

<b>Board/Committee:</b>	REGULATORY BOARD
<b>Date of meeting:</b>	26 JULY 2023
<b>Title:</b>	PROPOSED AMENDMENTS TO TAXI LICENSING REQUIREMENTS
<b>Author:</b>	IAN RICKMAN
<b>Status:</b>	FOR DECISION

## **Purpose**

## **Recommendation**

It is recommended that the Board:

1. considers the following proposed amendments to the Taxi and Private Hire Licensing requirements:
  - i. the introduction of 6 monthly DBS checks via the update service.
  - ii. Not to introduce a mandatory requirement for Taxi/Private Hire Vehicles to be fitted with CCTV.
  - iii. the introduction of drug testing for new applicants and randomly for licensed drivers.
  - iv. an amendment to documentation to include statutory tax checks.
  - v. an amendment to documentation to support the use of the National Database of Refusals, Revocations and Suspensions (NR3S).
  - vi. The number of Hackney Carriage Grandfather plates be brought back up to the original 50 (currently there are 30 saloon vehicles.)
  - vii. The only engineers report required would be on annual renewal or if there was a specific reason for requiring one e.g., a vehicle had been in an accident.
2. subject to any further requirements from the Board to delegate authority to the Head of Environmental Health to redraft and publish the Licensing Requirements document to reflect these changes.

## **1.0 Background**

- 1.1 As the Licensing Authority for Hackney Carriage and Private Hire Drivers, Operators and Vehicles, this Council can apply reasonable requirements in its licensing process to those groups to ensure public safety.

- 1.2 The operation of a successful hackney carriage and private hire vehicle service is essential to the economic well-being of the Borough. It is equally important that the service provided by the trade be properly regulated to ensure public safety.
- 1.3 There are currently 134 licensed drivers, 127 licensed vehicles and 18 licensed operators with Gosport Borough Council.
- 1.4 From 6 July 2022 to 3 August 2022 a consultation on these proposals was carried out with both licence holders and the public. The results of the Licence Holder Consultation responses can be found at Appendix A and the results of the Public Consultation responses can be found at Appendix B.
- 1.5 A summary of the proposed amendments and the reasoning behind them is given below.

## 2.0 Report

### 2.1 DBS Checks

It is proposed to change the Disclosure and Barring Service (DBS) check from every 3 years to 6 monthly. The Government recommends that taxi and private hire drivers carry out a DBS check every 6 months. The cost to the driver for this service is £39 for a 3-year period, as opposed to the current DBS paper system which costs £38 per check. The proposal is to make it mandatory for license holders to be on the DBS Update Service. This will allow the licensing team to carry out the check with minimal disruption to the driver.

*(Criminality Checks for Vehicle Drivers: Section 6.1 – 6.4 of the Statutory Taxi & Private Hire Vehicle Standards.)*

- 2.2 This increase in frequency of criminal records checks will improve public safety and give increased confidence that licensed drivers are safe to be carrying the travelling public and the service will be in line with Government guidance.
- 2.3 Feedback from consultation evidenced that 52% (24 Respondents) of the licence holders support mandating the Update Service, with 100% (3 respondents) of the public also in agreement.

### 2.4 INTRODUCTION OF MANDATORY CCTV

The Statutory guidance states that “All licensing authorities should consult to identify if there are local circumstances which indicate that the installation of CCTV in vehicles would have either a positive or an adverse net effect on the safety of taxi and private hire vehicle users, including children or vulnerable adults, and taking into account potential privacy issues”.

*(In-vehicle visual and audio recording – CCTV: Section 7.7 – 7.13 of the statutory Taxi & Private Hire Vehicle Standards.)*

- 2.5 Feedback from the consultation informed us that 51% of respondents (23 vehicles) currently have voluntarily fitted CCTV. 25% (11 respondents) of

licence holders wish CCTV to become mandatory, whilst 100% (3 respondents) of the public are in support.

