

Non-Statutory Licensing Committee

20 March 2019

Time 10.10 am **Public Meeting?** YES **Type of meeting** Licensing
Venue Committee Room 3 - 3rd Floor - Civic Centre

Membership

Chair Cllr Alan Bolshaw (Lab)
Vice-chair Cllr Rita Potter (Lab)

Labour

Cllr Greg Brackenridge
Cllr Celia Hibbert
Cllr Keith Inston
Cllr Milkinderpal Jaspal
Cllr Anwen Muston
Cllr John Rowley
Cllr Zee Russell
Cllr Jacqueline Sweetman

Conservative

Cllr Jane Stevenson
Cllr Wendy Thompson

Quorum for this meeting is three Councillors.

Information for the Public

If you have any queries about this meeting, please contact the Democratic Services team:

Contact Donna Cope, Democratic Services Officer
Tel/Email Tel: 01902 554452 Email: donna.cope@wolverhampton.gov.uk
Address Democratic Services, Civic Centre, 1st floor, St Peter's Square,
Wolverhampton WV1 1RL

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Some items are discussed in private because of their confidential or commercial nature. These reports are not available to the public.

Agenda

Part 1 – items open to the press and public

<i>Item No.</i>	<i>Title</i>
1	Apologies for absence
2	Declarations of interest
3	Minutes of previous meeting (Pages 1 - 2)
4	Matters arising
5	Licensing Sub-Committee - 21 November 2018 - Minutes (Pages 3 - 6)
6	Licensing Sub-Committee - 23 November 2018 - Minutes (Pages 7 - 12)
7	Review of Fees and Charges for General Licensing and Miscellaneous Matters for 2019/2020 (Pages 13 - 18) [To approve fees and charges with effect from 1 April 2019]
8	Review of Fees and Charges for Street Trading Consents for 2019/2020 (Pages 19 - 26) [To approve fees and charges with effect from 1 April 2019]
9	Review of Fees and Charges for Hackney Carriage and Private Hire Licensing functions for 2019/2020 (Pages 27 - 36) [To approve fees and charges with effect from 1 April 2019]
10	Update – Government Response to the Report of the Task and Finish Group on Taxi and Private Hire Vehicle Licensing (Pages 37 - 150) [To note the content of the report]
11	Proposed Amendments to Guidelines Relating to Relevance of Convictions and Breaches of Licence Conditions relating to Hackney Carriage and Private Hire Vehicle Proprietors and Drivers and Private Hire Vehicle operators [To approve the revised conditions] (Report to follow)
12	Proposed amendments to Hackney Carriage and Private Hire Vehicle Conditions (Pages 151 - 164) [To approve the revised conditions]
13	Enforcement Update [To receive a verbal update from William Humphries, Service Lead, Compliance]

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CITY OF WOLVERHAMPTON COUNCIL	Non-Statutory Licensing Committee Minutes - 28 November 2018
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Attendance

Members of the Non-Statutory Licensing Committee

Cllr Alan Bolshaw (Chair)
 Cllr Rita Potter (Vice-Chair)
 Cllr Greg Brackenridge
 Cllr Celia Hibbert
 Cllr Keith Inston
 Cllr Milkinderpal Jaspal
 Cllr Anwen Muston
 Cllr Zee Russell
 Cllr Jane Stevenson
 Cllr Jacqueline Sweetman
 Cllr Wendy Thompson

Employees

Chris Howell	Licensing Manager
Michelle James	Licensing Policy Manager
Colin Parr	Head of Business Services
Arif Sain	External Diversity Consultant
Joanne Till	Markets General Manager
Sarah Hardwick	Senior Solicitor
Kirsty Tuffin	Democratic Services Officer
Donna Cope	Democratic Services Officer

Part 1 – items open to the press and public

Item No. *Title*

- 1 **Apologies for absence**
 Apologies were received from Councillor John Rowley.

 Councillor Greg Brackenridge informed the Chair that he needed to withdraw from the meeting at 11am.
- 2 **Declarations of interest**
 There were no declarations of interest.
- 3 **Licensing Sub-Committee - 14 September 2018 - Minutes**
 Resolved:
 That the minutes of the meeting of the Licensing Sub-Committee held on 14 September 2018 be confirmed as a true record and signed by the Chair.

4 **Licensing Sub-Committee - 21 September 2018 - Minutes**

Resolved:

That the minutes of the meeting of the Licensing Sub-Committee held on 21 September 2018 be confirmed as a true record and signed by the Chair.

5 **The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018.**

Michelle James, Licensing Policy Manager, presented a report asking Members to:

1. Consider and approve the fees and charges proposed to provide the service for the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018.
2. Agree to the proposed changes in the Scheme of Delegation.
3. Note the implementation of the new Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018.

Members discussed the new regime and the Licensing Policy Manager answered any questions they had.

Councillor Brackenridge withdrew from the meeting at 1100 hours.

Resolved:

That Members of the Licensing Committee:

1. Considered and approved the fees and charges proposed to provide the service for the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018.
2. Agreed to the proposed changes in the Scheme of Delegation.
3. Noted the implementation of the new Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018.

CITY OF
WOLVERHAMPTON
COUNCIL

Licensing Sub-Committee

Minutes - 21 November 2018

Attendance

Members of the Licensing Sub-Committee

Cllr Alan Bolshaw (Chair)
Cllr Keith Inston
Cllr Wendy Thompson

Employees

Elaine Moreton
Sarah Hardwick
Donna Cope

Section Leader, Licensing
Senior Solicitor
Democratic Services Officer

Item No. *Title*

1 Apologies for absence

There were no apologies for absence.

2 Declarations of interest

There were no declarations of interest.

3 Exclusion of press and public

Resolved:

That, in accordance with section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following items of business as they involve the likely disclosure of exempt information falling within paragraph 1 of Schedule 12A to the Act relating to any individual.

4 Application for a Private Hire Vehicle Driver's Licence (AM)

The Chair invited Elaine Moreton, Section Leader, Licensing, and the Applicant (AM) into the Hearing. AM was accompanied by a friend, Ms Aleema Khan. The Chair led round-table introductions and outlined the procedure to be followed.

The Section Leader, Licensing, carefully outlined the report regarding an application for a Private Hire Vehicle Driver's Licence, which had been circulated to all parties in advance of the meeting. The matter had been referred to the Sub-Committee by an authorised employee of the council for further consideration to be given as to whether AM was a fit and proper person to hold a Private Hire Vehicle Driver's Licence due to the information outlined in the report.

All parties were invited to question the Section Leader on the report and AM disputed some of the details, claiming they were incorrect.

The Chair invited AM to make representations.

AM acknowledged some of his convictions and detailed the situations that had led to them. He also disputed some of the details within the report and stated that he did not remember certain incidents.

All parties were invited to question AM on his submission.

In response to questions from the Sub-Committee, Senior Solicitor and the Section Leader, AM elaborated further on the situations that lead to his convictions and continued to dispute a number of other details within the report.

The Chair invited AM to make a final statement.

AM acknowledged he had made mistakes and apologised. He stated he was a single parent and needed to support his family.

AM, Ms Khan and the Section Leader left the room to allow the Sub-Committee to determine the matter.

The Chair invited all parties to return.

The Chair detailed the decision of the Sub-Committee.

Resolved:

That having considered all the evidence both written and oral, provided at the hearing, the Sub-Committee is not satisfied that AM is a fit and proper person and therefore, in accordance with Section 51 of the Local Government (Miscellaneous Provisions) Act 1976, a Private Hire Vehicle Driver's Licence is not granted. This decision is made in accordance with paragraph 5.1.25(b) of the guidelines relating to the relevance of convictions and breaches of licence conditions agreed by the Licence Committee on 12 July 2017.

The Senior Solicitor detailed the applicant's right of appeal to the Magistrates' Court against the decision of the Sub-Committee, within 21 days of receipt of the decision, and the potential costs of doing so.

5 Review prior to renewal of a Private Hire Vehicle Operator's Licence (BC)

The Chair invited Elaine Moreton, Section Leader, Licensing, and Mr Schiller, the Applicant's Solicitor, into the Hearing. The Chair led round-table introductions and outlined the procedure to be followed.

Mr Schiller, Solicitor representing the Applicant (ASD) explained to the Sub-Committee that his client was unable to attend the hearing due to miscommunication. He stated that he was not comfortable to continue without his client and requested that the Hearing be adjourned.

The Sub-Committee adjourned at 15:20 hours.

The Hearing reconvened at 15:25 hours.

Resolved:

The Sub-Committee agreed to adjourn the hearing until a further date.

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CITY OF
WOLVERHAMPTON
COUNCIL

Licensing Sub-Committee

Minutes - 23 November 2018

Attendance

Members of the Licensing Sub-Committee

Cllr Alan Bolshaw (Chair)
Cllr Rita Potter
Cllr Jane Stevenson

Employees

Elaine Moreton	Section Leader, Licensing
Richard Phillips	Solicitor
Donna Cope	Democratic Services Officer

Item No. *Title*

1 Apologies for absence

There were no apologies for absence.

2 Declarations of interest

There were no declarations of interest.

3 Exclusion of press and public

Resolved:

That, in accordance with section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following items of business as they involve the likely disclosure of exempt information falling within paragraph 1 of Schedule 12A to the Act relating to any individual.

4 Application for a Private Hire Vehicle Driver's Licence (MI)

The Chair invited Elaine Moreton, Section Leader, Licensing, and the Applicant (MI) into the Hearing. The Chair led round-table introductions and outlined the procedure to be followed.

The Section Leader, Licensing, outlined the report regarding an application for a Private Hire Vehicle Driver's Licence, which had been circulated to all parties in advance of the meeting. The matter had been referred to the Sub-Committee by an authorised employee of the council for further consideration to be given as to whether MI was a fit and proper person to hold a Private Hire Vehicle Driver's Licence due to the information outlined in the report.

MI confirmed that the information contained within the report was accurate.

All parties were invited to question the Section Leader on the report. No questions asked.

The Chair invited MI to make representations.

MI discussed his current occupation and detailed his personal circumstances. He explained that he had been young and vulnerable and fallen into the wrong crowd. He stated he was now a changed person and family man.

All parties were invited to question MI on his submission.

In response to questions from the Sub-Committee, Section Leader and Solicitor, MI elaborated further on his personal circumstance and occupation. He discussed the situations that lead to his convictions and explained how he was now rehabilitated.

MI requested that the Sub-Committee received several character references from associates of his. The Sub-Committee agreed to the request (copies filed with these minutes).

The Chair invited MI to make a final statement.

MI stated that he had learnt from his mistakes and was a changed person.

MI and the Section Leader left the room to allow the Sub-Committee to determine the matter.

The Chair invited all parties to return.

The Chair detailed the decision of the Sub-Committee.

Resolved:

Having considered all the evidence presented at the Hearing, both written and oral, the Sub-Committee resolved to depart from the guidelines and granted MI a Private Hire Vehicle Driver's Licence for a period of 12 months subject to the following:

- That the Applicant completed an Anger Management Course at his own expense.
- That the Applicant attended a meeting with Licensing Services after 6 months to review his conduct and driving record to determine whether there was any reason that the licence should not continue.

Granting of the licence was also subject to MI passing the knowledge test, a satisfactory medical, and producing documentation of his immigration status/ right to work in the UK.

The Solicitor detailed the applicant's right of appeal to the Magistrates' Court against the decision of the Sub-Committee, within 21 days of receipt of the decision, and the potential costs of doing so.

5 Application for a Private Hire Vehicle Driver's Licence (WH)

The Chair invited Elaine Moreton, Section Leader, Licensing, and the Applicant (WH) into the Hearing. The Chair led round-table introductions and outlined the procedure to be followed.

The Section Leader, Licensing, outlined the report regarding an application for a Private Hire Vehicle Driver's Licence, which had been circulated to all parties in advance of the meeting. The matter had been referred to the Sub-Committee by an authorised employee of the council for further consideration to be given as to whether WH was a fit and proper person to hold a Private Hire Vehicle Driver's Licence due to the information outlined in the report.

WH confirmed that the information contained within the report was accurate.

All parties were invited to question the Section Leader on the report. No questions were asked.

The Chair invited WH to make representations.

WH requested that the Sub-Committee received a personal written statement. The Sub-Committee agreed to the request (copy filed with these minutes).

WH stated that his wrongdoings happened a long time ago and he hadn't committed any further offences.

All parties were invited to question WH on his submission.

In response to questions from the Sub-Committee, Solicitor and the Section Leader, WH discussed the situations that lead to his convictions and outlined the reasons for his application.

The Chair invited WH to make a final statement. WH did so.

WH and the Section Leader left the room to allow the Sub-Committee to determine the matter.

The Chair invited all parties to return.

The Chair detailed the decision of the Sub-Committee.

Resolved:

That having considered all the evidence both written and oral, provided at the hearing, the Sub-Committee was not satisfied that WH was a fit and proper person and therefore, in accordance with Section 51 of the Local Government (Miscellaneous Provisions) Act 1976, a Private Hire Vehicle Driver's Licence was not granted. This decision was made in accordance with paragraph 5.1.13(b) of the guidelines relating to the relevance of convictions and breaches of licence conditions agreed by the Licence Committee on 12 July 2017.

The Solicitor detailed the applicant's right of appeal to the Magistrates' Court against the decision of the Sub-Committee, within 21 days of receipt of the decision, and the potential costs of doing so.

6 Application for a Private Hire Vehicle Driver's Licence (IA)

The Chair invited Elaine Moreton, Section Leader, Licensing, and the Applicant (IA) into the Hearing. The Chair led round-table introductions and outlined the procedure to be followed.

The Section Leader, Licensing, outlined the report regarding an application for a Private Hire Vehicle Driver's Licence, which had been circulated to all parties in advance of the meeting. The matter had been referred to the Sub-Committee by an authorised employee of the council for further consideration to be given as to whether IA was a fit and proper person to hold a Private Hire Vehicle Driver's Licence due to the information outlined in the report.

IA confirmed that the information contained within the report was accurate.

All parties were invited to question the Section Leader on the report. No questions were asked.

The Chair invited IA to make representations.

IA discussed his personal circumstances and explained how he had matured. He stated that he had learnt from his mistakes and wanted to move forward with his life.

All parties were invited to question IA on his submission.

In response to questions from the Sub-Committee and Section Leader, IA discussed the situations that lead to his convictions and elaborated further on how he had changed.

The Chair invited IA to make a final statement.

IA stated that the offences were committed when he was young and he was now a reformed person.

IA and the Section Leader left the room to allow the Sub-Committee to determine the matter.

The Chair invited all parties to return.

The Chair detailed the decision of the Sub-Committee.

Resolved:

That having considered all the evidence both written and oral, provided at the hearing, the Sub-Committee was not satisfied that IA was a fit and proper person and therefore, in accordance with Section 51 of the Local Government (Miscellaneous Provisions) Act 1976, a Private Hire Vehicle Driver's Licence was not granted. This decision was made in accordance with paragraph 5.1.13(b) of the guidelines relating to the relevance of convictions and breaches of licence conditions agreed by the Licence Committee on 12 July 2017.

The Solicitor detailed the applicant's right of appeal to the Magistrates' Court against the decision of the Sub-Committee, within 21 days of receipt of the decision, and the potential costs of doing so.

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Non-Statutory Licensing Committee

20 March 2019

Report Title	Review of Fees and Charges for General Licensing and Miscellaneous Matters for 2019/2020	
Wards affected	All	
Accountable Director	Ross Cook, Service Director of City Environment	
Originating service	Licensing Services	
Accountable employee	Michelle James	Licensing Policy Manager
	Tel	01902 556796
	Email	michelle.james@wolverhampton.gov.uk
Report to be/has been considered by	None	

Recommendation for decision:

The Non-Statutory Licensing Committee is recommended to:

1. Approve the proposed fees and charges for General Licensing as set out in Appendix 1 with effect from 1 April 2019.

1.0 Purpose

- 1.1 To submit for consideration proposed fees and charges for 2019-2020 in relation to certain licences and licensed activities that are regulated by the Licensing Committee.

2.0 Background

- 2.1 The Council is empowered under statute to levy fees for the issue of local licences and permits.
- 2.2 The Council policy is to review its fees on an annual basis and introduce increases or decreases in line with the cost of providing the service. There is a requirement to pay due regard to the Council's social and economic policies.

3.0 Proposals for 2019-2020

3.1 General licensing

- 3.2 Certain licences, permits and registrations are subject to local control for fees and charges.
- 3.3 It is proposed that the existing fees and charges for General Licensing for the current year 2018-2019 remain unchanged for the coming year 2019-2020. These are detailed at **Appendix 1**.

4.0 Financial implications

- 4.1 It is proposed that the existing fees and charges for General Licensing for the current year 2018-2019 remain unchanged for the coming year 2019-2020.
- 4.2 Should the Licensing Committee agree with the recommendations in this report it is anticipated that the proposed discretionary fees and charges in Appendix 1 will ensure a cost-neutral service. [MK/07032019/X]

5.0 Environmental implications

- 5.1 There are no environmental implications arising from this report.

6.0 Legal implications

- 6.1 As per relevant legislation, the Council is able to recover its costs of providing a licence. The fees are set by the Council and unless set fees are enabled by the legislation, they should be on a cost-recovery basis only. This will have been considered in previous reports.
- 6.2 For each piece of legislation, there is a requirement to publish the new fees, and it would be deemed reasonable to publish before the fees are to take effect.

- 6.3 Fees for the Safety of Sports Grounds is new to 2019-2020. Section 6(1)(b) of the Safety of Sports Grounds Act 1975 (the 75 Act) enables the Secretary of State to make regulations authorizing Local Authorities to determine fees to be charged for safety certificates applications. The Safety of Sports Grounds Regulations 1987 (the 87 Regulations) are such regulations made under s6(1)(b).
- 6.4 Regulation 8 of the 87 Regulations provides that “a local authority may determine the fee to be charged in respect of an application for the issue, amendment, replacement or transfer of a safety certificate but such a fee shall not exceed an amount commensurate with the work actually and reasonably done by or on behalf of the local authority in respect of the application.” SH/06032019/B
- 7.0 Schedule of background papers**
- 7.1 None
- 8.0 Appendices**
- 8.1 Appendix 1 - General Licensing Fees and Charges Subject to local control.

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GENERAL LICENSING FEES AND CHARGES SUBJECT TO LOCAL CONTROL

	LICENCE	EXISTING CHARGE 2018/2019 £	PROPOSED CHARGE 2019/2020 £
1.	Riding Establishments	210	210
2.	Performing Animals	145	145
3.	Pet Shops	160	160
4.	Dog Breeding Licences	160	160
5.	Animal Boarding Establishments	160	160
6.	Home Boarding (up to 4 animals)	95	95
7.	Dangerous and Wild Animals (i) Initial (ii) Full (iii) Random Inspections	505 260 175	505 260 175
8.	Cosmetics etc. A. Premises (i) Acupuncture (ii) Tattooing (iii) Electrolysis (iv) Ear Piercing (v) Cosmetic Piercing (vi) Semi-Permanent Skin Colouring B. Persons - All Variation of Licence	105 35	105 35
9.	Poisons Act (i) Initial (ii) Alteration (iii) Maintain on list	55 35 45	55 35 45
10.	Sex Establishments (i) Initial (Shop or Cinema) (ii) Renewal (Shop or Cinema) (iii) Initial SEV (iv) Renewal SEV (v) Initial Joint (Shop/Cinema/Sev) (vi) Renewal Joint (Shop/Cinema/Sev) (vii) Transfer (viii) Variation	2,500 2,000 3,330 2,830 3,750 3,250 500 At cost	2,500 2,000 3,330 2,830 3,750 3,250 500 At cost

	LICENCE	EXISTING CHARGE 2018/2019 £	PROPOSED CHARGE 2019/2020 £
11.	Scrap Metal Dealers Act 2013 (3 Years) (i) Collectors (ii) Additional Collectors Copy of Licence (iii) Site (iv) Additional Site (v) Variation of Licence	180 50 500 275 55	180 50 500 275 55
12.	Highways Act 1980 (i) Table and Chairs (ii) A-Boards (iii) Goods on the Highway	25 25 25	25 25 25
13.	Clean Neighbourhoods and Environment Act 2005 (i) Distribution of Free Printed Matter (ii) Additional Badges (iii) 1 Day Consent (Up to 2 Persons) (iv) 7 Day Consent (Up to 2 Persons) (v) New small/medium business consent (2 days)	300 45 50 100 No charge	300 45 50 100 No charge
14.	Mini-Bus Permits and Disc (5 Years) (i) Initial (ii) Renewal (iii) Replacement	25 25 25	25 25 25
15.	The Safety of Sports Grounds Act 1975 To enable full cost recovery	NEW CHARGES	£70 per hour plus newspaper advert costs
16.	The Fire Safety and Places of Sport Act 1987 To enable full cost recovery	NEW CHARGES	£70 per hour plus newspaper advert costs

<p>CITY OF WOLVERHAMPTON COUNCIL</p>	<h2>Non-Statutory Licensing Committee</h2> <p>20 March 2019</p>
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Report title	Review of Fees and Charges for Street Trading Consents for 2019/2020	
Wards affected	All	
Accountable director	Ross Cook, Service Director of City Environment	
Originating service	Licensing Services	
Accountable employee(s)	Michelle James	Licensing Policy Manager
	Tel	01902 556796
	Email	michelle.james@wolverhampton.gov.uk
Report to be/has been considered by	None	

Recommendations for decision:

The Non-Statutory Licensing Committee is recommended to:

1. Approve the proposed fees and charges for Annual Street Trading Consents as set out in **Appendix 1** of this report with effect from 1 April 2019.
2. Approve the proposed fees and charges for Occasional/Temporary Street Trading Consents as set out in **Appendix 2** of this report with effect from 1 April 2019.

Recommendation for noting:

1. That a review of the Street Trading Policy provision is taking place.

1.0 Purpose

- 1.1 To submit for consideration proposed street trading fees and charges to take effect from 1 April 2019 and also to advise the Licensing Committee of arrangements for the control and regulation of street trading activities undertaken in the City.
- 1.2 To inform Licensing Committee of a review of Street Trading.

2.0 Background

- 2.1 In 1986 the Council adopted Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982, designating all streets in the City as “consent” streets, enabling the Council to control street trading activities. In general terms any trading on a “street”, with a few exceptions, requires “consent to trade”.
- 2.2 Licensing Services are responsible for issuing consents (including the collecting of fees) for street trading, whilst the enforcement responsibilities associated with street trading are currently undertaken by Environmental Health Licensing Compliance. This will become the sole responsibility of the licensing team from 1 April 2019.

