fee structures are managed - there are cases where Councils have lost court cases because they failed to do so, including fines for misappropriation of funds. Licensing doesn't get to choose the IT systems, they are commissioned centrally and used across the council.

AH: requested RH to email him with the details of his response so he can feed them back to those asking. (This written response is appended to these notes).

15. Address change fee - AH

Drivers regularly query the fee for change of address. Clearly there is admin work involved in making changes and issuing new documents, but there is still a feeling that the charge is unfair. AH made proposals for a change in the way the fee is charged:

- (a) Include one free address change every twelve months
- (b) Include one free address change within the licence period of three years.

AH feels this would address the feelings of those drivers who are unhappy with the current process.

CM: suggested that a flow chart showing the work involved in processing a CofA would be helpful in showing how the charge is arrived at.

RH: has considered AH's proposals with PB, but although they sound good in principle they would add an undesirable extra step of admin to the process in practice, as staff would need to establish whether or not a charge is due when the CofA is requested. It could also provide a way for drivers who loses their licence to bypass the charge made when a licence is lost by claiming an address move to a friend, for example. Furthermore, those who don't move will feel that they have been charged the £10 fee within their licence cost, so are paying for it for no reason.

The process involves:

- 1) Application received and charge made and accounted for.
- 2) Application scanned in and applied to applicant's record.
- 3) Licence un-issued
- 4) Old address details stored
- 5) New address entered in to the required areas
- 6) Licence reissued
- 7) Licence printed and posted out to applicant

This is arguably more than £10 work; the charge is on a par with the statutory charge of £10.50 made for an alcohol licence change of address. RH to put process in writing for AH to pass back to drivers.

LS: asked if the DBS check picks up changes of address as they go?

RH: yes, they are picked up with DBS renewals and SCC cross-reference address to what is held on record.

16. Update on Covid support grant

CM: Many drivers have submitted grant applications, which are still being processed, but there have been quite a few cases where drivers have submitted two or three applications, possibly due to online submission issues.

RH: as of 4th May, of 1800 badge holders we have received 1115 applications, of which 1026 will have been paid by 6th May. There are 89 applications outstanding, of which 17 have been asked for further information. There have been 49 duplicate or triple applications being checked, 13 from outside Southampton and therefore not valid and 10 were invalid e.g. from drivers with an expired badge.

CM: Asked if the rules stipulate one grant only regardless of how many badges are held.

RH: Believed this is the case, but Licensing are not involved in the administration of these grants.

CM: Pointed out that not all authorities include taxi drivers in their grant schemes, don't consider taxi drivers to be small businesses.

AH: Has been making drivers aware that it was up to LAs to decide on who would be eligible for the grants, and drivers elsewhere may not be getting the grant. Some issues with drivers not getting an acknowledgement of their online submissions may have led to multiple applications. Suggested it would be useful to share the statistics on grant take-up with the trade.

SM: expressed thanks to the Licensing team for pushing the grants for drivers, and for efforts in the past year.

17. Any Other Business

SM: Thanked the City Council for writing to drivers about vaccination.

AH: Endorsed the Chair for encouraging drivers to get vaccinated and supporting the safety of drivers, passengers and the wider community.

RH: Taxi drivers are now eligible for the Zero Waste Vaccination scheme which helps to use up surplus supplies of the vaccine; as vaccination slots become available calls are being made to .

TS: Gave a vote of thanks to Cllr McEwing and the previous chair, Cllr Blatchford, for their mindful and professional approach to Licensing.

Endorsed by members of the meeting.

Cllr McEwing thanked everyone, has enjoyed her time as Chair of Licensing and wished all the best to the incoming Chair.

Questions from Consultation Meeting held on 13th May 2021

Question:

Those who are entitled to both badges, get both Hackney and Private Hire badge at reduce price, so example 1 badge at full price and other at 50% less. Issued at the same time.

Answer:

Fees for licensing have been the subject of much litigation over the years as the fees charged for licences can only be used for the production, issuing and compliance of that licence. Therefore when charging fees SCC staff are careful to code these fees to the correct licence type and staff also code their working time against these budget headings. (Hackney Carriage, Hackney Carriage Driver, Private Hire Operator, Private Hire Vehicle and Private Hire Driver).

The licensing regime for hackney and private hire drivers are separate. There are different conditions and as such there are different records for each. Overlapping these are DBS checks, medicals and DVLA checks that are only charged once to licence holders with both licences where possible. When it comes to the processing, issue and compliance of licenses, there is no cost saving to us for a driver with both. Therefore, there are no savings to pass on to a driver that holds both licences.

Question:

Address change fee, drivers should get one free address change. Once every 12 months or during the duration of licensing period.

Answer:

This was given serious consideration as it is understood by officers that this is a frustration to drivers when they move to a new home and a frustration to officers to chase for the payment. However, when the process was examined, it threw up some issues.

The process for change of address is the following:

An application is received, and payment is taken. The application (or email at present) is electronically filed under the licence record. The licence is then un-issued so it can be edited. The old address is removed and placed in a new area of address history. The new address is completed. The licence is re-issued and a new licence is produced. An electronic copy is saved to that record. A copy is then printed and posted to the driver. The receipt number for the payment is recorded against that record. If the licence holder has a vehicle, the process is repeated with the vehicle(s) licence. (Separate fee for each licence).

To allow a free address change per year or licence period would mean an extra process of checking to see if there has been a previous address change against each licence held. This would add another layer of administration into the process and more officer time in a process that is already time consuming.

Additionally, the process could be taken advantage of as the fee to replace a lost licence is also £10. This may lead to licence holders using the free change of address to get a free licence when one is lost.

To compare, the Licensing Act sets out fees chargeable for licensing functions for alcohol sales, entertainment etc. The fees are set under this act and have not been reviewed for over 15 years. They set

the change of address fee for a personal licence holder at £10.50. Therefore, we believe that the £10 fee currently charged does represent good value.

Finally, as stated in the previous question, we have to accurately account for fees charged and they must accurately reflect what is provided. By including a free change of address with a licence could give rise to a legal challenge by a licence holder who has not changed address and would like to claim £10 back.

Driver Grants (Mobile Workers Support Grant) Update (as at 4th May 2021)

Total number of applications received (12 noon, 30.04.21): 1115

13.04.21 number of drivers who received the MOB grant: 667

06.05.21 number of drivers to be paid on Thursday: 359

Total number of drivers paid on 06.05.21: 1026

Remaining applications- 89 of which:

17- tbc (chased a few times for correct evidence)

49- double or triple applicants (duplicates)

13- live outside SO postcode

10- invalid/expired badge

Russell Hawkins

14th May 2021