- 2.6** The Statutory Guidance also states that “While only a small minority of licensing authorities have so far mandated all vehicles to be fitted with CCTV systems, the experience of those authorities that have has been positive for both passengers and drivers. In addition, the evidential benefits of CCTV may increase the level of reporting of sexual offences. According to the Crime Survey for England and Wales only 17 percent of victims report their experiences to the police, 28 percent of rape or sexual assault victims indicated that a fear they would not be believed as a factor in them not reporting the crime. The evidential benefits CCTV could provide are therefore an important factor when considering CCTV in vehicles”.
- 2.7** The mandating of CCTV in vehicles may deter people from seeking a taxi or private hire vehicle licence with the intent of causing harm. Those that gain a licence and consider perpetrating an opportunistic attack against a vulnerable unaccompanied passenger may be deterred from doing so. It is however unfortunately the case that offences may still occur even with CCTV operating and also the driver must have the ability to switch any system off and any audio can only be operated by the driver when in a hostile situation occurs.
- 2.8** From the consultation, 0% (3) of the public have been threatened or been made upset when using a taxi in Gosport. Whilst 64% (28) of licence holders have had their vehicles damaged or threatened to be damaged. 89% (40) of licence holders have had fares refused and 71% (32) of drivers have felt threatened or been made upset whilst working as a Gosport driver.
- 2.9** 100% of the public declared they would feel safer in a vehicle fitted with CCTV. 64% (28) of the trade are not in support of CCTV becoming mandatory.
- 2.10** A summary of complaints received over the last 5 years where CCTV inside a Taxi/Private Hire vehicle may have assisted the investigation is shown below: -
- |         |   |
|---------|---|
| 2018/19 | 0 complaints  |
| 2019/20 | 1 complaint, a wheelchair user was allegedly not secured by a seatbelt.               |
| 2020/21 | 1 complaint, a driver pulled away before the passenger was completely inside the car. |
| 2021/22 | 0 complaints  |
| 2022/23 | 0 complaints  |
- The service receives around 30 complaints each year.
- 2.11** In summary the level of complaints reported are low, although occasionally a serious complaint does arise, if CCTV were to be installed it has to be fitted with an off switch, so arguably any driver with bad intent would switch off the CCTV beforehand.

**2.12** There probably isn't currently the evidence base to support the mandating of CCTV in Gosport taxis and private hire vehicles and therefore it shouldn't be introduced at this time.

**2.13 INTRODUCTION OF DRUG TESTING FOR LICENCE HOLDERS**

To further protect public safety, we are proposing that drivers undertake a self-administered drug test when applying for a taxi or private hire licence. In addition, drivers would become subject to random testing.

**2.14** We believe by introducing drug testing, this will increase public safety, which is the main overriding objective of the Taxi Licensing Requirements.

**2.15** Feedback from the consultation showed 100% (3 responders) of the public supported this proposal, along with 80% (37 responders) of the licence holders.

**2.16 TAX CONDITIONALITY CHECKS**

In line with Government guidance introduced on 4 April 2022, we have already started to check all licences are registered for tax, if required, upon initial application and on renewal.

**2.17** This update will now be included in the reviewed Taxi and Private Hire Licensing Conditions of Licencing, so as applicants are aware of this part of the process from the outset.

**2.18 NR3 DATABASE**

The National Database of Refusals, Revocations and Suspensions (NR3S) contains information relating to any refusal to grant, or revocation of, or Suspension of a Taxi or Private Hire Driver's licence. This information is important in the context of any subsequent application to another authority for a driver's licence by a person who has had their licence refused, revoked or suspended in the past.

**2.19** We already check all new applicants against NR3S as well as uploading any applicant who is refused, or a licensee who is revoked/suspended. This is in line with the Statutory Taxi & Private Hire Vehicle Standards. This recommendation is to update the Conditions of Licensing so applicants are aware of this new legal requirement.

*(Sharing licensing information with other licensing authorities 4.21 of the statutory Taxi & Private Hire Vehicle Standards.)( The use of a national database for this purpose is now a legal requirement).*

**2.20 HACKNEY VEHICLE PLATES**

There are currently 30 hackney plates issued in Gosport for non-wheelchair accessible vehicles. It has been proposed to the Licensing Authority by the Trade that this be increased to 50 plates (the original number when the wheelchair accessible requirement was brought in some years ago). The trade feedback is that a lot of people are not comfortable in wheelchair accessible vehicles and there is not sufficient choice since

the number of saloon vehicles has diminished. These additional plates would be allocated to drivers working mostly in taxi ranks. The plates would not be transferable and would be reallocated by the Council should any driver not renew the plate or surrender it. Joint ownership of vehicles would not be allowed.

51% (23 responders) from the trade supported this proposal, whilst 67% (2 responders) from the public supported this proposal.