3.0 Overview of local controls

- 3.1 The Council's constitution delegates the Council's functions relating to the processing, determination and management of street trading, under the Local Government (Miscellaneous Provisions) Act 1982, to the Licensing Committee.
- 3.2 A variety of different consents are issued which set controls such as location and approved times of operation. All consent locations are determined by an officer group from Regeneration, covering the disciplines of planning, highways design, highways enforcement etc.
- 3.3 Consents are agreed and defined based upon location within the City and time of operation. The following represents the location types:
 - Dudley Street
 - Bilston Street/Queen Street
 - Victoria Street/Skinner Street/Cleveland Street
 - Molineux Area (Football Consents)
 - Bilston Town Centre
 - Wednesfield Town Centre
 - Evening Consents
 - Other City Areas Food
 - Other City Areas Flowers
 - B Type Consents
 - Operating on Land Accessible to the Public Without Payment (Private Land)

Notes:

- All consents apply for a 12-month period only. There are no guarantees that successful applications for 2018/2019 will be successful in 2019/2020.
- Evening Consents permit trade at any location within a three-quarter mile radius of the Council's retail markets only between the hours of 21.00 and 05.00 hours and are typically issued for catering units.
- Other City Areas Food and Flower consents relate to the consent for traders on designated pitches in other City areas previously issued as mobile consents.
- 'B' Type Consents allow trading in any street in the City, except within a three-quarter mile radius of any Council market or other prohibited area. B Type Consents are typically issued for ice cream sales or snacks by means of a mobile unit.
- Operating on Land Accessible to the Public Without Payment (Private Land) relates to consents issued for food, non-food and Molineux match days.

4.0 Review of fees and charges 2019-2020

- 4.1 Paragraph 9 of Schedule 4 of the 1982 Act states "that a Council may charge such fees as they consider reasonable for the grant or renewal of a street trading consent".
- 4.2 Each year proposals for the review of fees and charges related to street trading are generated. These proposals are based upon the Council's policy of reviewing fees and charges annually at least in line with the increased cost of providing the service, whilst also having due regard to the Council's social and economic policies.
- 4.3 Having regard to the above it is recommended the fees and charges for street trading consents will remain unchanged for 2019-2020.
- 4.4 Appendix 1 sets out the proposed fees for annual street trading consents for 2019-2020 rounded to the nearest £5.00 for administrative purposes.
- 4.5 Appendix 2 sets out the proposed fees for occasional/temporary street trading consents for 2019-2020.

5.0 Street Trading Review

- 5.1 A review of Street trading is to be undertaken by Licensing Services. The review is to develop a policy and to ensure that the offer is adequate for the City. An updated report will be presented to Licensing Committee containing all findings and to request approval.

6.0 Financial implications

- 6.1 It is recommended the fees and charges for street trading consents will remain unchanged for 2019-2020.

- 6.2 Should the Licensing Committee agree with the recommendations in this report it is anticipated that overall income from the proposed fees and charges in Appendices 1 and 2 will cover the estimated cost of providing the service. [MK/06032019/Q]

7.0 Environmental implications

- 7.1 This report does not generate any direct environmental implications. However, the presence of street traders clearly impacts on the street scene environment.

8.0 Legal implications

- 8.1 Paragraph 9 of Schedule 4 of the 82 Act authorises Councils to charge fees for Street Trading, and provides for different fees depending on the duration, location and articles to be traded.
- 8.2 Paragraph 9(9) requires notice and publication, but only in the event the fees are new or varied. Consequently, there is no need to publish the new fees as they have not been varied since 2017. [LW/04032019/X]

9.0 Schedule of background papers

- 9.1 This report is a replica of the fees and charges for 2018-2019.

APPENDIX 1

Proposed Occasional/Temporary Street Trading Fees 2019-2020

LOCATION / TYPE	2018/2019 Existing Consent (£)	2019/2020 Proposed Consent (£)
City Centre (within Ring Road)		
Individual Week Days (Monday to Friday, excluding Bank Holidays)	30.00	30.00
Mid-Week Consent (Monday to Friday inclusive, excluding Bank Holidays)	110.00	110.00
Weekends (Saturday and Sunday inclusive)	110.00	110.00
Bank Holidays and Specialist Market Days	55.00	55.00
Bilston and Wednesfield Town Centres		
Individual Week Days (Monday to Friday, excluding Bank Holidays)	15.00	15.00
Mid-Week Consent (Monday to Friday inclusive, excluding Bank Holidays)	55.00	55.00
Weekends (Saturday and Sunday inclusive)	55.00	55.00
Bank Holidays and Specialist Market Days	30.00	30.00
Other Areas		
Individual Week Days (Monday to Friday, excluding Bank Holidays)	10.00	10.00
Mid-Week Consent (Monday to Friday inclusive, excluding Bank Holidays)	35.00	35.00
Weekends (Saturday and Sunday inclusive)	35.00	35.00
Bank Holidays and Specialist Market Days	15.00	15.00
Special Outdoor Event (i.e. City Show, Vaisakhi, Steam and Vintage Rally, etc)	Up to 165.00 per event	Up to 165.00 per event

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APPENDIX 2

Proposed Annual Street Trading Fees 2019-2020

LOCATION / TYPE	2018/2019 Existing Consent Annual Fee (£)	2019/2020 Proposed Consent Annual Fee (£)
Dudley Street	3380	3380
Bilston Street/Queen Street	2940	2940
Skinner Street/Cleveland Street/Victoria Street	2940	2940
Molineux Area (Football Consents)	690	690
Molineux Area (Other Events)	N/A	40
Bilston Town Centre	2170	2170
Wednesfield Town Centre	1990	1990
Evening Consents	1905	1905
Other City Areas Food	1300	1300
Other City Areas Flowers	440	440
B Type Consents*	460	460
Private Land Consent	95	95

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<p>CITY OF WOLVERHAMPTON COUNCIL</p>	<h2>Non-Statutory Licensing Committee</h2> <p>20 March 2019</p>
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Report title	Review of Fees and Charges for Hackney Carriage and Private Hire Licensing functions for 2019-2020	
Wards affected	All	
Accountable director	Ross Cook, Service Director of City Environment	
Originating service	Licensing Services	
Accountable employee(s)	Chris Howell	Licensing Manager
	Tel	01902 554554
	Email	chris.howell@wolverhampton.gov.uk
Report to be/has been considered by	None	

Recommendations for decision:

The Non-Statutory Licensing Committee is recommended to:

1. Approve the proposed fees and charges for Hackney Carriage and Private Hire Vehicle Drivers as set out in Appendix 1 with effect from 1 May 2019.
2. Approve the proposed fees and charges for Hackney Carriage and Private Hire Vehicles as set out in Appendix 2 with effect from 1 May 2019.
3. Approve the introduction of a two years badge for Hackney Carriage and Private Hire Vehicle Drivers.

Recommendations for noting:

The Non-Statutory Licensing Committee is asked to:

1. Note the working fund transfer to the reserve.

1.0 Purpose

- 1.1 To approve the proposed fees and charges for licences relating to hackney carriages, private hire vehicles, drivers, private hire vehicle operators and council approved VOSA testing stations for 2019-2020

2.0 Background

- 2.1 The Council is empowered by statute to levy fees and charges in respect of licences for hackney carriages, private hire vehicles, drivers and their operators. The fees charged must be reasonable in relation to costs incurred in the issue, administration and enforcement of such licences. Council policy is that fees and charges should be reviewed annually and reflect the cost of providing the service.
- 2.2 City of Wolverhampton Council has significantly increased staff numbers to cope with the unprecedented growth in the number of private hire licenses. This has seen the numbers of employees increase from 11 full time employees in 2014 to the current structure of 60 full time employees.
- 2.3 Counsel opinion has been sought on proposals requested from the trade and a desire from the Council for reducing fees, in order to encourage the uptake, for hybrid, ultra low emission and wheelchair accessible vehicles. The advice from Counsel is that this practice would not be permissible as the reduced fees would effectively be a subsidy funded by those paying the full fee.

3.0 Proposals for 2019-2020 Driver fees

- 3.1 In September 2016 the online platform for new driver applications was launched, this was followed closely by new vehicle applications. Further development has enabled the renewal applications for drivers and vehicles to be made online. The online platform together with the council's business friendly approach has resulted in a large increase in the number of applications received and processed by Licensing Officers.
- 3.2 The Local Government (Miscellaneous Provisions) Act 1976 Section 53 refers to the driver licence fees and states that the fee must be based on the cost of issue and administration of a driver licence. This includes staffing, accommodation, stationery and other such associated costs.
- 3.3 In 2017-2018 there was a surplus income for licensed driver and vehicles of £845,000. This was placed in the licensing reserve account which gave a surplus reserve balance of £904,000. Income generated in the year 2018-2019 has negated the need to dip into the reserve fund.
- 3.4 The 2017-2018 income from Taxi and private hire licensing was £2.4million. On advice from Counsel it is proposed to carry forward a surplus of 25% of the income to maintain a working fund, this equates to £600,000.

This enables £304,000 to be used to reduce fees for the coming year.

- 3.5 The income split for drivers and vehicles is 40% driver generated. It is proposed that the excess driver income be used to reduce the cost of a driver application:

	No. Licensed as of 1 January 2019	Reserve amount drivers £	Proposed reduction: Reserve / No licensed (rounded up)
Driver	12,237	£ 121,600	£ 10

This reduction is carried through to the three years licences.

- 3.6 Online application facilities for dual applications have not yet been made available. Therefore, the savings made from streamlining application processes has not yet been achieved for dual driver licences, it is therefore proposed not to amend these types of fee.
- 3.7 On 8 February 2017 the Licensing Committee approved the introduction of a fast track option, at an additional fee, for anyone wishing to fast track a new/renewal driver application. This has proved very popular especially for drivers who forget to submit their renewal on time and could potentially be off the road for a period of time. This service is delivered outside normal office hours.
- 3.8 The £100 fee reflects additional costs incurred i.e. opening of the Civic Centre outside normal working hours, associated accommodation costs, staff overtime and all on costs. It is not proposed to change this fee.
- 3.9 The cost of new and third year Disclosure and Barring Service (DBS) checks are not covered by this report as they are determined by Disclosure and Barring Service (DBS) and our external providers.
- 3.10 Worcestershire County Council in partnership with Wolverhampton City Council have delivered the existing Driver Training Scheme for new hackney carriage and private hire vehicle driver applicants since 2008.
- 3.11 On 22 July 2015 the Licensing Committee approved and endorsed a revised driver training programme for hackney carriage and private hire vehicle driver applicants.
- 3.12 The training has been continuously rebalanced to focus on the safeguarding of children and the role taxi drivers can play in tackling child sexual exploitation issues.
- 3.13 Worcestershire County Council incur all the costs associated with the training and receive all the income from drivers.
- 3.14 On 29 November 2017 the Licensing Committee authorised the introduction of an administrative charge to recover costs for processing immigration requests on behalf of applicants who cannot provide documentation evidencing their right to work in the UK.

The administrative charge commenced 1 January 2018 and it is not proposed to amend this charge.

- 3.15 Drivers who apply to Wolverhampton are initially issued a one year driver licence. At the time of application, they are required to undergo an enhanced dis-barring service (DBS) check and agree a three-year DVLA mandate for checks to be made on their driving licence. After the initial one year licence they are then able to apply for a three year driver licence, but must then complete another DBS and DVLA mandate to cover their three year licence period. This is an additional and unnecessary cost burden for the drivers. To enable drivers to obtain maximum value from there original DBS and DVLA mandate, it is proposed to introduce a two year licence so the DBS, DVLA and driver licence can all run concurrently.
- 3.16 If this proposal is approved, it will not be implemented immediately as there will be significant changes required to the online application system.
- 3.17 A low entry fee for applicants in receipt of Jobseekers allowance was introduced to enable and encourage people into work. The full application fee has been substantially reduced since this low entry fee was introduced and there has not been a 'Jobseeker' application for more than three years. It is therefore prosed to remove this option from the fees and charges.
- 3.18 The proposed fees and charges for Hackney Carriage and Private Hire Vehicle Drivers for 2019-2020 is set out in Appendix 1

4.0 Proposals for 2019-2020 Vehicle and Operator Fees

- 4.1 The proposals for 2019-2020 have been developed in accordance with Council policy and the desire to minimise costs to the private hire and hackney carriage trade whilst ensuring that public safety is not compromised and the vehicle licensing function operates on a cost neutral basis.
- 4.2 The Local Government (Miscellaneous Provisions) Act 1976 Section 70 refers to the vehicle and operator licence fees and states that the fee must cover:
- the reasonable cost of the carrying out by or on behalf of the district council of inspections of hackney carriages and private hire vehicles for the purpose of determining whether any such licence should be granted or renewed;
 - the reasonable cost of providing hackney carriage stands; and
 - any reasonable administrative or other costs in connection with the foregoing and with the control and supervision of hackney carriages and private hire vehicles
- 4.3 The 2017-2018 income from Taxi and private hire licensing was £2.4million. On advice from Counsel it is proposed to carry forward a surplus of 25% of the income to maintain a working fund, £600,000.

This enables £304,000 to be used to reduce fees for the coming year.

- 4.4 The income split for drivers and vehicles is 60% vehicle generated. It is proposed that the excess vehicle income be used to reduce the cost of a vehicle application:

	No. Licensed as of 1 January 2019	Reserve amount drivers	Proposed reduction: Reserve / No licensed (rounded up)
Vehicle	8,417	£ 182,400	£ 22

- 4.5 Processing of dual licence applications is not yet available online, it is therefore not proposed to amend this category of fee.
- 4.6 The fees for vehicles over ten years of age are not proposed to change. This is to encourage younger, environmentally cleaner vehicles onto the fleet.
- 4.7 On 8 February 2016 the Licensing Committee approved the introduction of a fast track option, at an additional fee, for anyone wishing to fast track a new/renewal vehicle application. This service has benefited the trade significantly by allowing new/renewal vehicles to be licensed within one working day. This service is delivered outside normal office hours.
- 4.8 The £180 fee reflects additional costs incurred i.e. opening of the Culwell Street outside normal working hours, associated accommodation costs, staff overtime and all on costs. It is not proposed to change this fee.
- 4.9 It is proposed not to amend the fees for Operators.
- 4.10 The proposed charges for 2019-2020 are detailed at Appendix 2 to this report.

5.0 Financial implications

- 5.1 Should the Licensing Committee agree with the recommendations in this report it is anticipated that overall income from the proposed fees and charges in Appendices 1 and 2 will cover the estimated cost of providing the service. [MK/12032019/E]

6.0 Legal implications

- 6.1 Section 53 of the Local Government (Miscellaneous Provisions) Act 1976 deals with drivers' licences for hackney carriage and private hire vehicles. It permits the Council to recover such a fee as they consider reasonable with a view to recovering the costs of issue and administration.
- 6.1 Section 70 of the 1976 Act provides that a district council may charge such fees for the grant of vehicle and operators' licences as may be resolved by them to cover the cost of providing stands and reasonable administrative or other costs in connection with the control and supervision of hackney carriage and private hire vehicles.

Section 70 goes on to provide that public notice of new charges in relation to operators and vehicles is required to be given in a local newspaper. The closing date for the receipt of objections must not be less than 28 days after the date of publication. Should objections be received, consideration must be given to them, and another date for implementation may have to be specified. Any objections received will be reported to the Committee for consideration. However, if there are no objections, the new charges will come into effect on the 1 May 2019.

- 6.2 The fees charged must be reasonable in relation to costs incurred in the issue, administration and enforcement of such licences. [SH/06032019/A]

7.0 Equalities implications

- 7.1 There are no direct equalities implications arising from this report.

8.0 Environmental implications

- 8.1 There are no direct environmental implications arising from this report.

9.0 Schedule of background papers

- 9.1 Licensing Committee - 16 January 2013 - Fees and charges for hackney carriage and private hire licensing functions 2013-2014.

Licensing Committee - 26 February 2014 - Fees and charges for hackney carriage and private hire licensing functions 2014-2015.

Licensing Committee - 21 January 2015 - Fees and charges for hackney carriage and private hire licensing functions 2015-2016.

Licensing Committee – 22 July 2015 – Revisions to hackney carriage and private hire vehicle, driver and operator criteria.

Licensing Committee – 20 January 2016 – Fees and charges for hackney carriage and private hire licensing functions 2016-2017.

Licensing Committee – 8 February 2017 – Review of Fees and Charges for Hackney Carriage and Private Hire Licensing functions for 2017-2018.

Licensing Committee – 29 November 2017 - Hackney Carriage and Private Hire Vehicle Driver's and Operator's Right to Work Checks

Licensing Committee – 24 January 2018 - Review of Fees and Charges for Hackney Carriage and Private Hire Licensing functions for 2018-2019.

APPENDIX 1

**PROPOSED FEES AND CHARGES FOR HACKNEY CARRIAGE AND
PRIVATE HIRE LICENCES 2019/2020**

	LICENCE TYPE/FUNCTION	CHARGES AGREED FOR 2018/2019 £	PROPOSED CHARGES FOR 2019/2020 £
1.	DRIVERS		
	(i) Hackney Carriage/Private Hire 1 Year New	69	59
	(ii) Hackney Carriage/Private Hire 1 Year Renewal / 2 Year Renewal	69 / N/A	59 / 110
	(iii) Job Seekers Allowance 1 Year New	35	N/A
	(iv) Hackney Carriage/Private Hire 3 Year New/Renewal	175	140
	(v) New/Renewal Dual Hackney Carriage/Private Hire	105	105
	(vi) New 3 year Dual Hackney Carriage/Private Hire	240	240
	(vii) Conversion from Hackney Carriage/Private Hire to Dual Licence.	80 (plus testing fees)	80 (plus testing fees)
	(viii) Fast Track New/Renewal	100	100
	(ix) Hackney Carriage/Private Hire New Applicants One Day Driver Training Course/Test	40	40
	(x) Hackney Carriage/Private Hire New Applicants Driver Training Immediate Re- test	15	15
	(xi) Hackney Carriage / Private Hire New Applicants One Day Driver Training Re-sit	40	40
	(xii) Hackney Carriage/New Applicants Practical Driving Assessment	79	79
	(xiii) Immigration check	125	125

APPENDIX 2

	LICENCE TYPE/FUNCTION	CHARGES AGREED FOR 2018/2019 £	PROPOSED CHARGES FOR 2019/2020 £
2.	VEHICLES Hackney Carriage (i) 0 to 10 yrs old 1 Year (ii) Over 10 yrs old and under 16 yrs old 1 Year or 1 st 6 Months (iii) Fast Track New/Renewal (iv) Exceptional Condition Assessment required at 16 years and each subsequent 6 months	 207 299 169 180 120	 185 299 169 180 120
	Private Hire (i) 0 to 10 yrs old 1 Year (ii) Over 10 yrs old and under 12 yrs old 1 Year or 1 st 6 Months (iii) Fast Track New/Renewal	 207 299 169 180	 185 299 169 180
3.	PRIVATE HIRE OPERATORS (i) New 1 Year (ii) Renewal 1 Year (iii) New 5 Year (iv) Renewal 5 Year	 1077 785 3400 3140	 1077 785 3400 3140
4.	HACKNEY CARRIAGE/PRIVATE HIRE VEHICLE TESTING FACILITIES Council approved VOSA registered garages.	 150	 150

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<p>CITY OF WOLVERHAMPTON COUNCIL</p>	<h2>Non-Statutory Licensing Committee</h2> <p>20 March 2019</p>
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Report title	Update – Government Response to the Report of the Task and Finish Group on Taxi and Private Hire Vehicle Licensing	
Wards affected	All	
Accountable director	Ross Cook, Service Director of City Environment	
Originating service	Licensing Services	
Accountable employee(s)	Chris Howell	Licensing Manager
	Tel	01902 554554
	Email	chris.howell@wolverhampton.gov.uk
Report to be/has been considered by	None	

Recommendations for noting:

The Non-Statutory Licensing Committee is asked to:

1. Note the content of the report.
2. Note that the Licensing Services Manager, in consultation with the Chair of Licensing, will respond to the consultation on behalf of the Licensing Authority.

1.0 Purpose

- 1.1 To provide an initial overview of the DfT's draft statutory guidance to licensing authorities in England published on 12 February 2019 and the potential impacts of the guidance on the Council's licensing functions.

2.0 Background

- 2.1 A Task and Finish Group on Taxi and Private Hire Vehicle Licensing was established in September 2017. The remit was to gather evidence relating to issues related to licensing authority powers, as set out in legislation and guidance, and make recommendations to Government.
- 2.2 The Task and Finish Group submitted its report to the Secretary of State for Transport on 9 July 2018 and made 34 recommendations. The full report is attached at Appendix 1
- 2.3 The Department for Transport released its response in February 2019. The full response is attached at Appendix 2.

3.0 Draft Statutory Guidance

- 3.1 The Department for Transport commenced a consultation exercise following the release of draft Statutory Guidance to licensing authorities. The consultation closes on 22 April 2019. The consultation document is attached at Appendix 3
- 3.2 The table below sets out the main points and compares them with our current practice.

Guidance topics and commentary	Initial assessment of local impact
A single Licensing Policy outlining the licensing authority's approach	Currently we have two main documents that outline our approach, one our drivers policy and another for vehicles, these could easily be merged and presented to Licensing Committee as a single policy.
Requirement for enhanced DBS checks	This is our current policy.
Requirement for certificate of good citizenship where an individual has lived outside of the UK in the last five years	This is our current policy.
Government support the use of the DBS Update Service	Not our current policy as we have concerns about the system requiring drivers to keep up direct debit payments to the DBS, we are in discussions about whether we can make these payments instead and recover costs through fees.

Governance structures. Government suggest that Licensing Committee should determine reviews and applications, save for those deemed 'urgent'.	Not our current approach and we do not believe this is appropriate. It dilutes the important policy development role of Councillors and slows the process. We will obtain Counsel's opinion on deviating from this recommendation.
Government encourages CCTV in licensed vehicles	No suggestion they will mandate CCTV in vehicles. Despite this we are actively exploring introducing this to our fleet.
DBS checks for PH Operators	This is our current policy.
DBS checks for PH Operator base staff	This is our current policy.
Working with Multi Agency Safeguarding Hubs (MASHs)	This is our current policy and the MASH are currently recruiting to post funded through licensing.
Cross Border Enforcement – Local protocols and signage in/on vehicle	We are already working with several other areas on local enforcement protocols. Our vehicle livery requirements need to be reviewed as a result on the guidance.
Two-tier working - review the effectiveness of current arrangements	Not applicable to CWC.
Safeguarding awareness training for all drivers	This is our current policy.
Language proficiency tests for all drivers	This is our current policy. However, we are aware of several, primarily hackney carriage, drivers that have been with the authority for 25+ years that this will impact on if the Government make it a requirement to apply retrospectively, although this may require primary legislation.
Convictions Policy	No significant deviation in the proposed policy from our current guidelines.

4.0 Summary

- 4.1 Whilst the draft guidance, if agreed as is, will require some local revisions to our current processes there are no major deviations from our existing model.

- 4.2 Whilst the majority of the recommendations are covered in the proposed statutory guidance, one key issue that is not is the proposal to introduce a requirement that journeys begin and end in the same licensing authority area the licence was issued. The Government have said they will explore this issue further, no formal proposal is included on this issue. The introduction of such a measure would, we believe, require primary legislation and take two to three years to implement.

5.0 Financial implications

- 5.1 There are no direct financial implications arising from this report. [MK/08032019/V]

6.0 Legal implications

- 6.1 There are no direct legal implication arising from this report. [SH/07032019/B]

7.0 Equalities implications

- 7.1 There are no direct equalities implications arising from this report.

8.0 Environmental implications

- 8.1 There are no direct environmental implications arising from this report.

9.0 Schedule of background papers

- 9.1 None.

Taxi and Private Hire Vehicle Licensing

Steps towards a safer and more robust system

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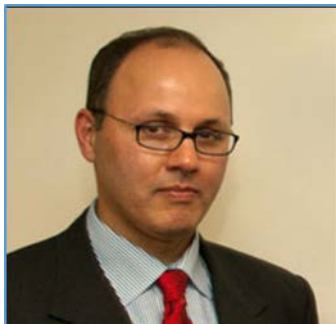
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Acknowledgement

In preparing this study and throughout the work of the Task and Finish Group the expertise, endeavour and understanding of its members has been exceptional.

Whilst preparing and writing this report I have been supported throughout this process by the officials at the Department for Transport; without exaggeration I conclude that none of what has been achieved would have been possible without the support of these officials who personify all that is admired about the British Civil Service.

I would like to wholeheartedly thank all those who have shared with the Group their valuable knowledge and experience in the trade and its regulation, and their views on the way forward.



Professor Mohammed Abdel-Haq

Chairman, the Task and Finish Group on Taxi and Private Hire Vehicle Licensing

Foreword

This report is about public wellbeing. Its genesis and mission were framed by the vision of the then Minister of State at the Department of Transport, the Rt. Hon. John Hayes CBE MP. In commissioning me to lead this vital work, he made clear that in his view the current regulatory regime for the taxi and private hire vehicle (PHV) sector is no longer fit for purpose.

In scoping the work together we were determined, above all, to chart a future which ensured public safety for all, a working environment for those in the trade which guaranteed fair working conditions and whilst maintaining a competitive, dynamic market, preserve the character, integrity and aesthetics of this time-honoured trade.

It is clear that the status quo whereby taxi and PHV licensing is inconsistent, ineffective and incompatible with the protection of vulnerable people must not be allowed to continue. Alongside other incidents of criminality, the events in Rotherham, Rochdale, Oxford and elsewhere have brought the fundamental flaws in the licensing regime into the sharpest possible focus; these oblige uncompromising determination to make taxis and PHVs safe for all.

Our efforts should also be informed by the Prime Minister's determination that the economy must work for all, and that those who, despite their hard work and skill, are 'just about managing' to provide for their families, must not become victims of the 'sweated economy' by those who accept little or no regard to the notion of social responsibility.

I have drawn on the insight of those who know best, and worked with a first-class group of colleagues. It is their sharp minds, commitment, professionalism and cool heads that have enabled the critical thinking and discussions that underpin my recommendations. Members of the Group have strongly held, sometimes polar opposite opinions and, while this means that it has not always been possible to reach a consensus, I am of no doubt that all have the best interests of passengers and the trade foremost in their thoughts. I am grateful to them all.

I learned from the collective wisdom of the Group that there is no single solution to the challenges facing the taxi and PHV sector. So, each aspect of this study and the consequent recommendation is dependent on others. The report aims to produce a holistic ecosystem and solution to the problems it was devised to address and, as a result, to set out a comprehensive platform for the changes necessary to protect and promote the public interests in the common good.

I would like to make it clear that it is in the public interest to allow, indeed encourage, competitive markets. The arrival of new businesses and new modes of business are the healthy expressions of a market economy. So, provided that public safety and employee working conditions are assured and that appropriate emphasis is placed on congestion, air quality and similar concerns, market change can be welcome.

Licensing conditions should be demanding, arguably to a greater degree than at present, but should not, in effect, prohibit market entry for new businesses.

As my task is now complete, the onus falls to the Secretary of State for Transport Chris Grayling, MP and his Ministers, in particular Nusrat Ghani, and Parliamentarians to take the ideas of the report further and to begin to craft the legislation that it will, in some instances, require. In other instances, I trust that Parliament and the Department will lead the cultural change which is necessary to ensure that passengers, workers, operators, and neighbouring authorities are treated fairly. I look forward to the Government's prompt response to this report in order to maintain the momentum for improvement. Undue delay would risk public safety.

Professor Mohammed Abdel-Haq

Chairman, the Task and Finish Group on Taxi and Private Hire Vehicle Licensing.

1. List of Recommendations


Recommendation 1

Notwithstanding the specific recommendations made below, taxi and PHV legislation should be urgently revised to provide a safe, clear and up to date structure that can effectively regulate the two-tier trade as it is now.



Recommendation 2

Government should legislate for national minimum standards for taxi and PHV licensing - for drivers, vehicles and operators (**see recommendation 6**). The national minimum standards that relate to the personal safety of passengers must be set at a level to ensure a high minimum safety standard across every authority in England.

 Government must convene a panel of regulators, passenger safety groups and operator representatives to determine the national minimum safety standards. Licensing authorities should, however, be able to set additional higher standards in safety and all other aspects depending on the requirements of the local areas if they wish to do so.

Recommendation 3

Government should urgently update its Best Practice Guidance. To achieve greater consistency in advance of national minimum standards, licensing authorities should only deviate from the recommendations in exceptional circumstances. In this event licensing authorities should publish the rationale for this decision.

Where aspects of licensing are not covered by guidance nor national minimum standards, or where there is a desire to go above and beyond the national minimum standard, licensing authorities should aspire to collaborate with adjoining areas to reduce variations in driver, vehicle and operator requirements. Such action is particularly, but not exclusively, important within city regions.

Recommendation 4

In the short-term, large urban areas, notably those that have metro mayors, should emulate the model of licensing which currently exists in London and be combined into one licensing area. In non-metropolitan areas collaboration and joint working between smaller authorities should become the norm.

Government having encouraged such joint working to build capacity and effectiveness, working with the Local Government Association, should review progress in non-metropolitan areas over the next three years.

Recommendation 5

As the law stands, 'plying for hire' is difficult to prove and requires significant enforcement resources. Technological advancement has blurred the distinction between the two trades.

Government should introduce a statutory definition of both 'plying for hire' and 'pre-booked' in order to maintain the two-tier system. This definition should include reviewing the use of technology and vehicle 'clustering' as well as ensuring taxis retain the sole right to be hailed on streets or at ranks.

Government should convene a panel of regulatory experts to explore and draft the definition.

Recommendation 6

Government should require companies that act as intermediaries between passengers and taxi drivers to meet the same licensing requirements and obligations as PHV operators, as this may provide additional safety for passengers (e.g. though greater traceability).

Recommendation 7

Central Government and licensing authorities should 'level the playing field' by mitigating additional costs faced by the trade where a wider social benefit is provided – for example, where a wheelchair accessible and/or zero emission capable vehicle is made available.



Recommendation 8

Government should legislate to allow local licensing authorities, where a need is proven through a public interest test, to set a cap on the number of taxi and PHVs they license. This can help authorities to solve challenges around congestion, air quality and parking and ensure appropriate provision of taxi and private hire services for passengers, while maintaining drivers' working conditions.

Recommendation 9

All licensing authorities should use their existing powers to make it a condition of licensing that drivers cooperate with requests from authorised compliance officers in other areas. Where a driver fails to comply with this requirement enforcement action should be taken as if the driver has failed to comply with the same request from an officer of the issuing authority.

Recommendation 10

Legislation should be brought forward to enable licensing authorities to carry out enforcement and compliance checks and take appropriate action against any taxi or PHV in their area that is in breach of national minimum standards (**recommendation 2**) or the requirement that all taxi and PHV journeys should start and/or end within the area that issued the relevant licences (**recommendation 11**).

Recommendation 11

Government should legislate that all taxi and PHV journeys should start and/or end within the area for which the driver, vehicle and operator (PHV and taxi – see **recommendation 6**) are licensed. Appropriate measures should be in place to allow specialist services such as chauffeur and disability transport services to continue to operate cross border.

Operators should not be restricted from applying for and holding licences with multiple authorities, subject to them meeting both national standards and any additional requirements imposed by the relevant licensing authority.

Recommendation 12

Licensing authorities should ensure that their licensing, administration and enforcement functions are adequately resourced, setting fees at an appropriate level to enable this.

Recommendation 13

Legislation should be introduced by the Government as a matter of urgency to enable Transport for London to regulate the operation of pedicabs in London.

Recommendation 14

The Department for Transport and Transport for London should work together to enable the issue of Fixed Penalty Notices for both minor taxi and PHV compliance failings. The Department for Transport should introduce legislation to provide all licensing authorities with the same powers.

Recommendation 15

All ridesharing services should explicitly gain the informed consent of passengers at the time of a booking and commencement of a journey.

Recommendation 16

The Department for Transport must as a matter of urgency press ahead with consultation on a draft of its Statutory Guidance to local licensing authorities. The guidance must be explicit in its expectations of what licensing authorities should be doing to safeguard vulnerable passengers. The effectiveness of the guidance must be monitored in advance of legislation on national minimum standards.

Recommendation 17

In the interests of passenger safety, particularly in the light of events in towns and cities like Rochdale, Oxford, Newcastle and Rotherham, all licensed vehicles must be fitted with CCTV (visual and audio) subject to strict data protection measures. Licensing authorities must use their existing power to mandate this ahead of inclusion in national minimum standards.

To support greater consistency in licensing, potentially reduce costs and assist greater out of area compliance, the Government must set out in guidance the standards and specifications of CCTV systems for use in taxis and PHVs. These must then be introduced on a mandatory basis as part of national minimum standards.

Recommendation 18

As Government and local authorities would benefit from a reduction in crime in licensed vehicles both should consider ways in which the costs to small businesses of installing CCTV can be mitigated.

Recommendation 19

National standards must set requirements to assist the public in distinguishing between taxis, PHVs and unlicensed vehicles. These should require drivers to have on display (e.g. a clearly visible badge or arm-band providing) relevant details to assist the passengers in identifying that they are appropriately licensed e.g. photograph of the driver and licence type i.e. immediate hire or pre-booked only.

All PHVs must be required to provide information to passengers including driver photo ID and the vehicle licence number, in advance of a journey. This would enable all passengers to share information with others in advance of their journey. For passengers who cannot receive the relevant information via digital means this information should be available through other means before passengers get into the vehicle.

Recommendation 20

All drivers must be subject to enhanced DBS and barred lists checks. Licensing authorities should use their existing power to mandate this ahead of inclusion as part of national minimum standards.

All licensing authorities must require drivers to subscribe to the DBS update service and DBS checks should be carried out at a minimum of every six months. Licensing authorities must use their existing power to mandate this ahead of inclusion as part of national standards.

Recommendation 21

Government must issue guidance, as a matter of urgency, that clearly specifies convictions that it considers should be grounds for refusal or revocation of driver licences and the period for which these exclusions should apply. Licensing authorities must align their existing policies to this ahead of inclusion in national minimum standards.

Recommendation 22

The Quality Assurance Framework and Common Law Police Disclosure Provisions must be reviewed to ensure as much relevant information of conduct as well as crimes, by taxi and PHV drivers (and applicants) is disclosed ensuring that licensing authorities are informed immediately of any relevant incidents.

Recommendation 23

All licensing authorities must use the National Anti-Fraud Network (NAFN) register of drivers who have been refused or had revoked taxi or PHV driver licence. All those cases must be recorded, and the database checked for all licence applications and renewals. Licensing authorities must record the reasons for any refusal, suspension or revocation and provide those to other authorities as appropriate. The Government must, as a matter of urgency, bring forward legislation to mandate this alongside a national licensing database (**recommendation 24**).

Recommendation 24

As a matter of urgency Government must establish a mandatory national database of all licensed taxi and PHV drivers, vehicles and operators, to support stronger enforcement.

Recommendation 25

Licensing authorities must use their existing powers to require all drivers to undertake safeguarding/child sexual abuse and exploitation awareness training including the positive role that taxi/PHV drivers can play in spotting and reporting signs of abuse and neglect of vulnerable passengers. This requirement must form part of future national minimum standards.

Recommendation 26

All individuals involved in the licensing decision making process (officials and councillors) must be obliged to undertake appropriate training. The content of the training must form part of national minimum standards.

Recommendation 27

Government must review the assessment process of passenger carrying vehicle (PCV) licensed drivers and/or consideration of the appropriate boundary between taxis/PHVs and public service vehicles (PSVs).

Recommendation 28

Licensing authorities must require that all drivers are able to communicate **in English** orally and in writing to a standard that is required to fulfil their duties, **including in emergency and other challenging situations**.

Recommendation 29

All licensing authorities should use their existing powers to require that the taxi and PHV drivers they license undergo disability quality and awareness training. This should be mandated in national minimum standards.

Recommendation 30

Licensing authorities that have low levels of wheelchair accessible vehicles (WAVs) in their taxi and PHV fleet should ascertain if there is unmet demand for these vehicles. In areas with unmet demand licensing authorities should consider how existing powers could be used to address this, including making it mandatory to have a minimum number of their fleet that are WAVs. As a matter of urgency, the Government's Best Practice Guidance should be revised to make appropriate recommendations to support this objective.

Recommendation 31

Licensing authorities which have not already done so should set up lists of wheelchair accessible vehicles (WAVs) in compliance with s.167 of the Equality Act 2010, to ensure that passengers receive the protections which this provides.

Recommendation 32

Licensing authorities should use their existing enforcement powers to take strong action where disability access refusals are reported, to deter future cases. They should also ensure their systems and processes make it as easy as possible to report disability access refusals.

Recommendation 33

The low pay and exploitation of some, but not all, drivers is a source of concern. Licensing authorities should take into account any evidence of a person or business flouting employment law, and with it the integrity of the National Living Wage, as part of their test of whether that person or business is "fit and proper" to be a PHV or taxi operator.

Recommendation 34

Government should urgently review the evidence and case for restricting the number of hours that taxi and PHV drivers can drive, on the same safety grounds that restrict hours for bus and lorry drivers.

2. Group membership and task

Introduction

- 1 The Task and Finish Group was brought together between July and August 2017 by the then Minister of State for Transport the Rt Hon John Hayes CBE MP, and met for the first time in September 2017.
- 2 The Group's objectives were confirmed in the Terms of Reference agreed by its members. The Group was tasked with:
 - Considering evidence relating to the adequacy of current taxi and PHV licensing authority powers, as set out in legislation and guidance, making recommendations for actions to address any priority issues identified. Specifically:
 - Identifying the current priority concerns regarding the regulation of the sector, based on evidence of impact and scale across England;
 - Considering, in particular, the adequacy of measures in the licensing system to address those issues;
 - Considering whether it would advise the Government to accept the recommendations made in the Law Commission's May 2014 report on taxi and PHV legislative reform relevant to the issues, and;
 - Making specific and prioritised recommendations, legislative and non-legislative, for action to address identified and evidenced issues.

Chairman of the Task and Finish Group

Mohammed Abdel-Haq is a professor in Banking and a Director of the Centre for Islamic Finance at the University of Bolton. Prof Abdel-Haq has a wealth of practical experience in a long career in banking in major financial institutions including Citi Bank, Deutsche Bank, and HSBC. He is the CEO of Oakstone Merchant Bank, Director of the Centre for Opposition Studies at the University of Bolton.

Professor Abdel-Haq was a member of the Council of the Royal Institute for International Affairs (Chatham House) from 2011-2014. In 2011 Prof Abdel-Haq was appointed Chairman of the UK Ministerial Advisory Group on Extremism in Universities and FE Colleges. He was Vice President of The Disability Partnership. Several of his articles on various issues related to public life have been published. Prof Abdel-Haq is a Freeman of the City of Oxford, a member of Amnesty International, a Fellow of the Royal Society of Arts. Prof Abdel-Haq was a Prospective Parliamentary Candidate for Swansea West in the 2005 General Election.

- 3 Membership of the Task and Finish Group:
- Helen Chapman - Director of Licensing, Regulation & Charging, Transport for London
 - Rt Hon Frank Field MP - Member of Parliament for Birkenhead
 - Saskia Garner - Policy Officer, Personal Safety, the Suzy Lamplugh Trust
 - Ellie Greenwood - Senior Adviser (Regulation), Local Government Association
 - Dr Michael Grenfell - Executive Director, Enforcement, Competition and Markets Authority
 - Anne Main MP - Member of Parliament for St Albans
 - Steve McNamara - General Secretary, Licensed Taxi Drivers' Association
 - Mick Rix - National Officer for Transport and Distribution, GMB union
 - Donna Short - Director, National Private Hire and Taxi Association
 - Steve Wright MBE - Chairman, Licensed Private Hire Car Association
- 4 To ensure that the Group heard views from a wide cross-section of the sector, it sought written evidence from a range of stakeholders, and further invited a selection of organisations to give oral evidence to the Group. The Group received submissions from 39 organisations and heard evidence from 11. Narrative summaries of the Group's early discussions and oral evidence sessions have been published alongside this report.
- 5 Secretariat functions for the Group were provided by officials in the Department for Transport.
- 6 Group members were each able to submit a short summary of their views of this report if they wished to do so; those summaries are attached at Annex A.

3. Market function and regulation

Current regulation

- 3.1 The UK Government is responsible for setting the regulatory structure within which local licensing authorities in England license the taxi and PHV trade. Regulation of taxi drivers in Scotland, Wales and Northern Ireland is devolved to the Scottish Government, Welsh Government and Northern Irish Assembly respectively. This report is focussed on the sector in England only.
- 3.2 Taxi and PHV licensing in England is decentralised; there are 293 licensing authorities. The national legislation is enabling in its nature, giving licensing authorities the discretion to set standards for drivers, vehicles and PHV operators that they deem to be appropriate. There are significant variations in both policy and practice between licensing authorities.

A changing industry

- 3.3 The Task and Finish Group heard from many stakeholders about the age of the legislation that underpins taxi and PHV licensing, and how it is no longer fit for the modern world. Taxi licensing in England outside Greater London rests on the Town Police Clauses Act of 1847, which of course pre-dates the motor car. PHV licensing outside Greater London rests on the Local Government (Miscellaneous Provisions) Act 1976; significantly less old, but still pre-dating the mobile phone and the internet, both of which are increasingly important means of booking taxis and PHVs. Greater London PHV legislation is newer still, passed in 1998, but this still pre-dates near universal mobile phone use, and smartphone apps.¹
- 3.4 Legislation has been out of date for many years now, but it seems that the rise of smartphone booking apps, in particular, has thrown the need for an urgent update on legislation into sharp focus. PHV legislation was written for a world where radio signals were unlikely to reach outside the licensing authority area, and people had to go to a local minicab office, or telephone it using a landline, to book a car. The new way of using apps to book PHVs has an ease (as well as safety features and usually value for money) that has proved very popular with passengers, but the law was not written with such technology in mind and so it can be hard to apply to what is happening in reality.
- 3.5 The effectiveness of the highly localised taxi and PHV licensing system has become unsustainable in the face of new internet and smartphone app-based technology and the public's widespread adoption of those methods of arranging taxi and PHV trips. Government, both central and local, should acknowledge such changes and manage

¹ For simplicity, this report does not describe the separate legislation that licenses PHVs in Plymouth, the Plymouth City Council Act 1975. For the level of detail in this report, it is sufficient to say that its provisions are broadly the same as those in the Local Government (Miscellaneous Provisions) Act 1976.

them to ensure that alongside the benefits being achieved, any negatives are minimised for passengers, the trade and wider communities.

- 3.6 We should also recognise that the changes in how the sector works are being driven by public demand. It is unacceptable to require the public to restrict its reasonable demands to support an outdated framework. It is the market and regulation that must adapt while maintaining high standards.
- 3.7 This report makes a number of specific recommendations about what Government and licensing authorities should do with their taxi and PHV powers, but there is an urgent overarching need to update legislation to reflect much better the reality of the way the trade is operating today. The Government implicitly acknowledged as much by asking the Law Commission to review the legislation in 2011, and it is deeply regrettable that the Government has not yet responded to the report and draft bill which the Commission subsequently published in 2014. Had the Government acted sooner the concerns that led to the formation of this Group may have been avoided.

Recommendation 1

Notwithstanding the specific recommendations made below, taxi and PHV legislation should be urgently revised to provide a safe, clear and up to date structure that can effectively regulate the two-tier trade as it is now.

- 3.8 Regardless of technological change, the Government should legislate for national minimum standards for the licensing of drivers, vehicles and operators. These minimum standards should be set at a high but still proportionate level that would in practice reduce the need (actual or perceived) for individual authorities to add their own further checks or conditions - **'minimum' should not be understood or treated as meaning 'minimal'**.
- 3.9 The current level of discretion given to local licensing authorities has resulted in very significant and unacceptable variations in standards. Failures by some authorities to uphold high standards for the assessment of drivers, for example, have contributed to the involvement of the taxi and PHV trade in well-documented sexual abuse and exploitation of hundreds of children.
- 3.10 Significant variation in standards and the application of these in the licensing of drivers provides an opportunity for individuals to 'forum shop' for licences. Although factors such as service levels and total licensing cost (i.e. inclusive of fees and training requirements) may provide the motivation for most individuals that seek to obtain a licence from an authority other than that in which they intend to predominantly work, this also enables individuals who would not be deemed 'fit and proper' by one authority to potentially obtain a licence elsewhere. The Government has a responsibility to set a national framework that enables safe and effective licensing, and local authorities have a wider responsibility towards all people both within and beyond their boundaries. Better information sharing amongst authorities is also essential, and this is discussed further in Chapter Four.
- 3.11 The Law Commission recommended that all PHV standards should be set at a national level without the ability for licensing authorities to add additional local conditions, but that taxi standards should be 'minimum standards' which could be supplemented locally. This, in the Commission's view, reflected the more localised

nature of taxi markets, particularly the ability to be hired immediately on the street and the requirement for local knowledge that this brings.

- 3.12 However, other recommendations made in this report would restore the link between licensing authorities and PHVs operating in their area and so national minimum standards are more appropriate in this framework. Taxis and PHVs serve a range of very different localities across England, and local licensing authorities should not be prevented from applying extra conditions to their drivers or vehicles where there is an evidenced need. An example of this might be vehicle conditions, to help address local air quality challenges.

Recommendation 2

Government should legislate for national minimum standards for taxi and PHV licensing - for drivers, vehicles and operators (**see recommendation 6**). The national minimum standards that relate to the personal safety of passengers must be set at a level to ensure a high minimum safety standard across every authority in England.

Government must convene a panel of regulators, passenger safety groups and operator representatives to determine the national minimum safety standards. Licensing authorities should, however, be able to set additional higher standards in safety and all other aspects depending on the requirements of the local areas if they wish to do so.