### 2.21 Six Monthly Engineers Report

A vehicle can be aged up to 5 years old to become a licensed vehicle when first being licensed. However, when a vehicle becomes six years or over, it is required to have a six-monthly engineers report. This is now deemed as not required as the vehicle will still have an annual MOT and an annual Engineers Report when renewing. The only engineers report required would be on annual renewal or if there was a specific reason for requiring one e.g. a vehicle had been in an accident.

### 3.0 Risk Assessment

There are no significant risk considerations in relation to this report

### 4.0 Conclusion

Members are asked to review the information contained above and, in the appendices, and consider whether to recommend the proposed changes.

<b>Financial Services comments:</b>	
<b>Legal Services comments:</b>	
<b>Equality and Diversity:</b>	
<b>Climate Change implications:</b>	<i>None</i>
<b>Crime and Disorder:</b>	
<b>Service Improvement Plan implications:</b>	<i>N/a</i>
<b>Corporate Plan:</b>	<i>N/a</i>
<b>Risk Assessment:</b>	<i>Within report</i>
<b>Background Papers:</b>	Department for Transport's Statutory Guidance for taxi and private hire vehicle standards publication (July 2020)
<b>Appendices:</b>	<i>Appendix A – Trade Consultation Appendix B – Public Consultation</i>
<b>Report Author/Lead Officer:</b>	<i>Ian Rickman</i>

# Appendix A

Taxi\_Trade\_Consultation\_(License\_holders)\_-\_GBC

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Taxi Trade Consultation (License holders)

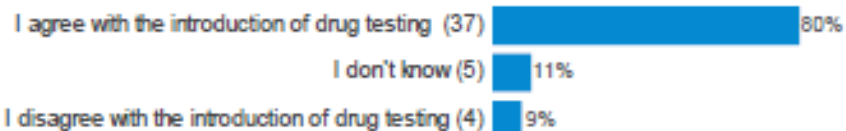
## Taxi Trade Consultation (License holders)

This report was generated on 04/08/22. Overall 46 respondents completed this questionnaire. The report has been filtered to show the responses for 'All Respondents'.

The following charts are restricted to the top 12 codes. Lists are restricted to the most recent 100 rows.

**To further protect public safety we are proposing that drivers undertake a self-administered drug test when applying for a taxi or private hire licence. In addition, drivers would become subject to random testing.**

Carried out at the Council Offices, the applicant/driver would self-administer the swab test (similar to a lateral flow test) under supervision of a member of the licensing team. The swab would be then analysed and sent for further analysis at an accredited lab if necessary. (I agree with the introduction of drug testing )



### Futher comments:

Should start NOW .... so many drivers somke weed

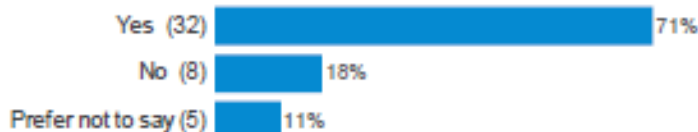
Would be a good Idea I've heard of drivers being caught in other areas on drugs

This I agree with but feel it would also have to be done randomly over the year as just doing it once a year for your badge would be pointless

This would be a very good thing to do on a regular basis.

Need more information so I'm neutral

### Have you ever felt threatened or been made upset when working in Gosport?



## Taxi Trade Consultation (License holders)

**Providing you feel comfortable it would be helpful if you could provide further information:**

Been robbed at knife point Threats and abuse for refusing to take drunks and druggles at the ferry About time they were removed

As a lady taxi driver, I have been offered sex by male passengers and on one occasion one man offered his girlfriend to me. As a night taxi driver for 17 years, I have had men offer to put there cocks on my hand or in my mouth. I do try to laugh it off, but I have asked people to get out my taxi.

Drunk woman in my car calling me all the names as she doesn't won't to pay her fare. I can't grab her if she starts running off.

I won't work nights from the rank in Gosport had people trying to fight be and running off from paying and having to put up with the druggles trying to enter our taxis

This is mainly due to the passengers being under the influence of drink or drugs

Yes, several times, with people being racist, people not wanting to pay, people disagreeing with the fare amount, asking to stop few time on route unnecessarily.

Customers can be aggressive. Especially after drinking alcohol.

I have been threaten on more than one occasion.