- 3.13 In advance of national minimum standards, the Department for Transport's Best Practice Guidance should be updated; both this and the forthcoming Statutory Guidance should be more directive, to make clearer the requirements and standards that the Government considers are necessary.
- 3.14 All licensing authorities should adopt the Department's recommendations, which should be viewed as the pre-cursors to national minimum standards. Early adoption of these recommendations will therefore assist in the transition for the industry. It will also assist joint working by licensing authorities and in particular support stronger cross-border enforcement activity. The Task and Finish Group heard about current and developing best practice in areas such as Merseyside, West Yorkshire and Greater Manchester. Common standards are the keystone of effective enforcement within regions, giving enforcement officers one set of rules to check drivers and vehicles against, regardless of which authority issued the licences.
- 3.15 There are few barriers that prevent the licensing of operators and drivers in multiple areas, but this is not true for the licensing of vehicles, as requirements in different areas may be contradictory. These variations can include colour; livery; vehicle age restriction both at first licensing and maximum age; whether tinted windows are permissible; seat configuration; engine size (or if electric vehicles can be licensed); and visible signage/ID conditions. It is in the interest of licensing authorities (ease of enforcement), passengers (increased availability) and the trade (increased flexibility to meet demand) for multiple licensing to be possible.

Recommendation 3

Government should urgently update its Best Practice Guidance. To achieve greater consistency in advance of national minimum standards, licensing authorities should only deviate from the recommendations after very careful consideration and in exceptional circumstances. In this event licensing authorities should publish the rationale for this decision.

Where aspects of licensing are not covered by guidance nor national minimum standards, or where there is a desire to go above and beyond the national minimum standard, licensing authorities should aspire to collaborate with adjoining areas to reduce variations in driver, vehicle and operator requirements. Such action is particularly, but not exclusively, important within city regions.

- 3.16 In the long term, greater consistency in licensing that will result from national minimum standards raises the question of the appropriate 'level' of taxi and PHV licensing - that is, which administrative level should undertake this function.
- 3.17 The licensing regime should be rationalised. People are increasingly mobile and the licensing regime should reflect the way in which the public use taxi and PHV services. There may be significant benefits to raising the administrative level of taxi/PHV licensing in some areas, whether as part of wider reform or as a distinct proposal.
- 3.18 An example of the benefits that may accrue from raising the licensing level can be seen in the way the system operates in Greater London in comparison to other large urban areas. Transport for London licenses 108,709 vehicles and 142,199 drivers. By way of contrast, Greater Manchester has 10 authorities licensing a total of 13,392 vehicles and 18,085 drivers².
- 3.19 Without Transport for London, London's 33 local authority districts would be able to set its own policies, requirements, taxi fare rates etc. In addition, each of these would have to replicate the associated administration, likely resulting in increased licensing costs which may ultimately increase passenger fares. Importantly, this would also result in immense enforcement problems in the absence of agreements between the districts to enable their enforcement officers to take action against each other's licensees.
- 3.20 The variance in the costs of obtaining licences (fees and to meet requirements) in different licensing areas within one conurbation can be considerable, by matters of hundreds of pounds. The example of licensing in Greater Manchester was highlighted in the Urban Transport Group's report 'Issues and options for city region taxi and private hire vehicle policy'³ (see fig. 1). The time and cost it takes to obtain a licence can also vary greatly and influence licensing behaviour, exacerbating the number of 'out-of-area' drivers. It is unsurprising that a driver, who is indeed fit and proper by any measure, may still choose to license in a neighbouring authority even if the costs are higher if they will get their licence in a few months rather than two years, and therefore start earning much sooner.
- 3.21 It has not been possible within the timeframe of the Task and Finish Group to make a recommendation as to precisely which authorities (and how many) should be

² Data as of 31 March 2017 - <https://www.gov.uk/government/statistics/taxi-and-private-hire-vehicles-statistics-england-2017>

³ http://www.urbantransportgroup.org/system/files/general-docs/UTC%20Taxi%20Report_FINALforweb.pdf

responsible for taxi/PHV licensing across the country. However, direct electoral accountability must be maintained to ensure that the needs of all residents in any expanded licensing areas are considered.

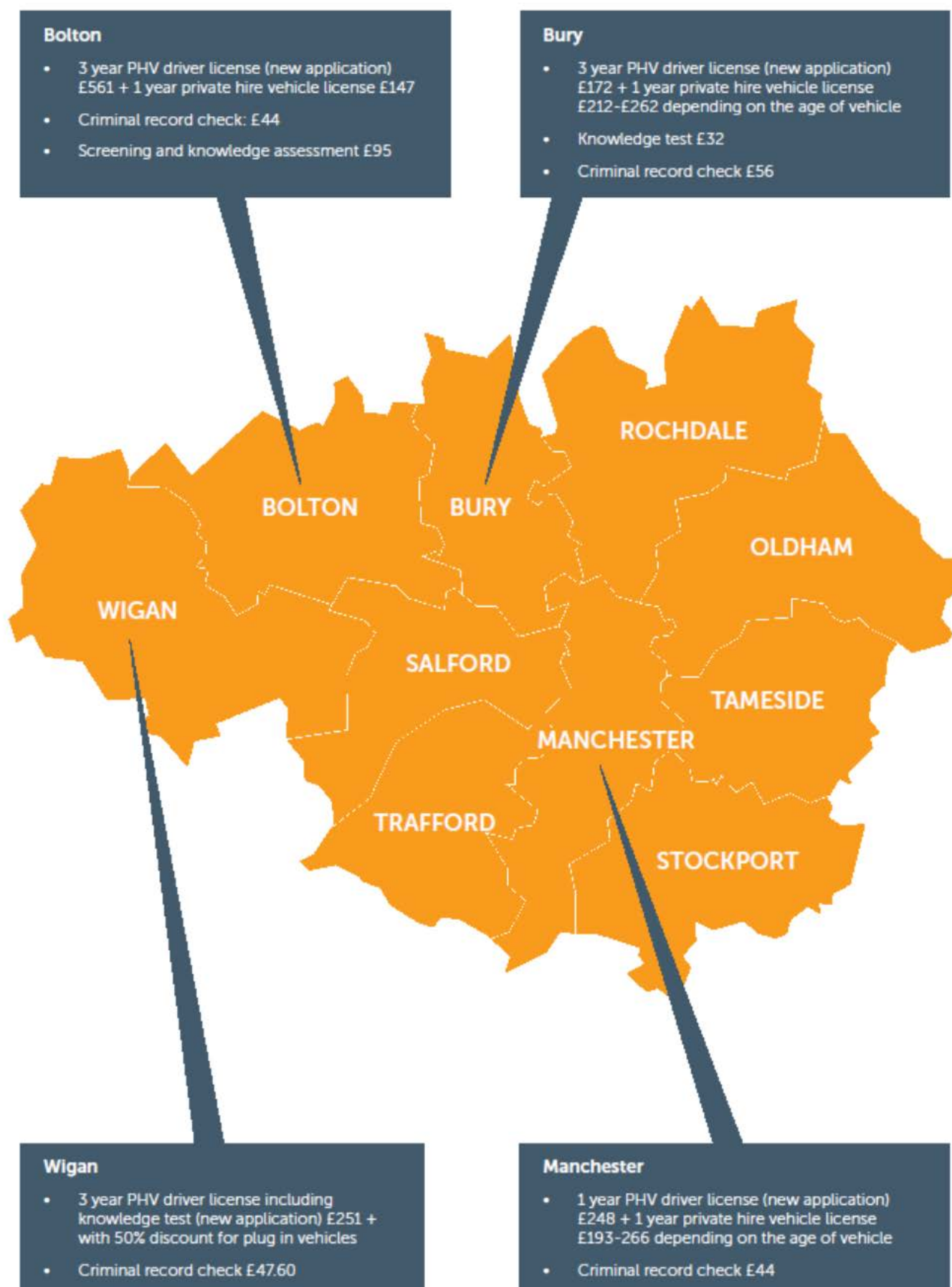
- 3.22 There seems a clear case that large urban areas, particularly those with Metro Mayors, should each be covered by one taxi and PHV licensing authority. Outside those areas, Government should strongly encourage much greater collaboration and joint working between neighbouring authorities, and subsequently review over time whether formal consolidation of more licensing areas is needed.
- 3.23 Where taxi licensing is concerned, larger licensing authorities areas could still retain more localised requirements of taxi regulation, such as quantity restrictions, fare setting, local knowledge testing at the same granular level as now (if deemed beneficial) through the use of taxi zones as are already used in a number of licensing authority areas.

Recommendation 4

In the short term, large urban areas, notably those that have metro mayors, should emulate the model of licensing which currently exists in London and be combined into one licensing area. In non-metropolitan areas collaboration and joint working between smaller authorities should become the norm.

Government having encouraged such joint working to build capacity and effectiveness, working with the Local Government Association, should review progress in non-metropolitan areas over the next three years

Figure 1 - Licensing in Greater Manchester ⁴



⁴ <http://www.urbantransportgroup.org/resources/types/reports/taxi-licensing-and-options-city-region-taxi-and-private-hire-vehicle-policy>

The two tier system

- 3.24 Only taxis are available for immediate hire, be it hailed in the street or at a designated rank. Nevertheless, the potentially very short gap between booking a PHV via an app and getting in the vehicle, may appear similar to members of the public to getting a taxi. Indeed the speed and convenience of using an app might be an easier and more attractive option in some circumstances than hailing a taxi.
- 3.25 This increased ease and speed of PHV hiring has significantly eroded the differentiation in service and the potential additional earnings that taxis' ability to ply for hire can provide. The regulation of the sector has not adapted to reflect this erosion. The Task and Finish Group unanimously agreed that there is still merit in the two-tier taxi and PHV system. For example, the setting of maximum fare tariffs for taxis provides an important element of passenger protection, as people are not able to research fares with alternative providers when hiring immediately. This can protect both visitors to an area, who may have no notion of the distance of their journey and what this might reasonably cost, and also local residents who are protected from the charging of excessively high fares when demand is high. At the same time, the unregulated fares of PHVs enable price competition to the benefit of many consumers.
- 3.26 The Group received many submissions which requested that a statutory definition of 'plying for hire' and 'pre-booked' should be introduced to make clearer the different services that taxis and PHVs can provide.
- 3.27 The Law Commission deliberated whether 'plying for hire' should be defined as part of its work, and ultimately recommended that different terms should be defined. In my view, if we are to be supportive of the two-tier system, it is inevitable that we must be able to effectively distinguish those two tiers. Defining 'plying for hire' is essential to that.

Recommendation 5

As the law stands, 'plying for hire' is difficult to prove and requires significant enforcement resources. Technological advancement has blurred the distinction between the two trades.

Government should introduce a statutory definition of both 'plying for hire' and 'pre-booked' in order to maintain the two-tier system. This definition should include reviewing the use of technology and vehicle 'clustering' as well as ensuring taxis retain the sole right to be hailed on streets or at ranks.

Government should convene a panel of regulatory experts to explore and draft the definition.

- 3.28 Taxi 'radio circuits' or taxi smart phone apps undertake a similar function as PHV operators but are not subjected to a 'fit and proper test' as they do not require a licence. PHV operators are under an obligation to ensure that the drivers and vehicles used are licensed by the same authority and that vehicles are insured and in a suitable condition.
- 3.29 A freedom of information request found that in the 12-month period running from 08 January 2016 to 07 January 2017, 1,290 Transport for London licensed taxis were reported for not having a second MOT test, six months from the date the taxi licence

was granted. However, it is unknown whether any of these vehicles were used for 'taxi radio circuit' work. Transport for London's data for the period April to December 2017 indicated that 27.1% of PHVs and 35.8% of taxis stopped were non-compliant⁵. In both cases, the total number non-compliant vehicles may be higher as these vehicles were identified as a result of 'on-street' enforcement.

- 3.30 It is true, of course, that unlike PHVs where there must be an operator to take a booking for the transaction to be legal, taxis are able to ply for hire. The booking recording function of a PHV operator evidences that a journey has been pre-booked and is essential in ensuring compliance and preventing a PHV from working illegally as a taxi. However, data from Transport for London's Black cabs and Minicabs Customer Satisfaction Survey (Q3 2016/17) evidence that a decreasing proportion of taxi journeys are engaged by hailing or at a rank, down from 83% in 2013 to 66% in 2016. This trend suggests that it is now appropriate for these intermediaries to be regulated in the same way as PHV operators are.

Recommendation 6

Government should require companies that act as intermediaries between passengers and taxi drivers to meet the same licensing requirements and obligations as PHV operators, as this may provide additional safety for passengers (e.g. though greater traceability).

- 3.31 Central Government and local regulators must acknowledge that new technology has fundamentally changed the market and act if the two-tier system is to remain viable. The competition between taxis and PHVs has increased, but taxis are often subject to additional regulation and, where purpose built vehicles are required, significantly higher costs than their PHV counterparts. If the benefits of a two tier system (e.g. there is a higher proportion of wheelchair accessible vehicles (WAVs) in the taxi fleet) are to be maintained, regulators should consider ways to support the taxi trade. The way to do this is not by 'punishing' the PHV trade, but by reducing the additional cost burden that WAV owners face.
- 3.32 Central Government has already recognised the different costs the two sectors can face; the maximum Plug-in-Taxi Grant (for the purchase of wheelchair accessible zero-emission capable (ZEC) purpose-built taxis) is £7,500, compared to the £4,500 maximum Plug-in-Car Grant available for other vehicles; this kind of approach should be explored further. Government and licensing authorities should explore additional financial assistance that could be provided to off-set the additional costs of WAV and/or ZEC vehicles.
- 3.33 There are various mechanisms that could encourage more rapid adoption of ZEC vehicles in area where air quality is or may become an issue; Transport for London's delicensing scheme, for example, provides a payment of up to £5,000 to delicense older (10+ years old) vehicles. All new taxis licensed by Transport for London must now be ZEC.
- 3.34 Taxis, particularly in London, are perceived by the public as reliable "work horses" on the roads for long hours every day. This perception could be at the forefront of changing opinions and attitudes towards electric vehicles, in general, and specifically

⁵ <https://tfl.gov.uk/cdn/static/cms/documents/phv-licensing-compliance-and-enforcement-january-2018.pdf>

as viable options for commercial and small goods vehicles. The wider benefits of supporting drivers to get such vehicles on the roads could be considerable.

- 3.35 Funding could be allocated to subsidise a tiered taxi and PHV licensing structure that exempts or reduces fees for zero emission capable vehicles and/or those which are wheelchair accessible. This would assist those who make the additional investment to use wheelchair and/or accessible vehicles such as the 'black cab' and reflect the additional benefits these would provide the public.

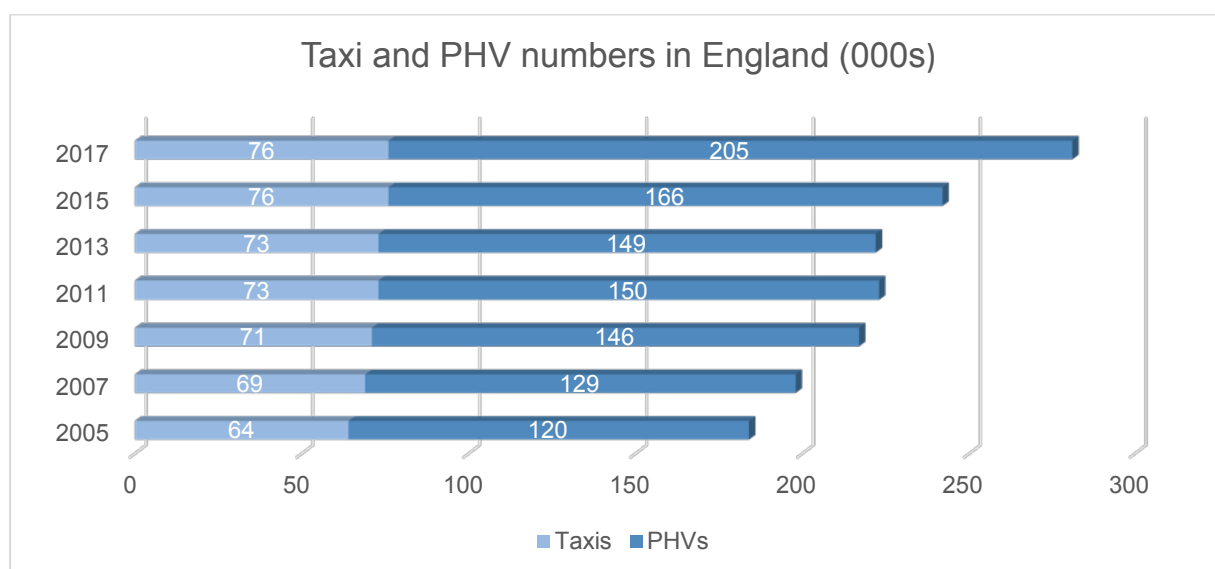
Recommendation 7

Central Government and licensing authorities should 'level the playing field' by mitigating additional costs faced by the trade where a wider social benefit is provided – for example, where a wheelchair accessible and/or zero emission capable vehicle is made available.

A growing industry

- 3.36 The sector has seen rapid growth in recent years. The total number of licensed taxis and PHVs in England reached record levels in 2017, increasing by 26% since 2011 to 281,000⁶. This growth has not been uniform across the two tiers, but was driven by the 37% increase in PHVs over the period, compared to the 3% increase in taxis. In 2017, 73% of all licensed vehicles in England were PHVs; in 2011 this proportion was 67%.
- 3.37 The increase in licensing numbers is also inconsistent across England; to give just some examples, the number of PHVs licensed by Transport for London increased by 39% between 2011 and 2017 to 87,400; in the same period, the number of PHVs licensed by Wolverhampton City Council increased by 434% to 2,949; but decreased by 37% in Tandridge District Council to just 46.

Figure 2 - Taxis and PHVs in England (DfT survey 2017)⁷



⁶ <https://www.gov.uk/government/statistics/taxi-and-private-hire-vehicles-statistics-england-2017>

⁷ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/632761/taxi-private-hire-vehicles-2017.zip

- 3.38 Currently, licensing authorities outside Greater London have the ability to restrict the number of taxis they license. As of 31 March 2017, 183 English authorities do, to balance the supply and demand of services. Legislation does not currently allow PHV licences to be restricted in such a way, and the Group received a number of submissions arguing in favour of changing this.
- 3.39 Granting licensing authorities the power to cap the number of PHVs could give them an extra tool to help reduce levels of congestion in areas where high numbers of PHVs operate and thereby address in part air quality issues. To use the power for those purposes would require a public interest approach, not merely the "unmet demand" test currently applied to allow the limiting of taxi numbers.
- 3.40 There are potential drawbacks to licence restriction, including administrative burden, restriction of competition and restriction of work opportunities for drivers. Carrying out a clear, well evidenced and considered public interest test before a numbers restriction can be applied would enable an authority to weigh up those factors and make a balanced decision.
- 3.41 This matter was considered as part of the Law Commission's review, albeit in the case of taxis rather than PHVs, but their consideration of what a public interest test should include could equally apply to both segments of the trade. Any test should include matters such as:
- the interests of taxi and PHV users, particularly those of disabled people
 - the interests of licensees
 - the need to avoid traffic congestion, and
 - the need to preserve the environment
 - and for taxis, the need to avoid excessive queues at ranks

Recommendation 8

Government should legislate to allow local licensing authorities, where a need is proven through a public interest test, to set a cap on the number of taxi and PHVs they license. This can help authorities to solve challenges around congestion, air quality and parking and ensure appropriate provision of taxi and private hire services for passengers, while maintaining drivers' working conditions.

Cross-border and out-of-area working

Background

- 3.42 Although taxis and PHVs are locally licensed, the passenger journeys they can carry out are not restricted solely to their licensed area.

Cross-border / out of area working: a simplified summary

- **Taxis** can only ply for hire (to be flagged down or hired from a rank) in their licensed area, but can generally undertake pre-booked work anywhere.
- A **PHV** driver, vehicle and operator must all be licensed in the same area for a journey to be carried out legally - but the journey itself does not need to be in that licensed area: e.g. a London-licensed vehicle and driver can be booked through a London-licensed operator to carry out a passenger journey that takes place entirely in St Albans.
- A **PHV** booking can also be sub-contracted: e.g. a St Albans-licensed operator could take a booking, and arrange for another operator to carry it out: this could be another St Albans-licensed operator, or an operator licensed by any other authority, who would need to fulfil the booking using a driver and vehicle licensed by the same authority as they are.

- 3.43 The ability for a PHV journey to take place anywhere, so long as the driver, vehicle and operator are all licensed by the same authority, comes from the original licensing legislation (the 1998 Act for London, and the 1976 Act elsewhere). It was always possible for a PHV operator to sub-contract a booking to an operator licensed in the same area. Greater London operators have always been able to sub-contract bookings to operators in other areas, and that ability was extended to PHV operators outside Greater London by Section 11 of the Deregulation Act 2015.
- 3.44 Although all PHV operators have always been able to accept bookings regardless of the start and end point of a journey, in practice the advertising of their services and the ability of operators to maintain contact with drivers reduced the likelihood of booking requests from distant locations being received.

The issue

- 3.45 New technology has changed the landscape. The members of the public who use apps for booking PHVs carry with them the ability to request a vehicle anywhere. It is not necessary for the subcontracting process to be undertaken to facilitate the dispatching of an out of area driver to fulfil a booking. An operator could currently, if it chose to, operate nationally on a single licence. It is unlikely that this is what was intended when the legislation was drawn up, and it underlines that it is no longer fit for purpose.
- 3.46 Not all 'cross-border' work is a concern: many journeys will naturally start within one licensing authority and end in another, and the framework should allow this. In areas near to the boundaries of licensing authorities, and particularly in city and urban locations with multiple authorities, there will be high levels of cross-border working. Operators will sometimes fulfil bookings out of their licensing area to reduce dead

mileage, or meet vehicle type requirements (e.g. wheelchair accessible vehicles) when none are available locally. A passenger may have confidence in the safety and quality of a service that a particular operator provides and would prefer to use that favoured operator regardless of the start and/or end points of their journey. This is perhaps more likely in the executive and chauffeur segment of the PHV market.

- 3.47 However, the Group have heard from many sources about the increasing numbers of drivers who now work entirely at (sometimes considerable) distance from the authority that licensed them. The Group saw no evidence of precise numbers but anecdotal evidence is that it is widespread, particularly of drivers licensed by Transport for London but living in cities far away making it highly unlikely that they would travel to London before working. Figure 3 show a map of the home addresses of Transport for London licensed drivers by postcode.
- 3.48 It is difficult for licensing authorities to be effective in monitoring the activities of drivers who are working in this way. The enforcement officers of one authority cannot undertake enforcement action against taxis or PHVs licensed by other authorities. An authority could send its enforcement officers to carry out checks in known 'hot-spots' for its drivers, but while this seems reasonable for an adjoining licensing area, it seems an inefficient solution when the distances involved can be so great. In conjunction with the earlier recommendation on national minimum standards, all licensing authorities should have the powers to take enforcement action against those standards regardless of where a specific driver or vehicle is licensed. So, for example, a Bristol City Council licensing enforcement officer should be able to stop and question any taxi or PHV driving in Bristol regardless of which authority issued the licence. The Group heard evidence that taxis and PHVs can carry passengers across different boundaries and nobody can monitor their compliance or question them. This is simply wrong.

Recommendation 9

All licensing authorities should use their existing powers to make it a condition of licensing that drivers cooperate with requests from authorised compliance officers in other areas. Where a driver fails to comply with this requirement enforcement action should be taken as if the driver has failed to comply with the same request from an officer of the issuing authority.

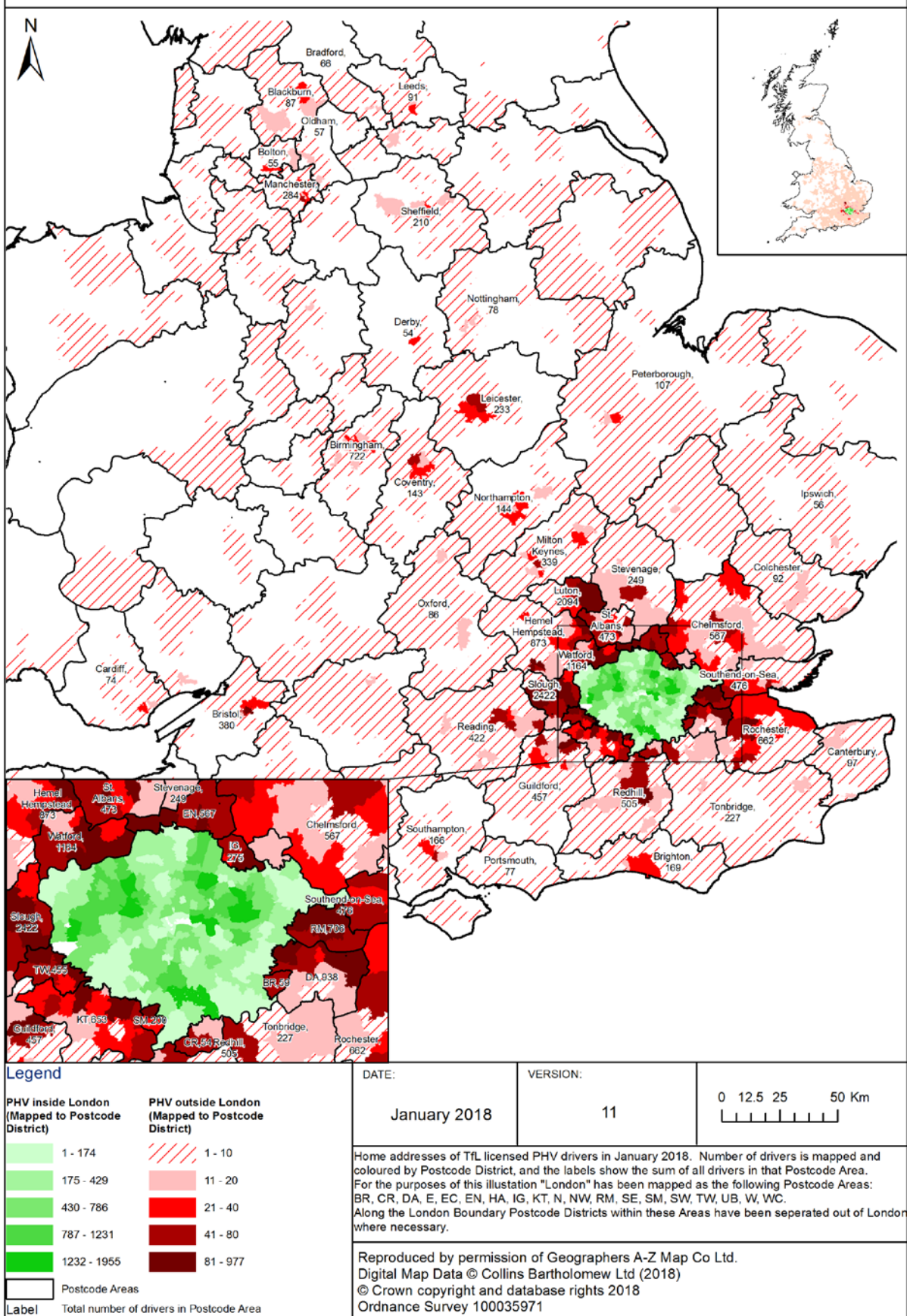
Recommendation 10

Legislation should be brought forward to enable licensing authorities to carry out enforcement and compliance checks and take appropriate action against any taxi or PHV in their area that is in breach of national minimum standards (**recommendation 2**) or the requirement that all taxi and PHV journeys should start and/or end within the area that issued the relevant licences (**recommendation 11**).

- 3.49 This report has already recommended that licensing authorities should be able to restrict the number of taxi and PHV licences they issue. However, without a method to prevent vehicles licensed in other areas from working within the "capped" area, any restriction could be easily circumvented by someone licensing elsewhere and simply working remotely within the "capped" area.

Figure 3 - Home postcodes of active Transport for London licensed PHV drivers, January 2018

Figure 4: Prevalence of active London-licensed private hire drivers with home addresses outside London



- 3.50 A number of submissions to the Group supported a proposed restriction that taxi and PHV journeys should only be permitted where the start and/or end point are within the licensing area of the driver, vehicle and (for PHVs) operator. This was primarily proposed to address concerns over the drivers operating predominantly or exclusively outside of the area in which they are licensed.
- 3.51 That proposal is the most effective on the table. There would be a need to carefully consider any flexibilities that may be needed to allow for specific destinations to continue to be served without disruption (e.g. airports), business models to continue (e.g. in the chauffeur / executive hire sector), or specific services for the disabled to not be disrupted.
- 3.52 All those matters would need careful further work, to reduce the risk of causing damage legitimate business models and passenger choice. The potential negative aspects of the proposed restriction would be greatest in inner-city areas which have many boundaries. Without the reduction of licensing authorities proposed in recommendation 4, and the resulting larger areas, all parties would be detrimentally affected. With small geographic areas and more borders, passengers in these areas may no longer be able to use their favoured PHV operator even if these were the closest but simply as a consequence of being the wrong-side one of the many boundaries.
- 3.53 Rationalising the number of licensing areas in these locations would have benefits in its own right, but would also significantly reduce the negative impacts of a start/end point restriction.

Recommendation 11

Government should legislate that all taxi and PHV journeys should start and/or end within the area for which the driver, vehicle and operator (PHVs and taxis – see **recommendation 6**) are licensed. Appropriate measures should be in place to allow specialist services such as chauffeur and disability transport services to continue to operate cross-border.

Operators should not be restricted from applying for and holding licences with multiple authorities, subject to them meeting both national standards and any additional requirements imposed by the relevant licensing authority.

Licensing fee income

- 3.54 Taxi and PHV licensing fees must be set on a cost recovery basis. They should reflect the true costs of the regime, and should not be used by licensing authorities to make profit or be subsidised by the council tax payer. Licensing authorities should ensure that the administration, compliance and enforcement of taxi and PHV licensing is sufficiently funded to enable an efficient process.
- 3.55 Resourcing functions based on revenue received approaches the issue the wrong way around. Licensing authorities should of course aim to deliver value for money by working efficiently, but that is not the same as at the lowest possible cost. Licensing authorities should first establish what resources are required to adequately administer and enforce the regime and set the licensing fees based on this. For example, the Group received evidence of how the funding of a police intelligence liaison officer can significantly improve cooperation and the flow of information. The resourcing of initiatives such as this may be beneficial but prove prohibitive for some

of the smaller licensing authorities, the restructuring proposed in recommendation 4 would result in authorities operating at a scale which enable them to resource these activities but removing administrative duplication and spreading the costs across a wider pool of licensees.

Recommendation 12

Licensing authorities should ensure that their licensing, administration and enforcement functions are adequately resourced, setting fees at an appropriate level to enable this.

Pedicab regulation in London

- 3.56 One result of having different taxi legislation applicable to London and the rest of England is that pedicabs (sometimes called rickshaws) cannot be regulated in the former. Case law has established that they are classed as "stage carriages" in the context of London taxi law, and therefore out of scope of taxi regulation. While there should be a place for a safe and responsible pedicab trade, particularly in Central London, there has been much justified criticism in recent years of rogue pedicab operators taking advantage of tourists with excessive charges and absence of safety checks.
- 3.57 It is not acceptable that Transport for London is unable to regulate pedicabs to ensure a safe service; the Government announced in 2016 that it would rectify this, and the legislation should be brought forward as soon as possible.

Recommendation 13

Legislation should be introduced by the Government as a matter of urgency to enable Transport for London to regulate the operation of pedicabs in London.

Fixed Penalty Notice for minor compliance infringements

- 3.58 The enforcement of minor licensing infringements can be excessively burdensome on licensing authorities and frustrates their efforts to raise standards within their area. There are important benefits to setting a culture where licensees know that they must adhere to the basics or else face sanctions, freeing up officials and enabling them to focus on more serious matters.
- 3.59 Transport for London has proposed that it should be enabled to issue Fixed Penalty Notices to PHV drivers as it already is to taxi drivers who have breached minor licensing requirements such as failing to wear their badge. Transport for London's view is that this immediate financial deterrent would expand the enforcement options available to them to increase compliance and reduce the need to resort to more expensive measures that ultimately increase licensing fees for the majority of drivers that are compliant. The Local Government Association's initial submission to the working Group also called on licensing authorities to have modern enforcement tools such as Fixed Penalty Notices and stop notices.

- 3.60 Transport for London has elected not to make use of the powers it currently has to issue Fixed Penalty Notices until it is able to apply the same to PHVs. As stated elsewhere in this report, the two tiers of the trade should as far as practicable be treated equitably. Elsewhere in this report the case has been made for greater consistency in regulation across England in part to underpin national enforcement powers of national standards. Therefore it would be appropriate for the powers to issue Fixed Penalty Notices to be available to all licensing authorities, for both taxis and PHVs.

Recommendation 14

The Department for Transport and Transport for London should work together to enable the issue of Fixed Penalty Notices for both minor taxi and PHV compliance failings. The Department for Transport should introduce legislation to provide all licensing authorities with the same powers.

Ridesharing

- 3.61 Ridesharing services in this context refers to the sharing of taxis or PHVs for hire by individuals that are unknown to each other prior to the beginning their trips. This form of service may provide members of the public with cheaper fares as costs are shared, and better utilise the capacity of vehicles, thereby reducing congestion and pollution. But there are potentially increased risks, too.
- 3.62 The limited time available to the Group has required that attention was focussed on key areas of urgent concern. While the issue of ridesharing has not been considered in depth, it should be clear to all that use these services that that they consent to sharing a confined space with people that are unknown to them. Operator and drivers should be required to make this clear when booking and at the start of a journey.
- 3.63 Where a taxi or PHV is no longer used entirely for exclusive private hire, the arguments in favour of mandating CCTV are enhanced; the argument that CCTV may represent an invasion of privacy is reduced greatly if not entirely negated, as there can be no argument that the vehicle is a private space. The use of CCTV is discussed further in Chapter Three.

Recommendation 15

All ridesharing services should explicitly gain the informed consent of passengers at the time of the booking and commencement of the journey.

4. Safety in taxis and private hire vehicles

Public protection

- 4.1 One of the most important considerations of any regulatory system is safety. It is of paramount importance that passengers using taxis or PHVs can get into a vehicle knowing that their driver has been rigorously checked and deemed to be a suitable person to carry passengers. The enclosed nature of a taxi or PHV affords a potential opportunity to a person who wishes to take advantage of the vulnerable. It is important to recognise that in different circumstances, it may be either the passenger or the driver who is vulnerable.
- 4.2 The vast majority of licensed taxi and PHV drivers in the UK are decent and law-abiding people. Nevertheless, there have been recent and numerous cases of licensed drivers participating in, or enabling, child sexual exploitation as well as isolated opportunistic attacks on passengers. Following these horrendous offences, many licensing authorities have acted to address the failings that contributed to enabling these incidents. The lessons from the Casey and Jay reports and the impact on the lives of those affected by these and other failures must not be forgotten. To do otherwise would compound the harm and injustice done to the victims. No licensing authority should consider that the lessons learned do not apply to them merely because there have not been significant reports of such activity in their area: many of the previous offences in these cases have only become known many years after the event. Neither central government nor licensing authorities can provide absolute assurances of safety, but licensing authorities have the powers to mitigate the risks now. In the long term it is for central government to act to enable the mandating of standards to force any complacent authorities to act.
- 4.3 The Policing and Crime Act 2017 gave the Government the power to issue Statutory Guidance to local licensing authorities on the way taxi and PHV licensing powers should be used to protect children and vulnerable adults. That guidance should ultimately form the core of the national safety standards for both the taxi and PHV sector, and it should be issued as soon as possible.
- 4.4 Until national minimum standards for the taxi and PHV sector are introduced, the Statutory Guidance provides an opportunity to take a significant step towards in greater consistency in how the safety elements of the 'fit and proper' test are applied.

- 4.5 The application of high standards with regard to safety would provide increased public confidence in the sector and mitigate the potential for drivers to seek out areas where standards are applied less rigorously.

Recommendation 16

The Department for Transport must as a matter of urgency press ahead with consultation on a draft of its Statutory Guidance to local licensing authorities. The guidance must be explicit in its expectations of what licensing authorities should be doing to safeguard vulnerable passengers. The effectiveness of the guidance must be monitored in advance of legislation on national minimum standards.

- 4.6 Under the current highly devolved regulatory framework, local licensing authorities have a pivotal role in the effectiveness of guidance. Once the guidance has been issued, licensing authorities should play their part and give it due consideration. The Department for Transport should also monitor the overall effect of the guidance; the policies outlined will only be as successful as their implementation.
- 4.7 Until such time as the Government brings forward legislation to mandate national minimum standards, licensing authorities should work collectively to increase consistency. As the recommendations made in the Statutory and Best Practice Guidance are the Government's views, it is reasonable to assume that these would be considered as the basis for national minimum standards. As noted earlier in this report, licensing authorities would not be acting in the long-term best interests of the trade to divert far from the recommendations, as this may result in a period of significant change in standards and requirements at a later date.

CCTV

- 4.8 The Group received a number of submissions and heard from witnesses about the benefits of having CCTV in taxis and PHVs. There were numerous positive comments regarding the potential benefits that CCTV might provide to both passengers and drivers. The vast majority of taxi and PHV passengers receive a good and safe service but the few drivers that abuse their position of trust undermine public confidence in passenger safety. CCTV can reaffirm or increase passenger confidence.
- 4.9 CCTV would not just protect passengers. In England and Wales, approximately 53% of taxi and PHV drivers are non-white, a much higher than average percentage of the workforce. The Group heard from the United Private Hire Drivers that 50% of drivers it surveyed had been threatened or assaulted and that 57% had been racially abused while working.
- 4.10 Where both cameras and audio recording is used, those who verbally and physically abuse drivers would do so knowing that the attack would be recorded, providing invaluable evidence to enforcement agencies. There are also incidents of false allegations being made against drivers, and CCTV evidence can protect drivers from potentially losing their licence and their livelihood.

- 4.11 Only a small number of licensing authorities in England currently require CCTV in their licensed vehicles⁸; however, there is a strong case for having CCTV in taxis and PHVs, and licensing authorities which do not already mandate CCTV should do so. The concern most commonly raised is the costs of installing and maintaining CCTV systems. These do not however appear to be unreasonable for owners of licensed vehicles to bear given an assumed operational life of a system and the potential for reduced damage to the vehicle. The majority of taxis and PHV are owner driven - these could benefit from reduced abuse and assaults by passengers, reduced fare evasion and potentially increased passenger usage through greater confidence in the sector.

Recommendation 17

In the interests of passenger safety, particularly in the light of events in towns and cities like Rochdale, Oxford, Newcastle and Rotherham, all licensed vehicles must be fitted with CCTV (visual and audio) subject to strict data protection measures. Licensing authorities must use their existing power to mandate this ahead of inclusion in national minimum standards.

To support greater consistency in licensing, potentially reduce costs and assist greater out of area compliance, the Government must set out in guidance the standards and specifications of CCTV systems for use in taxis and PHVs. These must then be introduced on a mandatory basis as part of national minimum standards.

- 4.12 It is however not just the driver and passenger that CCTV can benefit. Licensing authorities are better able to make an informed decision whether to take no action, suspend or revoke a licence following a complaint. This evidence can be used at court should the driver appeal a decision, and it may even prevent the driver guilty of misconduct from launching an appeal. Society as a whole benefits from increased protection from crime.
- 4.13 Yet mandating CCTV in vehicles will incur extra cost for many small businesses, the vast majority of drivers currently consider as such. Recognising the benefits to society, ways of helping with individual and small business costs should be seriously explored.

Recommendation 18

As Government and local authorities would benefit from a reduction in crime in licensed vehicle both should consider ways in which the costs to small businesses of installing CCTV can be mitigated.

- 4.14 Technology has advanced rapidly in recent years and what may once have been an expensive and difficult to achieve is now common place. GPS has provided an accurate and reliable way to track vehicles for many years now. These advances can further public safety (driver and passengers) by recording the movements of vehicles and provide valuable evidence in proving or disproving an allegation. As part of the

⁸ <https://www.gov.uk/government/statistics/taxi-and-private-hire-vehicle-statistics-england-2017> (Table 0106)

work that will be required to set an appropriate minimum standard for CCTV systems in taxis and PHVs, the Government should also consider whether and how GPS tracking could also be included.

- 4.15 As discussed previously in this report, the public often view taxis and PHVs as providing identical services. Plying for hire by PHVs and unlicensed vehicles is illegal and should not be tolerated under any circumstances. However, when the public see a licensed PHV they may attempt to hire this immediately through confusion between the two-tiers of the system. Raising public awareness of the differences between taxis and PHVs protects all parties; passengers use the appropriately insured and licensed drivers and vehicles, taxi drivers receive the benefits of their exclusive right to 'ply for hire' in recognition of meeting the relevant requirements and law-abiding PHV drivers will not face confrontation from refusing to carry passengers that have not pre-booked.

Recommendation 19

National standards must set requirements to assist the public in distinguishing between taxis, PHVs and unlicensed vehicles. These should require drivers to have on display (e.g. a clearly visible badge or arm-band providing) relevant details to assist the passengers in identifying that they are appropriately licensed e.g. photograph of the driver and licence type i.e. immediate hire or pre-booked only.

All PHVs must be required to provide information to passengers including driver photo ID and the vehicle licence number, in advance of a journey. This would enable all passengers to share information with others in advance of their journey. For passengers who cannot receive the relevant information via digital means this information should be available through other means before passengers get into the vehicle.

Background checks and information sharing

- 4.16 To enable licensing authorities to make the best decisions on applications they receive, and to support greater consistency, they should have as complete as possible a picture of the applicant's background. It is welcomed that all licensing authorities require an enhanced Disclosure and Barring Service (DBS) check for all drivers⁹; however, only 77% report that they currently also check the barred list for both taxi and PHV drivers, and there is no reason why this should not be 100%. This can be carried out at no extra charge.

⁹ Department for Transport's 2017 Taxi and Private Hire statistics <https://www.gov.uk/government/collections/taxi-statistics>

- 4.17 The DBS update service is an online subscription that allows individuals to keep their standard or enhanced DBS certificate up to date and allows employers and regulators to check a certificate online. This subscription service therefore allows taxi and PHV drivers licensing authorities (as a nominee with the individual's consent) to check the status of a certificate online at any time. Subscription to the service removes the need for repeat checks, reduces the administrative burden and mitigates potential delays in relicensing. This will more cheaply and easily allow licensing authorities to undertake checks other than at first application or renewal. Drivers are licensed for three years and vehicles usually on year however vehicles are routinely checked every 6-12 months to ensure they continue to meet the standards required. Interim checks on the continued suitability of driver does not therefore seem disproportionate.

Recommendation 20

All drivers must be subject to enhanced DBS and barred lists checks. Licensing authorities should use their existing power to mandate this ahead of inclusion as part of national minimum standards.

All licensing authorities must require drivers to subscribe to the DBS update service and DBS checks should must be carried out at a minimum of every six months. Licensing authorities must use their existing power to mandate this ahead of inclusion as part of national standards.

Recommendation 21

Government must issue guidance, as a matter of urgency, that clearly specifies convictions that it considers should be grounds for refusal or revocation of driver licences and the period for which these exclusions should apply. Licensing authorities must align their existing policies to this ahead of inclusion in national minimum standards.

- 4.18 There is a concern that critical information about the risk posed by a driver is not always being shared with licensing authorities by the police, under the Common Law Police Disclosure (CLPD) provisions. It is vital that licensing authorities have access to this 'soft intelligence'; patterns of behaviour such as complaints against drivers (regardless of whether they were working) even when these do not result in arrest or charge may be indicative of characteristics that raise doubts over the suitability to hold a licence. Provision of this helps authorities to build a fuller picture of the potential risks an individual may pose. This information may tip the 'balance of probabilities' assessment that licensing authorities must undertake.
- 4.19 The CLPD provisions enable new information obtained by the police to be rapidly passed on to licensing authorities, rather than information becoming known to them through a DBS check some time after an incident. However, a survey carried out by the Institute of Licensing of its local authority members in 2017 shows that less than 25% of respondents consider that the current data sharing agreements are satisfactory. This process can be of huge benefit to protecting the safety of

passengers and it is imperative that the maximum protection this provides is being delivered.

Recommendation 22

The Quality Assurance Framework and Common Law Police Disclosure Provisions must be reviewed to ensure as much relevant information of behaviours as well as crimes by taxi and PHV drivers (and applicants) is disclosed to and to ensure licensing authorities are informed immediately of any relevant incidents.

- 4.20 The current efforts of the Local Government Association to create a register of drivers who have been refused or revoked taxi or PHV driver licences, in conjunction with the National Anti-Fraud Network (NAFN), are to be welcomed. It was disappointing to see that the Private Members Bill brought by Daniel Zeichner MP, which would have made use of such a register mandatory, failed to pass its Second Reading in the House of Commons on 2 February when the bill was "talked out".
- 4.21 Without that Bill, it is hoped that all licensing authorities will use the register as only complete coverage will make the most of the benefits. It is unacceptable that a driver could have a licence refused or revoked on safety grounds by one authority, but gain a licence in an another authority by virtue of not disclosing that history. A DBS check may not provide the cause for a refusal or revocation by another authority; this would depend, for example, on whether the decision was based on previous convictions or on 'soft-intelligence' received. The register will enable past revocations or refusals to be flagged, and the authority considering an application to seek further information from the refusing authority.
- 4.22 Even with that information, decisions must still be made in accordance with the policies of the authority that is handling the application - a refusal in one area must be fully understood and should not be an automatic bar to a licence being issued elsewhere; for example, if one refusal has been made on the basis of a conviction, but sufficient time has now passed during which the applicant has demonstrated continued good character to comply with the authority's convictions policy. The system will provide an extra safeguard for the public, not a blacklist of drivers; licensing authorities will continue to make independent judgements whether, on the balance of probabilities, an individual is fit and proper. The purpose of this database is to assist licensing authorities in this assessment by enabling as fully a picture of an individual as possible to be considered.