All the time on Saturday nights. What happened to the marshals

**Has your vehicle been damaged or threatened to be damaged?****Providing you feel comfortable it would be helpful if you could provide further information:**

Had a sliding door slammed off by druggles refusing to pay

Before I pick up someone, I keep my taxi locked, with my window down a little to check I am collecting the right person. Outside some pubs, I have had some people hit and kick my taxi when they try to jump in.

Drunk women kicking my seat.. or dropping food over my car as I won't let them eat in the car.. fake tan over my car ... pissing on my car seat...

My car was keyed on the rank as I refused to take passengers with bottles of beer Car doors slammed as hard as they can when asked politely not to slam the doors

Yes several times. Usually when in the rank when people are too drunk or when we refuse to take pets.

There are always fight in the rank and keep damaging our cars and nobody care for it and police officers arrive late and they won't be here by the time they arrive.

Doors slammed. Passengers being sick.

But no marshals





## Tied Trade Consultation (License holders)

**Has anyone refused to pay a fare?****Providing you feel comfortable it would be helpful if you could provide further information:**

yes many time I did reported police and the answer I received from police that " this is civil matter we cannot help it "

Every so often you get runners and people refusing to pay usually give an excuse they've lost their money etc

In the passed I have collected people from a pub in Gosport and taken them to Portsmouth. They then tell me they have no money or they just run off without paying.

To many to say... as at the end off the night they only have so much cash or the phone is dead so they can't pay on card... all cabs should be cash only

The person in question didn't believe the amount of waiting time I put on so got him to get out of cab before journey finished

Drunk people trying not to pay

Well you have people that do runners

Mainly down to drink again and the police don't do anything when you report it so it is courageous them to do it again as they know nothing will happen

Many times. Reported to the police but never anything happens.

No means to pay.

**Have you reported any incidents to the Police/Council?**

## Tied Trade Consultation (License holders)

**Providing you feel comfortable it would be helpful if you could provide further information:**

One I did When the police station was still there they turfed the person out the cab and let them go with out paying So it's a waste of time reporting it

No point now takes to long to get bk to you .. I have In the pass

Had a recent runner had cctv footage had a address lost about 8 hours reporting to police and downloaded cctv only to get a letter from police saying they didn't think it was worth persuing

Several times to the police but never got to anywhere as they cant be bothered to turn up when we are in the middle of difficult situations.

yes on several occasions, to the police, who are not willing to act properly.

I have reported incidents and found the police reluctant to offer assistance and on one occasion failed to reply to my report at all.

They don't care

**Have you been a victim of crime in your capacity as a taxi driver and not reported it, if so, why not?**

Yes (22)  51%

No (21)  49%

**Providing you feel comfortable it would be helpful if you could provide further information:**

Robbed at knife point The police were absolutely brilliant

If running off without paying a crime, I have only called the police once. Only because I spotted the house the young people ran into.

No payment off fare ... and being spat at by female customer.. called racist names by male and female passengers..

To difficult to get hold of police

Police don't do anything

No one ever does anything about it.

After many reports seeing nothing been done I just give up reporting

Unless of a serious/violent nature I get the impression the police are not interested.

**Have you, for your own safety, fitted CCTV in your vehicle?**

Yes (24)  53%

No (21)  47%

Taxi Trade Consultation (License holders)

**Providing you feel comfortable it would be helpful if you could provide further information:**

It's on my list to get one when I find the right one

Had fitted in old taxi

I run a "very posh" car service to the airport and cruise terminals, and my clients would be very uncomfortable if I were filming them! I do not see a requirement in pre-booked, Private Hire businesses that do not do "normal taxi work."

There was but it's broken now

I have a CCTV dash cam that has night vision and one camera that faces forward and one that faces into the car.

No and who's going to pay for it?

**Is the vehicle you drive currently fitted with CCTV?**



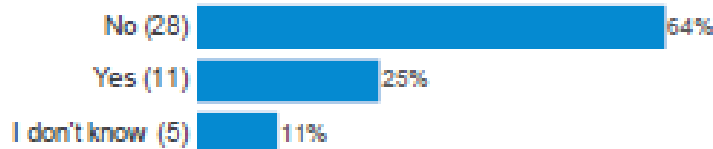
**Providing you feel comfortable it would be helpful if you could provide further information:**

Changing taxis soon the only company I have found am not sure if the council Can download the data Outside 360 degrees for accident and theft purposes - this is an Insurance requirement for high-value cars (such as mine) - The system is live on an app, and captures all 24/7, 365.

There was but it's broken now

I have a CCTV dash cam that has night vision and one camera that faces forward and one that faces into the car.

**Do you agree that CCTV should be mandatory for taxis and private hire cars?**



## Taxi Trade Consultation (License holders)

**Please provide further information:**

Not at that price I don't

No money for it.

But with in my car there not much room to put it in and my owner might not pay for it

It would be good but companies that only do airports shouldn't need it

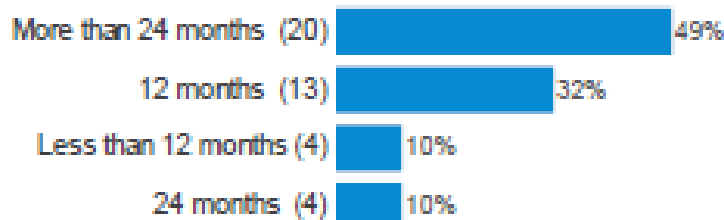
It is too expensive and provides another barrier to people joining the industry with their own cars.

As stated above, you have to understand that we are not "all in the same game", - Meaning I charge a very high price and, therefore, attract a very different clientele (I never ever, repeat, ever pick-up (pre-booked) in Gosport, I am deemed as too expensive for "everyday people") - therefore, my clients, would not want to be in a "taxi with CCTV." Please do not categorize all private hire drivers as the same - we are not!

The price is far to high. An approved dash cam should be good enough.

This is a vastly inflated cost for CCTV to cover the small area of a cab. I could get a CCTV system to cover my house for half that amount.

No way are you going to pay for it because I can't afford it

**If CCTV becomes mandatory, we would give existing licence holders a lead in period before becoming mandatory. Please indicate which time period would be most suitable:****Please let us know if you have any alternative suggestions:**

Don't agree making it mandatory

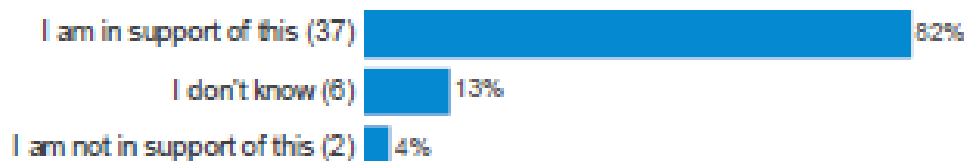
Would have to find a company to do it in bulk and have time to be fitted and train council employees to download data

Please do not make it mandatory for all - you need to look at the licence holders on a case-by-case basis. I feel that if I am made to do this, I will look to close my business with Gosport BC.

An approved dash cam should be good enough.

None of the above.

Pay for it. I cant

**The effect of this increase would add £1.20 to every trip.**

## Taxi Trade Consultation (License holders)

**Please let us know if you have any alternative suggestions:**

3.40 flagdown looks a lot for the customer Maybe less on the flag down and on the distance

Cost goes up but we have to do extra hours to make up r costs

I have been trying to get this done for a while as it costs £100 to fill my tank now before it was £60 felt like no help from council

First 195 metres £3.40 and then every 175 meters 20p

I support this. However, a better option would be to start the taxi meter with £5. However, a £5 trip should still cost £5 but just to avoid unnecessary £3 trips as sometimes drivers in the rank having to wait in the rank for over hours and it becomes a nightmare for £3 trips.

Not applicable.

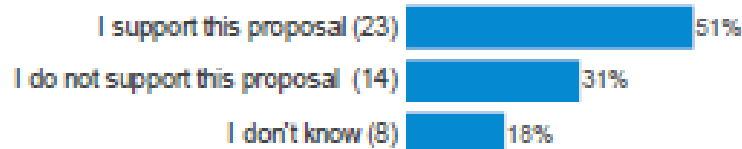
This increase is an INSULT to us, the price of fuel alone has more than doubled in this time. As we have always said that the public cannot handle a huge increase at once, so make the increases little and often to keep up with our costs. Having said that you should look at the average prices of the private hire side and then make your increase, because they are higher than us, on the hackney carriage side.

This would mean a large percentage increase for small trips often made by people who have mobility issues, but would have a relatively minor affect on longer trips. I would suggest a slightly smaller initial increase and a decrease to the distance travelled for every 20p increase.