Recommendation 23

All licensing authorities must use the National Anti-Fraud Network (NAFN) register of drivers who have been refused or had revoked taxi or PHV driver licence. All refusals and revocations must be recorded, and the register checked for all licence applications and renewals. Licensing authorities must retain the reasons for any refusal, suspension or revocation and provide those to other authorities as appropriate. The Government must, as a matter of urgency, bring forward legislation to mandate this alongside a national licensing database (**recommendation 24**).

- 4.23 In addition, a broader national database of all taxi and PHV licences, for drivers vehicles and operators should be introduced. This would be a significant aid to cross-border enforcement, complementary to the national enforcement powers recommended. In the current absence of such powers, it would still improve the ability of authorities to be able to identify where driver and vehicles are licensed in order to report concerns or issues to the "home" licensing authority, or indeed the police.

Recommendation 24

As a matter of urgency Government must establish a mandatory national database of all licensed taxi and PHV drivers, vehicles and operators, to support stronger enforcement.

Training and engagement

- 4.24 It is important that drivers are equipped with the skills and knowledge they need to identify situations where vulnerable passengers may be at risk. Over half of licensing authorities currently require their drivers to undertake child sexual abuse and exploitation (CSAE) awareness training, and this is good practice that all licensing authorities should follow. It is not sufficient to wait for evidence of a 'problem' within a licensing area before doing this.
- 4.25 As part of that training, and their wider engagement with drivers, licensing authorities should remember that their network of checked and trained, professional drivers can be an important source of intelligence about signs of abuse and neglect amongst their passengers. Poorly checked and trained drivers may pose risks, but well trained and supported drivers can be an important part of the solution. An example of the positive contribution the trade can play is that of Cherwell District Council driver Satbir Arora, whose awareness prevented a 13-year-old girl from meeting a 24-year-old male who was convicted of attempted abduction and the distribution and making of indecent images.

Recommendation 25

Licensing authorities must use their existing powers to require all drivers to undertake safeguarding/child sexual abuse and exploitation awareness training including the positive role that taxi/PHV drivers can play in spotting and reporting signs of abuse and neglect of vulnerable passengers. This requirement must form part of future national minimum standards.

Improving decision making

- 4.26 Implementing national standards, including those on the consideration of convictions, will be a huge step toward greater consistency in licensing decisions. There have been examples of individuals that have been issued licences despite convictions for serious offences. However all licensing decisions are ultimately made by individuals, not policy documents. It is essential therefore that those involved in the determination of licensing matters have received sufficient training to discharge their duties effectively and correctly. This training should cover licensing procedures, natural justice, understanding the risks of child sexual exploitation, consideration of 'soft intelligence', and disability and equality, in addition to any other issues deemed appropriate. Training should not simply relate to procedures, but should also cover the making of difficult and potentially controversial decisions.

Recommendation 26

All individuals involved in the licensing decision making process (officials and councillors) must have to undertake appropriate training. The content of the training must form part of national minimum standards.

Use of Passenger Carrying Vehicle (PCV) licensed drivers

- 4.27 Driving a Public Service Vehicle (a vehicle that can carry 9 or more passengers e.g. a minibus or bus) for hire or reward requires a PCV licence. PCV driver licences are issued by the Driver and Vehicle Licensing Agency (on behalf of Traffic Commissioners). Unlike taxi or PHV drivers, applicants for a PCV licence are not subject to any routine DBS checks (neither basic nor enhanced).
- 4.28 Applicants for a licence to drive passenger minibuses and buses must complete an application form and declare any convictions for non-driving offences as well as those relating to driving hours, roadworthiness or loading of vehicles as well as any.
- 4.29 The declaration of any offences will result in the DVLA notifying the relevant Traffic Commissioner so the applicant's suitability to hold the licence, in relation to their conduct, may be reviewed. Traffic Commissioners may grant refuse, suspend or revoke driving entitlement, taking into account passenger safety.
- 4.30 However, a number of areas have experienced issues whereby individuals whose taxi or PHV licence or application have been refused or revoked have applied to the Driver and Vehicle Licensing Agency and obtained a PCV licence, and these individuals have then carried passengers driving a minibus. In some cases, people who have had their licence revoked have even continued to work for the same operator.
- 4.31 This is an issue that has clear implications for passenger safety. Although it may technically be outside the scope of taxi and PHV licensing, there are evidently clear overlaps in practice. It is not acceptable that individuals that are deemed to be unfit to carry passengers in a vehicle that seats fewer than nine passengers are able to do under a different licensing system, simply because there are additional seats in a vehicle.

Recommendation 27

Government must review the assessment process of passenger carrying vehicle (PCV) licensed drivers and/or consider the appropriate licensing boundary between taxis/PHVs and public service vehicles (PSVs).

Language skills

4.32 It is important that drivers are able to converse effectively, and particularly so in emergency situations. Drivers should be able to:

- Converse with passengers to demonstrate an understanding of the desired destination, an estimation of the time taken to get there and other common passenger requests;
- Provide a customer with correct change from a note or notes of higher value than the given fare, and doing so with relative simplicity;
- Provide a legibly written receipt upon request.

Recommendation 28

Licensing authorities must require that all drivers are able to communicate **in English** orally and in writing to a standard that is required to fulfil their duties, **including in emergency and other challenging situations.**

5. Accessibility

The importance of the taxi and PHV market

- 5.1 As an introduction to this chapter, from the following quote from the evidence received from the Disabled Persons' Transport Advisory Committee (DPTAC) sets the scene appropriately:

'For those who cannot use public transport, either due to the nature of their conditions or because they live in areas with a poor public transport service, taxis can be the key element allowing them to live independently.'

Submission from DPTAC, November 2017

- 5.2 Evidence received by the Group highlighted that consideration of accessibility needs is essential in any reform of the sector. If the Government enacts national standards, accessibility considerations should be an integral part of their development, not a mere add-on. In the short term, it is important that licensing authorities use the powers they already have to improve access and passenger experience.

Training

- 5.3 The 2017 taxi and private hire statistics show that only 38% of licensing authorities in England require their taxi drivers to undertake disability equality training, and 35% require it for their PHV drivers. This training should be a national requirement as part of national standards, but licensing authorities have the power to require it now and should do. It is important that drivers working in a sector that can be a lifeline for those unable to use public transport understand that position, and how they can best support their passengers.

Recommendation 29

All licensing authorities should use their existing powers to require that their taxi and PHV drivers undergo disability equality and awareness and equality training. This should ultimately be mandated as part of national minimum standards.

Vehicle types and access

- 5.4 As can be seen in figures 4 and 5, the proportion of vehicles licensed by different authorities that are wheelchair accessible varies considerably. The 2017 statistics show that 63% of authorities require their taxi fleets to be a wheelchair accessible vehicle (WAV). These figures show that in England (excluding London) 41% of taxis are WAVs but this is only part of the story; in over a quarter of authorities, 5% or fewer of taxis are accessible. The situation is even worse for PHVs - nearly two-thirds of authorities have a fleet in which 5% or fewer of PHVs are wheelchair accessible.
- 5.5 Standard (non-WAV) vehicles remain important too: most disabled people do not use wheelchairs, and many people will find saloons easier to get in and out of. Mixed fleets are important, reflecting the diverse needs of passengers, but nonetheless, levels of WAV PHVs in particular (given the significant increase in PHVs in recent years) appears low in even the most populous areas. I have outlined one way in which licensing authorities can seek to increase availability in paragraph 3.35.

Recommendation 30

Licensing authorities that have low levels of wheelchair accessible vehicles (WAVs) in their taxi and PHV fleet should ascertain if there is unmet demand for these vehicles. In areas with unmet demand licensing authorities should consider how existing powers could be used to address this, including making it mandatory to have a minimum number of their fleet that are WAVs. As a matter of urgency the Government's Best Practice Guidance should be revised to make appropriate recommendations to support this objective.

- 5.6 It is welcome that in 2017, the Government brought sections 165 and 167 of the Equality Act 2010 into force, ensuring that drivers of wheelchair vehicles that a licensing authority designates for this purpose cannot charge wheelchair users more than non-wheelchair users, and must provide appropriate assistance.

Recommendation 31

Licensing authorities which have not already done so should set up lists of wheelchair accessible vehicles (WAVs) in compliance with s.167 of the Equality Act 2010, to ensure that passengers receive the protections which this provides.

- 5.7 It is illegal for a taxi or PHV driver to refuse to carry an assistance dog, unless the driver has obtained a medical exemption certificate from their licensing authority. Despite this, a recent campaign by the Guide Dogs for the Blind Association indicates that nearly half of guide dog owners surveyed had experienced an access refusal in the past year. This is unacceptable, and licensing authorities should ensure that strong action is taken when instances are reported. Driver awareness is also

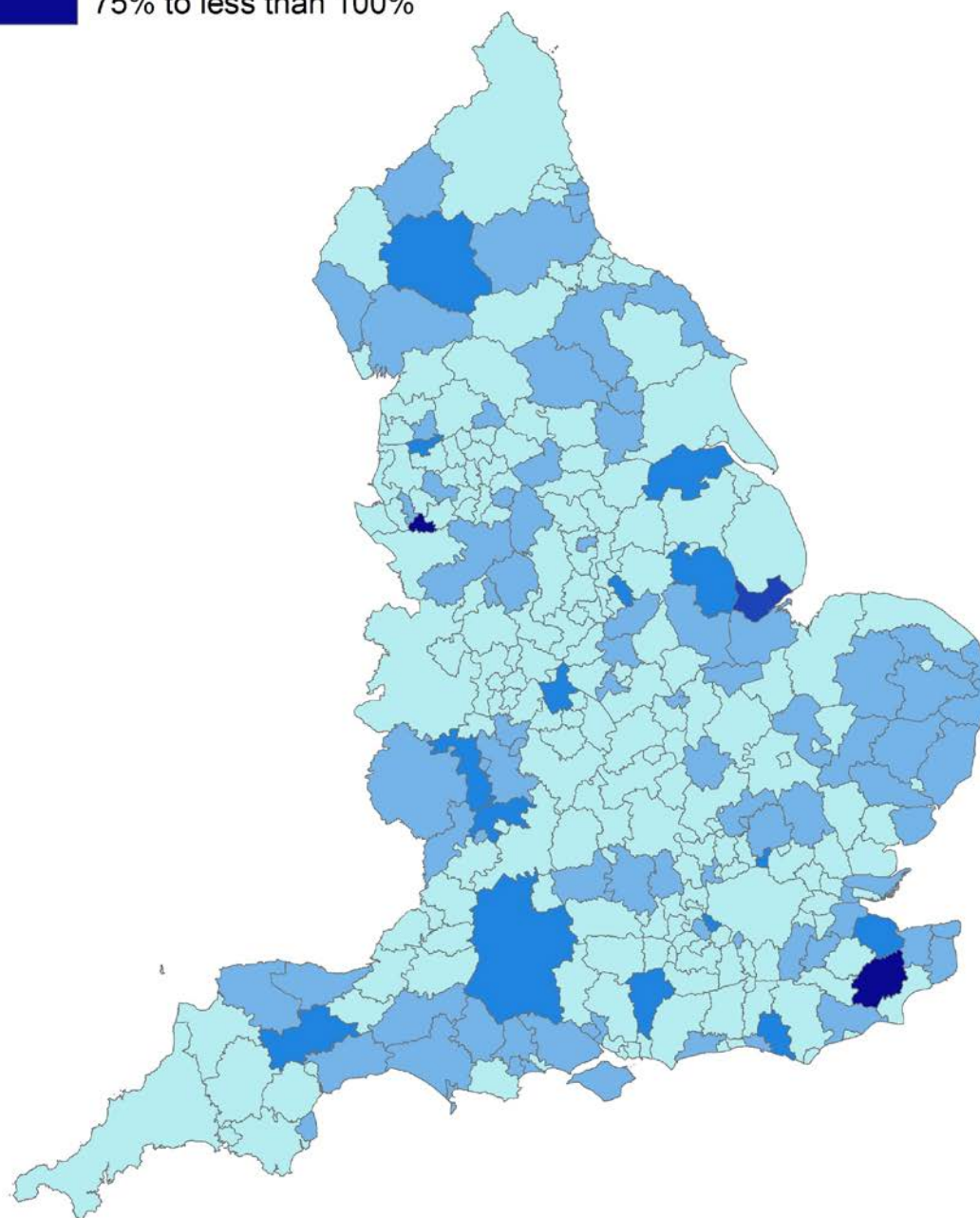
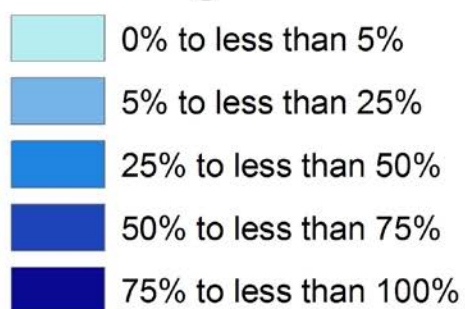
critical, and the earlier recommendation in favour of mandatory disability equality training would address this.

Recommendation 32

Licensing authorities should use their existing enforcement powers to take strong action where disability access refusals are reported, to deter future cases. They should also ensure their systems and processes make it as easy as possible for passengers to report disability access refusals.

Figure 4 - Wheelchair accessible PHVs in England¹⁰

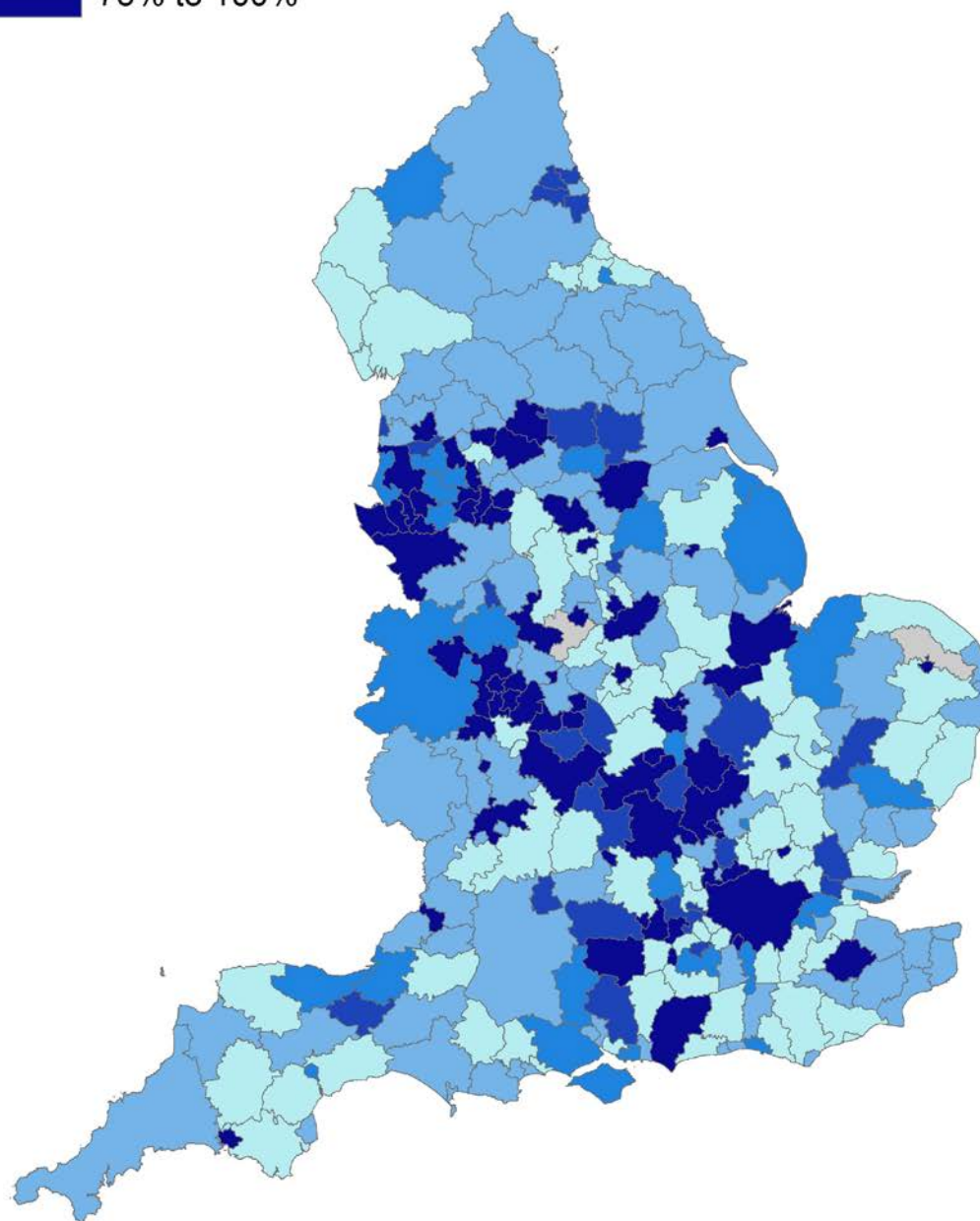
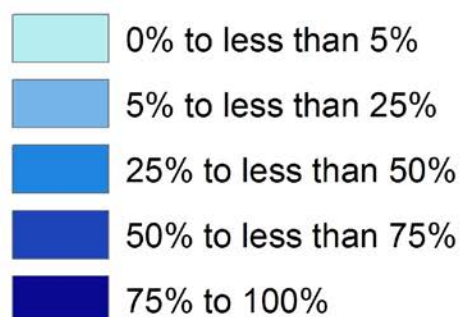
Percentage of accessible PHVs



¹⁰ Information provide by licensing authorities - <https://www.gov.uk/government/statistics/taxi-and-private-hire-vehicles-statistics-england-2017>

Figure 5 - Wheelchair accessible taxis in England¹¹

Percentage of accessible taxis



¹¹ Information provide by licensing authorities - <https://www.gov.uk/government/statistics/taxi-and-private-hire-vehicles-statistics-england-2017>

6. Working conditions

Characteristics of employment in the sector

- 6.1 Traditionally a large proportion of taxi and PHV drivers have been self-employed. In the PHV sector, the 'traditional' working model is largely based on drivers paying a fee to the operator to gain a place on its list of drivers. Although this does not guarantee an income, drivers are able to decide whether to renew this relationship at the end of the period, or in the interim should they not receive what they consider sufficient fares.
- 6.2 This absence of guaranteed income is now being repeated in the 'gig economy' PHV model, the difference being that the fee(s) paid to the operator is usually taken as a percentage of each fare. The 'gig economy' was defined as 'the exchange of labour for money between individuals or companies via digital platforms that actively facilitate matching between providers and customers, on a short-term and payment by task basis' in the Department for Business, Energy and Industrial Strategy's [2018] research paper¹².
- 6.3 However, even in the 'gig economy' PHV model, the relationship between the PHV operator and driver has changed very little from the 'traditional' model. Drivers still require an operator to act as the intermediary between them and the passenger. This means that PHV operators have control over the fare levels and the number of journeys a driver may receive.
- 6.4 The introduction of new technology in the private hire market has enabled new ways for the PHV operator to bring together drivers and passengers. This experience is not unique to this sector nor is the use of such technology unique to new entrants. There are many long-established companies that now use apps both in the PHV and taxi markets. At the same time I am aware that there are a number of ongoing legal disputes regarding the legal status of individuals that work in the PHV trade. While the reporting of these cases has focused on those involving app-based PHV operators the relationship between driver and operator appears similar in both the established and disruptive operator business models
- 6.5 On 7 February the Government's 'Good Work'¹³ document, which was published in response to the 2017 'Good Work – The Taylor Review of Modern Working Practices'¹⁴, acknowledged Taylor's seven point plan was important to achieve the overarching ambition that all work in the UK should be decent and fair. The second of the points is focused on seeking clarity in the gig economy. It acknowledges that platform-based working offers opportunities for genuine two-way flexibility, and that these should be protected. However, it also recognises the importance of ensuring fairness both for those who work in this way and those who compete with them. It

¹² <https://www.gov.uk/government/publications/gig-economy-research>

¹³ <https://www.gov.uk/government/news/governments-response-to-the-taylor-review-of-modern-working-practices>

¹⁴ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/627671/good-work-taylor-review-modern-working-practices-rg.pdf

proposes that 'worker' status should be maintained but it should make it easier for individuals and businesses to distinguish 'workers' from those who are legitimately self-employed.

- 6.6 While it was not in the remit or expertise of the Group to decide the employment status of drivers, it did hear about and consider working practices in the sector. In particular, concerns were raised about the balance of risk and reward for PHV drivers and the effects this has on their welfare and, potentially for public safety.

Working practices and earnings

- 6.7 The Group heard concerns that drivers, of both taxis and PHVs, are working longer hours to maintain existing incomes due to the increasing numbers of drivers. Of particular concern was the suggestion that drivers may be working excessively long periods without adequate breaks and the possible consequences of this for public safety.
- 6.8 All operators must meet their statutory obligations to drivers. Where drivers are 'workers' or employees, operators must ensure that none takes home less than they are entitled under National Living Wage legislation. Operators however should have a duty of care to support their drivers regardless of their employment status. Such an approach would obviously benefit drivers but it is also in operator's interests to support good working environments. It can support the retention of good drivers and lead to benefits for passengers; a driver who is content with their relationship with the operator may provide a better service and lead to repeat custom.

The role of PHV licensing authorities

- 6.9 It is outside the expertise and scope of a local licensing authority to determine the employment status of drivers working with its licensed PHV operators. However, licensing authorities do have a responsibility to ensure that operators are 'fit and proper'. If a licensing authority has evidence of an operator persistently flouting employment law (for example, making no changes in response to an employment tribunal that is not being appealed, or can be appealed no further), that should legitimately be seen as casting doubt on whether that operator is "fit and proper", and would be worthy of thorough consideration.

Recommendation 33

The low pay and exploitation of some, but not all, drivers is a source of concern. Licensing authorities should take into account any evidence of a person or business flouting employment law, and with it the integrity of the National Living Wage, as part of their test of whether that person or business is "fit and proper" to be a PHV operator.