The mileage should go up as well u have not increased for seven years but it's a start . Will this apply to after midnight. You should have done this every year slowly

Start the metre at £2.60 and every 150metre 20p because if you do long distance its not enough just £1.20

**There are currently 30 hackney plates issued in Gosport for non-wheelchair accessible vehicles. It has been proposed to us that this be increased to 50 plates. These would be allocated to drivers working mostly in taxi ranks. The plates would not be transferable and would be reallocated by the Council should any driver not renew the plate or surrender it. Joint ownership of vehicles would not be allowed.**



## Taxi Trade Consultation (License holders)

**I have an alternative proposal (please provide details below):**

I can't see why we need more non wheelchair taxis You Need to enforce and spot check wheelchair taxis As most refuse to do wheel chairs as they are to much bother And why do we mini buses with granddad plates I thought the idea of granddad plate (under plate 50) was for cars for the elderly who can't climb up into wheelchair taxis

We struggle to get some of the drivers to do the jobs with the wheelchair vehicles they have I have reported a few but nothing seems to be done and the conversions on some vehicles are shocking would hate to see the outcome in a crash

I don't support the purpose as trade has dropped off due to the pandemic If you put another 20 cars down there , there would not be enough work for every taxi driver you can do a 12 hour shift Monday to Thursday and probably only earn £70 If your lucky to flood more taxis on there would invariably make every taxi driver down there now lives suffer .

The plates should only be issued to residents of Gosport


Fully agreed as there are many 7 seater taxis in the rank for the disabled people to easily use. Proposal for another 20 plates would not harm anything in any sort of way.

For the reason salon car not suitable for disable persson and big families we defnately need more disable exesable vehicle


Only give the new plates to Drivers who have long service in the industry, (In Gosport).

No way to many taxis on rank as it is. More money for you in plate fees and less money for us . Dam joke!

**The Government recommends that taxi and private hire drivers carry out a Disclosure and Barring Service (DBS) check every 6 months. The Council is proposing to make it mandatory for license holders to be on the DBS Update Service. This will allow the licensing team to carry out the check with minimal disruption to the driver.**

I agree that it should be mandatory for drivers to be on the DBS Update Service (24)  52%

I disagree that it should be mandatory for drivers to be on the DBS Update Service (15)  33%

I don't know (7)  15%

## Appendix B

Taxi\_Tests\_Consultative\_Members\_of\_Public\_4\_1\_22\_Q10

Page 1

This report was generated on 04/08/22. Overall 3 respondents completed this questionnaire. The report has been filtered to show the responses for 'All Respondents'.

The following charts are restricted to the top 12 codes. Lists are restricted to the most recent 100 rows.

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Carried out at the Town Hall, the applicant/driver would self-administer the swab test (similar to a lateral flow test) under supervision of a member of the licensing team. The swab would be then analysed and sent for further analysis at an accredited lab if necessary. (I agree with the introduction of drug testing )



Have you ever felt threatened or been made upset when using a taxi in Gosport?



Have you reported any incidents to the Police/Council?



Have you been a victim of crime in while using a taxi service and not reported it, if so, why not?



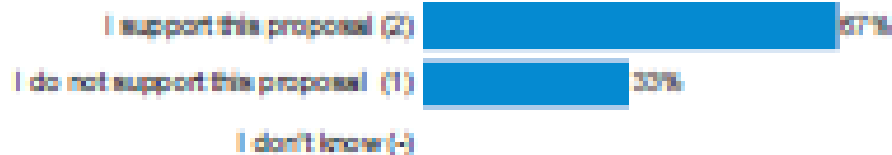
**Do you feel safer in a vehicle fitted with CCTV?****Please provide further information:**

Yes. This should be mandatory and recordings should be kept for a reasonable amount of time to allow it to be available for any investigation.

No not at that cost

**The effect of this increase would add £1.20 to every trip.**

The proposal would increase the number of saloon vehicles with Hackney Plates (Licences) from 30 currently to 50. These hackney plates allow vehicles to be saloon vehicles, whilst all other hackney carriages have to be wheelchair accessible.



The Government recommends that taxi and private hire drivers carry out a Disclosure and Barring Service (DBS) check every 6 months. The Council is proposing to make it mandatory for license holders to be on the DBS Update Service. This will allow the licensing team to carry out the check with minimal disruption to the driver.