Working/driving hours and safety

- 6.10 As already noted, the Group heard the view from some stakeholders that erosion in drivers' earnings has resulting in drivers working for increased, and potentially excessive, hours to maintain their income. It is self-evident that, at some threshold,

tiredness and long hours of driving in any vehicle poses a risk to public safety through reduced alertness and response times. The Group did not see independent evidence of how many hours drivers are working however it heard from industry experts that the taxi and PHV industry is one which has historically lent itself to long working hours generally.

- 6.11 At present, taxi and PHV drivers are not subject to the Road Transport (Working Time) Regulations 2005¹⁵. Drivers can therefore choose the hours they work, and there are no rules that limit the number of hours they can work in a day or week.
- 6.12 That appears potentially problematic. A minibus driver has limits on how long they can work and when they must take rest breaks. There is no logical reason why a taxi or PHV driver (possibly the same person as the minibus driver) should be permitted to carry paying passengers in a car for an unlimited length of time. A taxi/PHV driver still needs to be aware of the road and environment around them and be able to respond in a timely way to changes.
- 6.13 However, there are many questions of detail which it has not been possible to consider in full for this report. The European Union rules on drivers' hours and working time are complex, as the scenarios detailed in the Department's guidance¹⁶ illustrates. The appropriateness of these rules for the taxi and PHV sector is also open to debate; for example, limiting the number of driven hours may seem more appropriate than including times when a person is available and waiting for work. By its nature, the periods when taxis and PHVs are "available to answer calls to start work" (referred to as 'period of availability' in the guidance) would contribute to working hours but could not be considered as a rest period for the purposes of calculating driving hours according to the current rules.
- 6.14 The biggest challenge is how any limit(s) would be monitored and enforced; monitoring may require a tachograph system such as that used in buses and HGVs to be fitted to all taxis and PHVs. This may record the working/driving hours but consideration would need to be given to whether licensing authorities would monitor compliance or whether this would be done by the Traffic Commissioners (as for buses and HGVs). Despite these issues, this report favours driving time restrictions in principle if evidence indicates this is required on safety grounds and if a workable and proportionate way of doing so can be found. I think that Government should look at these issues in much greater detail than we reasonably can be done here.

Recommendation 34

Government should urgently review the evidence and case for restricting the number of hours that taxi and PHV drivers can drive, on the same safety grounds that restrict hours for bus and lorry driver.

- 6.15 In the meantime, it is worthwhile noting again that local licensing authorities have a key role to play in maintaining safety. Drivers have a responsibility to themselves, their passengers and the public to ensure they are fit to drive, and this requires drivers to be open and honest with licensing authorities (as well as the DVLA) on any health issues that may mean they should not be driving. Where concerns about the operation of taxis and PHVs are brought to the attention of licensing authorities they could – and should – take immediate action against drivers and operators if there is

¹⁵ <http://www.legislation.gov.uk/uksi/2005/639/contents/made>

¹⁶ <https://www.gov.uk/government/publications/eu-rules-on-drivers-hours-and-working-time>

any evidence of unsafe activity. A fit and proper operator should neither encourage nor condone excessive working or driving hours.

Annex A- Comments by Group Members

Helen Chapman

Director of Licensing, Regulation & Charging, Transport for London

Transport for London (TfL) is the largest taxi and private hire licensing authority in England with almost a quarter of a million taxi and private hire licensees. In London, like many parts of the rest of the UK and globally, we have seen significant change in the taxi and private hire sector in recent years which we anticipate will continue to change in line with consumer needs.

Regulation is required to ensure the safety of passengers engaging with taxi and private hire services but it is right that this regulation is reviewed and modernised to reflect the modern world and the changing needs of passengers.

On behalf of the Mayor of London and TfL I am grateful for the opportunity to have formed part of the Department for Transport Working Group. It has been a worthwhile and rewarding experience to work as part of a group looking at regulatory practices to meet the needs of a changing world while remaining focussed on passenger safety and convenience. I would like to thank the Chair for his efforts in navigating a course through the often strongly held views of the Group and invited guests to produce a report of real substance with the safety of passengers at its heart.

We agree wholeheartedly with many of the recommendations put forward by the report which, if adopted, will deliver fundamental improvements in public safety and improvements in delivering a world class two tier taxi and private hire service. Many of these recommendations for primary legislative change have previously been raised by the Mayor and TfL and, indeed, many London based taxi and private hire stakeholders and we are delighted to have these views shared by the Chair of the Working Group.

Proposals within the report, in particular a solution to address the common practice referred to as cross border hiring, national minimum standards, national enforcement capabilities and statutory definitions to define the two tier system will produce a model of licensing and regulation that helps to enhance passenger safety and is not only fit for today but is also future-proofed and flexible to meet the changing demands of passengers.

We remain ready to support Government in implementing these recommendations, particularly those that require national legislation. As the largest licensing authority we can provide expert support and guidance to any panels that are formed to take forward these sensible recommendations.

We would like to comment on a number of recommendations from a TfL perspective:

Recommendation 2 – we strongly support the introduction of national minimum standards and that these minimum standards should be set at a high level for safety.

We would like to thank the Chair for the common sense approach in recommending that licensing authorities can go further than the minimum, where required, to meet local needs. This is particularly important in London to retain the ability to set standards to meet air quality challenges and to continue to deliver the Knowledge of London for taxi drivers.

Recommendation 5 – The two tier system has worked well in London for many years and London's taxis are frequently voted the best in the world. Recommending a statutory definition for plying for hire and pre-booked services is sensible and long overdue. We would like to formally register our interest in joining the panel of regulatory experts to help draft appropriate definitions.

Recommendation 8 – we welcome the Chair's recommendation to allow local licensing authorities to set a cap on the number of taxi and private hire vehicles. The growing number of private hire vehicles in the capital is causing significant challenges in tackling congestion, air quality and appropriate parking controls. However, we note and strongly agree that there should be a proven need to set a cap by having a public interest test so monopolies cannot be formed. Once again, we remain ready to assist Government in defining an appropriate public interest test.

Recommendation 11 – cross border hiring has been commonplace in the industry for many years but with the introduction of app based services in the industry and the expansion in the number of private hire drivers and vehicles, it requires an urgent solution so as not to undermine public safety and confidence in using private hire services. TfL explored this issue in detail and in February 2018 we published a detailed policy paper with proposals to address this issue. The paper was presented to the Working Group and we are delighted to see this is being taken forward as one of the key recommendations for change.

Recommendations 25 and 29 we are fully supportive of these two proposals, however, we believe that an assessment is the more appropriate "minimum standard". As a licensing authority our role is to assess the fitness of an applicant rather than to train them to be fit. However, for some authorities they may wish to provide this training above and beyond the minimum standard and this flexibility could be accommodated.

Recommendation 30 - All taxis in London are Wheelchair Accessible and we recognise the need to enhance the provision for Wheelchair Accessible Vehicles in the private hire fleet. However, this recommendation, as written, will be difficult to achieve as vehicles are licensed separately to private hire operators and therefore it isn't easy to introduce a minimum quota of wheelchair accessible vehicles.

We look forward to working with the Government to see these recommendations brought forward and ensure a modern, sustainable and two-tier taxi and private hire system for the future.

Rt Hon Frank Field MP

Member of Parliament for Birkenhead

Mohammed Abdel-Haq has written a superb report. It follows a thorough, comprehensive evidence-gathering process conducted by the Working Group under his chairmanship.

The House of Commons debate, in which the Minister announced the creation of the Working Group, centred on the pay, working conditions and living standards of taxi and private hire drivers.

This report addresses each of those important points. In doing so, it puts forward sound recommendations to restore the integrity of the National Living Wage – the cornerstone of the Government's labour market policy – while ensuring adequate rates of pay and decent working conditions for drivers are put at the heart of what it means to be a 'fit and proper' operator.

The implementation of those recommendations, alongside many others in this report, will perform the crucial role of constructing minimum standards upon which the taxi and private hire industry can continue to thrive and innovate.

Saskia Garner

Policy Officer, Personal Safety, the Suzy Lamplugh Trust

Suzy Lamplugh Trust would like to commend the Chair on the completion of this final report and express our thanks for being included in the Task and Finish Group. We are delighted that most of the recommendations from our research report, *Steering Towards Safety in Taxi and Private Hire Licensing*, have been included in the report. We fully endorse the content of the report, with the exception of the comments below, which should not defer from our recognition of what has been achieved.

We have no position on **Recommendation 4** which recommends combining licensing areas. This is because we think the problems of inconsistency between neighbouring licensing authority policies would be resolved with the introduction of national minimum standards.

We would like to emphasise, in relation to **Recommendation 8**, the importance of the public interest test to determine whether a cap on numbers will increase or reduce personal safety. Our concern would be a situation where a cap resulted in demand out-weighting supply, which may put passengers at risk if they are unable to hire a licensed vehicle for their journey.

We do not support **Recommendation 11** as we do not believe there is a personal safety reason for limiting the start and end-point of a journey. We believe that the current practice of drivers choosing which licensing authority to obtain their licence from based on less stringent safety checks would be resolved by the introduction of national minimum standards.

In point 3.8 of the report we would request that the word 'proportionate' be defined, to ensure that the high standards set are in no way compromised by this stipulation.

In addition to what has been included in the report, Suzy Lamplugh Trust would like to recommend the addition of the following recommendations:

Inclusion of taxi and PHV drivers as a regulated activity

This would enable the offences under the Safeguarding Vulnerable Groups Act 2006, relating to a barred individual working or seeking to work in regulated activity, to apply.

No deregulation of licensing

Suzy Lamplugh Trust is also concerned about the proposed deregulation of licensing requirements for PHV drivers as set out in the 2016 Tourism Action Plan. This would effectively allow individuals to have access to members of the public including vulnerable adults and children in a private vehicle, without any prior safety checks. There should therefore be no de-regulation of existing laws that protect personal safety within taxi and PHV licensing.

Prohibition of taxis or PHVs for use by non-taxi/PHV licensed drivers

The prohibition of PHVs and taxis for personal use by non-PHV or taxi-licensed drivers must be introduced in London. This is to prevent drivers who do not hold a PHV or taxi licence, and who therefore have not been subject to safety checks, from picking up passengers who may assume they do hold a PHV or taxi licence as they are driving a licensed vehicle. While we are aware that PHVs should always be pre-booked, research carried out by the Suzy Lamplugh Trust in September 2017 showed that one in five people (21%) think that minicabs can be hailed on the street, and a quarter of people (26%) believe minicabs can take passengers who approach

them while parked. In addition, our research showed that over half (57%) have taken a taxi or minicab without asking to see the driver's ID badge first.

Ellie Greenwood

Senior Adviser (Regulation), Local Government Association

As the organisation representing licensing authorities, the Local Government Association (LGA) is pleased to have been part of this working group. The LGA is supportive of the vast majority of recommendations in this document, many of which we have been actively calling for over several years, and the objectives underpinning them. Encouragingly, it has been clear throughout the process of the working group how much consensus there is on key issues including updating the legislation, a strengthened and consistent approach to safeguarding standards and the need to address out of area working.

The LGA has worked closely with its members in recent years to support them to strengthen taxi and PHV licensing; producing guidance, running training events and, most recently, commissioning the development of the national register of licence refusals and revocations. The focus of all this work has been to ensure authorities are doing all that they can to safeguard people using taxis and PHVs.

In doing this, we have also consistently urged Government to take the much needed step of modernising outdated taxi and PHV legislation.

It is to be hoped that the report of an independent Chairman marks a turning point on this, and that Government now moves swiftly to take it forward and introduce new legislation. The report recognises that the taxi and PHV market has changed beyond recognition since the existing framework was introduced. As we said in our original submission to the working group, this has too often left councils and Transport for London on the front line of competing, costly legal challenges as to whether new business models fit within an obsolete framework. It is ultimately Government's responsibility to ensure we have a regulatory framework that is fit for purpose and protects people, and it must now do so.

The LGA and its members recognise and accept that as markets change and develop, so too regulation and regulators themselves must adapt. But we believe that local authorities must continue to be central to the licensing process and are pleased that the report recognises the importance of retaining local flexibility in taxi / PHV licensing, in terms of the ability to set local conditions (alongside national minimum standards) and the proposal for a power to set local caps.

There is a strong case to be made for greater collaboration across licensing authorities: on local policies, standards and enforcement of taxi and PHV licensing. The LGA urges all of its members to move forward on this cooperatively and quickly.

In some places, there may be also be a good case for reviewing licensing authority borders. But licensing authorities need to reflect local areas, economies and taxi / PHV markets, and will therefore look different in different places, as they do currently. Any process of revising licensing authority boundaries needs to be led from the bottom up, based on functional economic geography, and should in the first instance be encouraged as a voluntary approach.

It should also be linked to the fact that, beyond the licensing function, the map of local government is evolving. Combined authorities, metro mayors and proposed reorganisation in two tier areas may impact the way in which licensing authorities are structured and operate. These developments should provide the foundation for any changes to the map of licensing authorities, to help maintain the local democratic accountability that the report highlights, while also ensuring that licensing authorities do not become remote from the communities that they serve and seek to safeguard.

It is positive that the report envisages a voluntary approach on this issue, and recognises that Government can help to encourage this – for example, through funding for licensing authorities to develop new models and legislation enabling authorities to form shared licensing areas.

A particular issue for many local areas and licensing authorities has been the growth in out of area working over recent years. The LGA believes that drivers should operate predominantly in the areas where they are licensed, and welcomes the recognition of this issue in the report. We are also pleased that the report recognises the concerns that the LGA and its members have raised about the very limited oversight of drivers of PCVs. It is vital that this safeguarding issue is addressed quickly, building on the work the LGA is doing to develop the national register of refusals and revocations.

Finally, we would caution that while undoubtedly desirable, there may be practical and financial barriers to local licensing authorities introducing some of the report's recommendations, such as mandating minimum numbers of wheelchair accessible vehicles, or (in particular) mitigating additional costs faced by the trade (on zero emission or wheelchair accessible vehicles, or CCTV). However, we look forward to working with Government to explore the options available in these areas.

Dr Michael Grenfell

Executive Director, Enforcement, Competition and Markets Authority

The Competition and Markets Authority has a statutory duty to promote competition for the benefit of consumers. This draws on the insight that, generally, consumers benefit from choice and also from the effect of competitive pressures on suppliers of services and goods, giving those suppliers an incentive to provide their services and goods to a high standard of quality, at a competitive price and with a desire to innovate; where there is effective competition, that is the only way that suppliers can win and retain business.

Applying this to the taxi and private hire vehicle (PHV) sector, competition provides operators with the incentive to give passengers value for money, by way of higher service standards, affordable fares and innovativeness in service provision.

The CMA recognises the need for robust regulation to protect passengers where market competition cannot wholly do this – for example, as regards safety standards. But we consider that such regulation should be proportionate and should be no more onerous than is necessary, with the concern that excessive or unnecessary regulation can create barriers to competition and new market entry, which would be counterproductive for the interests of passengers, depriving them of the benefits of competition (described above) as regards quality standards, price and innovation.

The benefit of price competition – affordability of taxi and cab fares for millions of ordinary people, and particularly the less affluent – should not be regarded as merely a ‘nice-to-have’ add-on. It is extremely important, including for some of the most vulnerable citizens in our society. It is also relevant to safety considerations; if people are unable to afford a taxi or cab fare (for example, after an evening out), they might well choose ways of transport that are considerably less safe – such as unlicensed vehicles, or themselves driving under the influence of alcohol – endangering themselves and others.

Having regard to these considerations, representing the CMA I have sought to engage with the serious work of the Group in what I hope has been in a constructive and cooperative spirit. As the Chairman says in his Foreword, there have been *‘strongly held and sometimes polar opposite opinions’* among members of the Group, and this is surely almost inevitable given the diverse range of interests and perspectives represented on the Group. It has been the Chairman’s task to draw useful insights from the range of expertise in the Group and produce a series of practical recommendations – designed to improve the sector and be workable – even if there is not complete consensus or unanimity about these.

My view is that the Chairman has been very successful in this.

I am happy to endorse the vast majority of the recommendations.

The only significant qualifications that I would wish to put on record are:

- As regards **Recommendation 8**, I am concerned that a numerical cap on the number of providers of taxi/PHV services risks having the effect of artificially and unnecessarily constraining competition, to the detriment of passengers – depriving them of the best prospect of high service standards, value for money and innovation in service provision.

I welcome the report’s recognition, in paragraph 3.40, of the risks of this and the consequent need to carry out *‘a clear, well-evidenced and considered public interest test before a number of restrictions can be applied’*.

Nevertheless, I am not convinced that the case for any kind of cap or numbers has been adequately made out.

In any event, I would urge that, even if there were to be such a cap, the factors taken into account in a public interest test should at least include, in addition to those listed in paragraph 3.41:

‘the effects on competition, including on service standards and affordability of fares, bearing in mind that the absence of affordable fares can induce people to travel by less safe modes of transport’.

- As regards **Recommendation 11**, I am concerned that limiting taxi and PHV operations to the area of pick-up or destination where the provider is licensed narrows the choice available to passengers and weakens competitive pressures, to the potential detriment of passengers (as described above).

Nevertheless, I fully recognise the concern that this recommendation is designed to address – namely, the risk of ‘forum shopping’ by providers, undermining regulatory safeguards applied by licensing authorities.

The report proposes some mitigating measures, specifically:

- Larger licensing areas (as proposed in Recommendation 4); I think that giving effect to this is a necessary precondition to Recommendation 11.
- The notion that operators should not be restricted from applying for and holding licences with multiple authorities, subject to meeting both national standards and any additional requirements imposed by the relevant licensing authority; in my view, this will be effective so long as the cost of multiple licensing is not so onerous as to represent a barrier to operators taking it up.

Finally, I should like to record that, in spite of the differences of opinion between members of the Group, it has been a huge privilege to work alongside such talented and well-informed individuals, who have brought their particular expertise and skills to bear on these difficult issues, and have consistently done so with a view to advancing the public interest, improving the sector and protecting the position of passengers and drivers.

I am in addition impressed by, and grateful for, the secretariat of officials from the Department for Transport who provided support and advice to the Group with admirable efficiency and professionalism.

As for our Chairman, Professor Mohammed Abdel-Haq, he had, as I have noted, the unenviable task of bringing together these disparate perspectives to form a coherent and workable set of recommendations; he is to be warmly commended on his achievement in doing so, and on conducting the Group’s meetings throughout in a spirit of courtesy and good humour. It has been an honour to be a member of his Group.

Anne Main MP

Member of Parliament for St Albans

It has been a pleasure to serve on the working group set up to advise and contribute to debate on the future of Taxi and Private Hire Vehicle licensing. The group has worked on this issue for a considerable period of time and there has been healthy debate throughout the process.

It is a considerable achievement that Professor Mohammed Abdel-Haq has been able to compile a report that has received backing from the many different viewpoints represented on the group.

Whilst I endorse almost all of the recommendations made in the report, I do want to share my concerns about three of the more contentious issues that we have not been able to find consensus on during our meetings;

Recommendation 8

I am concerned with the proposed power for local authorities to cap taxi and PHV vehicle licences. Whilst I appreciate that a public interest test will mitigate the potential issues with this proposal, I am still not convinced that it will benefit public safety or competition in the industry.

One of the issues that this seeks to address is ‘forum shopping’ by drivers who seek PHV licences from those authorities that are seen as easier, quicker and cheaper to get a licence from. The structure of the report suggests a significant strengthening of the licensing requirements across all local authority areas which I feel reduces any need for capping powers.

Combined with a more effective method of reducing drivers licensing in one area and working predominately in another, along with considerably higher licensing standards for all authority areas then I do not believe there is a requirement for a cap. Which I believe would reduce competition and do little to protect passenger safety.

Recommendation 11

I am still not convinced, based on evidence we have heard and read from many different stakeholder groups, that this is the best way to effectively license taxi and PHVs going forward. Although many firms will be totally unaffected by this, I believe there will be considerable implications for smaller PHV companies who regularly operate across several invisible local authority boundaries.

The aim of this recommendation is to prevent drivers being licensed in one part of the country from working predominately somewhere else. I had hoped we would have found a more creative way of reducing this problem whilst still retaining local autonomy, as I fear this recommendation is overly burdensome and is not a practical solution that fits in with passengers’ demands in the modern PHV industry.

I hope that the government will consult on this particular issue widely and seek to find a better and more creative solution that will protect the integrity of local authority licensing and retain healthy competition across boundaries that passengers have come to expect.

Recommendation 17

I do not believe the case has been made for the mandatory enforcement of CCTV in all taxis and PHVs. I support the aims of this recommendation, CCTV will be helpful for the prevention and conviction of crime involving taxi and PHV journeys.

However, I believe that local authorities should have the autonomy to decide on whether or not mandatory CCTV is required for the area in which they cover. I also remain concerned about the financial implications for drivers and small PHV companies who will bear the cost for installation, maintenance and recording of the footage in a data compliant manner.

I do believe the case has been made for drivers or companies choosing to have CCTV. This could form part of proposals for drivers to choose to license themselves at a higher level for passenger safety. A suggestion would be that if drivers choose to have CCTV installed, and license themselves at a higher level, this could allow them to operate across different LA boundaries other than the one they are licensed in.

I hope the government give careful consideration to the recommendations in this report. I believe there is a need to modernise the legislation governing the taxi and PHV industry and there are many sound proposals within this report that should be acted upon.

I would like to register my thanks to Professor Abdel-Haq and the team at the Department for Transport who have worked very hard to pull together this excellent report. I am also grateful to the other working group members who have contributed to a lively and informed debate.

Steve McNamara

General Secretary, Licensed Taxi Drivers' Association

The Licensed Taxi Drivers' Association agrees with the need to stop some drivers, particularly PHV drivers working through apps, from working excessively. However, we are concerned that the proposed measures set out in this report, especially the installation of tachographs, are neither practical nor proportionate and will prove to be very costly for both regulators and drivers.

For those PHV drivers who use apps for all their business it would be relatively easy to introduce restrictions on how long they are logged into the app. However, it would be much harder to regulate the hours of taxi drivers. The installation of tachographs has previously been discussed to try and control the hours of taxi drivers but each time the relevant regulator has deemed it an excessive measure, as well as intrusive and costly.

The best way to tackle excessive driving hours is to remove the need for drivers to work these hours in order to make ends meet. The LTDA believes that if all PHV operators paid their drivers at least the national minimum wage the hours those drivers feel the need to work would fall substantially.

Mick Rix

National Officer for Transport and Distribution, GMB union

The report attempts to address in a number of key areas enhanced public safety provisions with national minimum standards.

The issues around cross border working, plying for hire are issues which have blighted the trade for a number of years. The report recommendations are serious attempt to address these concerns and tackle head on what is a serious problem.

The recommendations on workers rights being placed into license conditions for operators if adopted will be another nail in the coffin for those who seek to exploit drivers for their own gain.

GMB urges the report recommendations to be adopted by our law makers and that legislation should be brought forward as quickly as possible.

Finally I would like to thank our Chair, who along with his good humour and humility, kept everyone focussed. It was a pleasure to work with him.

Donna Short

Director, National Private Hire and Taxi Association

Firstly I would like to echo the sentiments of every member of this group and commend the Chair of the group, Professor Mohammed Abdel-Haq, for a very comprehensive, detailed and easy to read report to the Minister. It is my belief that the report reflects accurately and succinctly the thoughts and views of the majority of the group's members on most of the points raised during the meetings held over the past few months.

This has been an arduous task, given the complexity of existing taxi and private hire legislation – and its archaic and user-unfriendly state, which was the prime motivation for Transport Minister John Hayes MP to have set up the group in the first place. In that regard I would also wish to thank the officers of the Department for Transport for their administrative support and input into the production of the report, and indeed the entire process of hosting and overseeing all the group meetings.

There is no need for me to put down each recommendation and comment on all of them, as in reality I am in agreement with most of the recommendations. What is most important is for the Minister to consider each of the recommendations' aims and goals, and whether they would pass the test of "Is this really what Parliament intends if/when they revise the legislation?"

This presupposes that the current Minister will approve and "sign off" the report at the earliest possible opportunity, so that Government can start work on those recommendations that may be activated immediately without having to depend upon new primary legislation - which we have all been advised would not be feasible for this industry during the current session of Parliament.

May I give a huge personal thumbs-up to **Recommendations 17/18** (CCTV in all licensed vehicles, with a funding boost; the debate is as to voluntary or mandatory) and Recommendation 26 (the training of council officers and emphatically, Councillors on licensing committees).

There are some recommendations however which will certainly be more controversial than others; none more so than **Recommendation 11** concerning all journeys – both taxi and private hire – having to start and/or finish within the area in which all three elements (driver, vehicle and operator) are licensed.

Given that there would be concessions made for certain segments of the industry, this only slightly eases the blow of what would otherwise cause a serious restraint of trade. In my opinion such a fundamental ring-fencing of licensing restriction would stifle competition, stunt the growth of some of the larger companies and conglomerates, and possibly put some of the smaller private hire operations out of business.

In practical terms, hundreds of operations that depend almost entirely on airport transfers (these operations are not exclusively chauffeur/executive, but often cater for a mix of upmarket and "ordinary" private hire passengers), would be severely hampered in particular, as often their drivers are dispatched to pick up or drop off regular customers at any of the major airports from, say, the driver's own home without having set foot in his licensing area during that journey.

Above all, there could be severe risks posed to public safety, as the recommended ABBA [that all taxi and PHV journeys should start and/or end within the area for

which the driver, vehicle and operator are licensed] restriction limits customer choice to the extent that some passengers may end up stranded, often late at night, merely because their potential transport has the wrong plate on the vehicle. This cannot be right, nor in the best interests of the travelling public.

We understand that the practice of many drivers and operators at the present time of working entirely remotely from their own licensing district is not what Parliament intended in any existing legislation; nor is it safe for the public in all its ramifications; nor is it anything but damaging to bona fide firms that “do it right”. There must be some way to curtail this pandemic abuse of licensing practice; however I do not believe that Recommendation 11 is the way to accomplish this.

Unfortunately any potential alternatives are scuppered by two recent pieces of case law: that of **Skyline Taxis v Milton Keynes Council** from November 2017 (where the necessity of a “physical presence” of a private hire operator base in each district was discarded), and **Knowsley MBC v Delta and Uber** from March 2018 (which rules out the concept of “intended use policy” for private hire). This entire topic requires intense investigation.

The other recommendation which seems to have caused a great deal of controversy is **Recommendation 8**: to set a cap on the number of private hire vehicles. At present there are entirely too many licensed vehicles now in operation, and this on the surface has caused severe competition, longer drivers’ hours, congestion and air quality issues.

However, it is my view that a cap on private hire numbers at this time is a “closing the stable door after the horse has bolted” scenario: it is too late to have the desired effect of correcting the above problems, as numbers have already skyrocketed and the vehicles that are currently licensed cannot be taken off the road purely on numerical grounds.

There is still a perceived need for more drivers and vehicles in some districts, whilst there is an over-supply in others. To limit PHV numbers across the board would possibly endanger passengers in those areas where supply is short, to the extent that those passengers could seek transport in unlicensed vehicles, drive their own vehicle when over the alcohol limit, or even attempt to walk to their destination and put themselves at risk on the street during night time hours.

If national standards are brought in at the level whereby (a) licence-shopping outside the district becomes less attractive; (b) reciprocal implementation of authority by officers allows for stricter enforcement across borders; and (c) the standards for both drivers and vehicles preclude volumes of casual licensing of substandard vehicles, these factors in themselves would limit further numbers of licensed vehicles flooding the market.

It is my belief that market forces will prevail without an artificial ceiling; supply and demand of PHVs must be allowed to continue in the name of fair competition and public safety.

As for driver training (**Recommendation 25**), this is an area that needs serious consideration: there is no longer a Sector Skills Council to sanction and implement future training programmes; there is no longer a current structure of updated BTEC (underpinning knowledge) and NVQ (assessment) that could be applied nationally; and crucially there is little funding in place to assist applicants to gain this very important and necessary training. The situation needs careful examination, new funding sources and constructive reform as soon as possible.

Within **Recommendation 30** (wheelchair accessible vehicle provision) the most important criterion must be clarity: it must be stressed that the Government position favours a mixed fleet of both saloon and wheelchair taxis. If it is not possible to have a set percentage of WAVs agreed across the entire country, then there must be another way to provide such provision without making WAVs compulsory across the entire taxi fleet in any one district. This policy is discriminatory against ambulant disabled passengers: arthritics, stroke victims, partially blind passengers, as they often have great difficulty getting into and out of WAVs.

There are perceived practical difficulties in implementing **Recommendation 34**, the restriction of taxi and PHV drivers' hours. Government will have to come up with an alternative to tachographs in every licensed vehicle, which is the current method of tracking drivers' hours in the bus, coach and logistics industries.

My only concern in respect of a possible omission within the recommendations is any mention of medical standards for drivers. I appreciate that this may fall under the category of "fit and proper" (which still needs defining); however in our experience the DVLA Group 2 criteria for medical fitness to drive are not being adhered to, either in terms of the exam itself or its correct frequency of intervals, by far too many licensing authorities. This poses a serious risk to the travelling public, and should be addressed with some urgency.

The motto, credo and remit of this Association from its inception has always been "to raise standards in the trade, both actual and as perceived by the public". The view of members of the group, and indeed the report itself, mirror(s) those desires and sentiments, and it has been an honour and a privilege for me to have been chosen and to have taken part in the group meetings and discussions.

Time is of the essence if this industry is to be rescued from its current state of chaotic lack of coherence and direction. I cannot emphasise strongly enough that this report encapsulates and addresses in great detail and insight the difficulties currently at hand, and – unlike previous attempts at reforming the industry - it must be acted upon with alacrity and determination.

Steve Wright MBE

Chairman, Licensed Private Hire Car Association

The views below are based on known policy and positions of LPHCA members alongside the discretionary judgement I am constitutionally afforded as LPHCA Chairman.

Given there were so many different and interested parties providing input, I feel the quality of the Report and the proposal outcomes, are in the main excellent and I'd like to congratulate and commend the Chair, DfT Officials and Group Colleagues for the hard work, professionalism and spirit of collaboration, widely shown.

Inevitably there are a few areas of non-agreement and unless referenced below, the LPHCA fully endorses the proposals and more generally the superb quality of the report.

Recommendation 8

We cannot agree with recommendation 8 because it is, in our view, anti-competitive, protectionist, un-environmentally friendly and safety compromising, furthermore it would be extremely costly, as well as difficult to enforce and regulate.

We do not accept that the proposal should help authorities to solve challenges around congestion, air quality and parking, which can be resolved outside of Taxi & PHV licensing. Nor do we accept that it would ensure appropriate provision of taxi and private hire services for passengers, while maintaining drivers' working conditions, which again is a matter that in our view is wholly outside of Taxi & PHV licensing.

This proposal, if adopted, could bring about shortage of supply and make it very difficult for hire and replacement vehicle companies to operate. This in turn could leave consumers at risk of being stranded because of volatile and unpredictable demand factors, such as the weather and seasonal demands (e.g. during, Diwali, Christmas & New Year periods).

This proposal also lacks any tangible safety benefits and in our view, it would compromise rather than enhance safety.

Recommendation 11

We cannot agree with recommendation 11 because it is anti-competitive, protectionist, un-environmentally friendly and safety compromising, furthermore it would be extremely costly, as well as difficult to enforce and regulate. It would also increase dead mileage, make the industry far less efficient, increase costs and potentially lead to demand outstripping supply, which has serious safety implications.

The notion that Operators could hold multiple licenses is unsound, unnecessary and cost-prohibitive. Some operators would need to hold scores and possibly hundreds of licenses to operate as they do now, the cost and administrative burden would take the Private Hire Industry into an area that we believe has no place in a modern economy.

This proposal, in our view, is also out of kilter with the Law Commission's recommendations, government policy and fair, progressive competition. It will be, without doubt, vehemently opposed by the Private Hire Industry and will badly let down consumers if taken forward. National standards, compliance and enforcement proposed by the Chair elsewhere will eradicate many of the current inhibiting factors

on Local Authorities to deliver 'fit for purpose' regulations, without such inhibitive measures.

This proposal looks to be borne out of so called 'Cross-Border hiring', something which has always been undertaken by PHVs without problem until the arrival of large 'App-Only' companies whose drivers show themselves publicly outside of the area they are licensed in.

The proposal, as drafted, would not solve 'Out of area working' as the entities that have caused this anomaly, will simply licence in every licensing authority, which will be beyond the scope of the vast majority of PHV operators in England.

A viable solution may be to only allow pre-booked and corporate journeys to be undertaken out of area, with PHV drivers only able to show their position / availability in the area they are licensed in.

This could be enshrined in the future definition of Plying for Hire recommended elsewhere, by establishing a clear distinction between Public and Private Hiring of PHV's and Taxis.

The notion that specialist services such as chauffeur and disability transport services could continue to operate cross border under exemption is problematic as defining what a chauffeur is would be difficult.

Nearly every PHV carries elderly, disabled, special needs and vulnerable passengers and many PHVs are not specialist vehicles, but nevertheless they are the preferred mode of door-to-door transport for such passengers. This proposal would have a negative impact on such passengers.

We therefore cannot endorse the proposal and point out there are far better ways to deal with 'cross-border' / 'out of area operation'. We believe safety would in fact, be compromised, rather than improved.

Recommendation 12

We agree that Licensing Authorities should ensure that their licensing administration and enforcement functions are adequately resourced, setting fees at an appropriate level to enable this.

We must however ensure that such fees are proportionate, distributed appropriately and set at reasonable levels. Such fees should also be applicable to taxi & PHV drivers and operators and not have commercially inhibiting factors in the fees structure.

Recommendation 17

We accept that CCTV has a great role to play regarding both passengers and driver safety. We have undertaken research with consumers, operators and drivers on both the merits and issues that CCTV can bring.

We accept 'in principle' the spirit of what is being sought by way of safety, but personal privacy, uncertainty of costs, who has access to the data and how this would affect entities that provide hire-cars for drivers when either broken down or following an accident are significant issues.

We therefore cannot agree with mandating CCTV across the board and would like government to undertake a full-blown regulatory impact assessment and have considerable dialogue with trade representatives and others, so we can get the right balance for CCTV to go forward in a viable way.

Recommendation 28

We agree that Licensing Authorities must require that all drivers are able to communicate in English orally and in writing to a standard that is required to fulfil their duties, including in emergency and other challenging situations.

A problem area however comes within any written element, which in our view in London has been set way above the standard that is required for a PHV driver to fulfil their duties. We would like a fixed national standard of English to be in place that enshrines an oral test, the ability to plan a route and use an atlas & satnav. Good tests are already available and in use by some Local Authorities.

The level needed for written English is low because the only writing that most taxi or PHV drivers will need to do in the course of work is to write out a receipt. Since the introduction of English Language testing in London, there have been legal challenges, trade protests, heavily signed petitions, alongside the changing of requirements and implementation dates.

Proposed exemptions have been dropped and a great deal of hardship, unnecessary stress and cost has also been the consequence, alongside serious unresolved issues for dyslexic drivers. The British Dyslexia Association are in contact with TfL and the LPHCA on very real problems that the written element is causing.

TfL's current English Language requirements has caused the Mayor of London to have two meetings with Trade Representatives to date. The requirement date has been moved back several times (now to 30th April 2019) and the Mayor has stated that further dialogue could be needed in 2019 to get things right.

As well as the above, taxi drivers in London are exempted, whilst PHV drivers are not, which is something we are looking at on the basis of equality and discrimination. It is also very questionable why someone who has been working in the PHV industry for many years needs to be retrospectively tested for their English.

It should be remembered that every PHV driver in London has passed a driving test and for many years all PHV drivers have undertaken a TfL approved topographical assessment.

We propose that an agreed pan-England standard of assessment is needed, rather than every Local Authority doing its own thing, at differing costs and standards.

Recommendation 30

We are very supportive of measures that improve disabled vehicle provision but around 90% of disabled passengers are not wheelchair bound and rely on normal PHVs for their transport, with many actually preferring non-wheelchair accessible vehicles.

Mandating fleet quotas would bring considerable problems for PHV Operators as well as many drivers who are majoritively self-employed and now move between fleets. We would therefore like government to facilitate dialogue with PHV trade representatives and disabled groups like the Disabled Persons Transport Advisory Committee (DPTAC) to discuss how Private Hire can play a greater role in providing appropriate vehicles.

SUMMARY

The LPHCA believes that following the Law Commission Review and Professor Mohammed Abdel-Haq's excellent report, a number of these recommendations could

be brought in fairly quickly as there appears to be wide ranging consensus on key areas.

We also feel that for certain recommendations like English Language, enhanced DBS and barred lists checks, use of the National Anti-Fraud Network (NAFN) database, etc., that an absolute standard should be put in place. This would ensure that inconsistency, which has traditionally been the root cause of licensing problems, is eradicated.



Department
for Transport

Appendix 2

Government Response

Report of the Task and Finish Group on Taxi and Private Hire Vehicle Licensing

Moving Britain Ahead



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Foreword

I would like to thank the Chair and Members of the Task and Finish Group on Taxi and Private Hire Vehicle Licensing for their time and for sharing their knowledge and expertise. I share the group's desire to act where needed. Many of the recommendations in the Chair's report seek to ensure the safety of passengers in taxis and private hire vehicles wherever they may be travelling, and the report is clear on the role that government and licensing authorities must play to achieve this.

My Department has considered the recommendations made by the Chair and the comments of the members; it is clear where there is a consensus and where the arguments are more finely balanced. In this response I will set out the action Government will take. At the forefront of our deliberations are the interests of passengers, both in the short-term and going forward to provide a framework that works now and for the future as the sector faces further change.

The existing licensing framework provides licensing authorities with extensive powers to set appropriate standards for drivers, vehicles and private hire operators. As the Chair has identified, licensing authorities can bring about much of the needed reform through the use of these powers and we support the call for far greater collaboration between licensing authorities in the interests of both passengers and the trade.

Together, Government and licensing authorities can learn from past failings and regulatory and industry best practice, to provide a framework that fosters fair competition, high standards and a service for all that those working in the trade can be rightly proud of.



Nusrat Ghani MP

Parliamentary Under Secretary of State for Transport

Background

The Task and Finish Group

- 1 The Task and Finish Group (TFG) on Taxi and Private Hire Vehicle Licensing was established in September 2017. The group's remit was to consider evidence relating to the adequacy of current taxi and private hire vehicle (PHV) licensing authority powers, as set out in legislation and guidance, and to make recommendations for actions to address any priority issues identified; specifically:
 - Identifying the current priority concerns regarding the regulation of the sector, based on evidence of impact and scale across England;
 - Considering, in particular, the adequacy of measures in the licensing system to address those issues;
 - Considering whether it would advise the Government to accept the recommendations made in the Law Commission's May 2014 report on taxi and PHV legislative reform relevant to the issues, and;
 - Making specific and prioritised recommendations, legislative and non-legislative, for action to address identified and evidenced issues.
- 2 The Chair of the group, Professor Mohammed Abdel-Haq, submitted his report (the 'TFG report'), with individual annexes contributed by group members, to the Secretary of State for Transport on 9 July 2018.

The format of this response

- 3 This response first sets out a broad summary of the Government's position, and the actions it proposes to take.
- 4 This is followed, in chapters two to five, by a point-by-point consideration of the report's 34 specific recommendations. The chapter headings mirror the named sections of the TFG report.

1. Summary

The report of the Chair of the independent Task and Finish Group sets out a road-map for reform of the regulation of the taxi and private hire vehicle (PHV) sector. His report highlights the leadership role that government must provide and the extensive powers that licensing authorities currently have to shape the sector and the benefits of increased collaboration between them. Above all other considerations the Task and Finish Group has put the passenger at the heart of its thinking; we welcome and share this view. Government will take action where needed to ensure a safe and well-functioning sector which meets the needs and expectations of its passengers.

Greater collaboration is essential to delivering safe and convenient travel for all; unlike other forms of licensing the people and premises (in this case the drivers and vehicles) are mobile and will frequently be asked to work beyond the area in which they are licensed - while regulation is undertaken at a local level, journeys the public wish to take are not bound by borders. Greater consistency and collaboration in regulation is needed to address the changes in the sector and the concerns of the public, the trade and of regulators themselves.

The primary concern of the group was considering ways in which the safety of passengers can be protected. The Chair, with the full support of the group's members, has made a number of recommendations on robust measures he feels are appropriate and how government should ensure these are consistently applied and enforced. The Government accepts the three key measures recommended to achieve a safe service for passengers:

- National Minimum Standards
- National Enforcement Powers; and
- A National Licensing Database.

In addition, Government will consider further, with a view to legislation, the Chair's recommendation around tackling cross-border working, including how it might work in detail.

Government has already made commitments as part of its Inclusive Transport Strategy to work with licensing authorities to increase the availability of wheelchair accessible vehicles where demand is unmet; to prevent the refusal of wheelchair users and those travelling with assistance dogs; and to take strong action if such offences occur.

As with other parts of the economy, the PHV trade has experienced growth in numbers and changes to the way those within it work. The Good Work Plan, published in December 2018, sets out the Government's vision for the future of the labour market and its ambitious plans for implementing the recommendations arising from the Taylor Review.

2. Market function and regulation

TFG Recommendation 1

Notwithstanding the specific recommendations made below, taxi and PHV legislation should be urgently revised to provide a safe, clear and up to date structure that can effectively regulate the two-tier trade as it is now.

Government response

- 2.1 We agree that the regulation of taxis and private hire vehicles needs reform. Government acknowledged that need in 2012 by asking the Law Commission to review the regulation of the sector and propose an updated legislative framework. The Commission published a report and draft Bill in May 2014.
- 2.2 Since the Law Commission's report was published in 2014, the sector has undergone rapid change and continues to do so. Increased use of technology by passengers and the trade has resulted in a significantly different licensing landscape from that which existed when the Commission undertook its review. The TFG report makes a number of specific recommendations which conflict with the approach that the Law Commission took - for example, concerning cross-border journey restrictions - and it does not address in detail many of the fundamental questions about how an entirely new legislative framework might look.
- 2.3 We will set out in this response what legislation the Government proposes to take forward. In the short term this does not include a full replacement of the law which regulates taxi and private hire. It will, however, be important to fully consider this as part of work on the Future of Mobility¹, which will consider how Government can support new technology and innovation through regulatory frameworks which can evolve with time.

¹ <https://www.gov.uk/government/publications/industrial-strategy-the-grand-challenges/industrial-strategy-the-grand-challenges#future-of-mobility>

TFG Recommendation 2

Government should legislate for national minimum standards for taxi and PHV licensing - for drivers, vehicles and operators (see recommendation 6). The national minimum standards that relate to the personal safety of passengers must be set at a level to ensure a high minimum safety standard across every authority in England.

Government must convene a panel of regulators, passenger safety groups and operator representatives to determine the national minimum safety standards. Licensing authorities should, however, be able to set additional higher standards in safety and all other aspects depending on the requirements of the local areas if they wish to do so.

Government response

- 2.4 The Government agrees that there should be national minimum standards for taxi and PHV licensing, and will take forward legislation when time allows to enable these.
- 2.5 There is a welcome consensus in favour of the principle of national minimum standards, though careful consideration will be needed to define the scope of those standards and what they should be. In particular, it will be important to carefully balance the need to create more harmonised licensing practice, particularly where safety is concerned, with the important right of local licensing authorities to set conditions appropriate for their areas.
- 2.6 In the interim, Government will continue to review its statutory and best practice guidance. The development of these, through engagement and consultation, will ultimately shape the content of national minimum standards.
- 2.7 At Autumn Budget 2018, the Government announced that it will consider legislating at Finance Bill 2019-20 to introduce a tax-registration check linked to the licence renewal processes. This would include drivers of taxis and PHVs and PHV operators licensing in England and Wales. Applicants would need to provide proof they are correctly registered for tax in order to be granted these licences. This would help to raise regulatory standards and improve tax compliance in this sector.

TFG Recommendation 3

Government should urgently update its Best Practice Guidance. To achieve greater consistency in advance of national minimum standards, licensing authorities should only deviate from the recommendations in exceptional circumstances. In this event licensing authorities should publish the rationale for this decision.

Where aspects of licensing are not covered by guidance nor national minimum standards, or where there is a desire to go above and beyond the national minimum standard, licensing authorities should aspire to collaborate with adjoining areas to reduce variations in driver, vehicle and operator requirements. Such action is particularly, but not exclusively, important within city regions.

Government response

- 2.8 The Government welcomes this recommendation, recognising as it does the leadership role that Government must play but also the shared collective responsibility that licensing authorities have to work together to increase consistency beyond safety standards and in doing so address the root cause of wider concerns over 'out-of-area' working by some licensees.
- 2.9 Alongside this response, the Department is for the first time consulting on statutory guidance to be issued to licensing authorities which details the Department's view of how their functions may be exercised so as to protect children and vulnerable adults from harm. Licensing authorities are obligated to have regard to this guidance, and as such we expect the final recommendations to be enacted unless there is a clear local reason to deviate from them.

TFG Recommendation 4

In the short-term, large urban areas, notably those that have metro mayors, should emulate the model of licensing which currently exists in London and be combined into one licensing area. In non-metropolitan areas collaboration and joint working between smaller authorities should become the norm.

Government having encouraged such joint working to build capacity and effectiveness, working with the Local Government Association, should review progress in non-metropolitan areas over the next three years.

Government Response

- 2.10 The Government agrees that collaboration and joint working can be helpful in ensuring efficient operation of taxi and PHV licensing in smaller local authorities. The Government will keep progress in this area under review.

TFG Recommendation 5

As the law stands, plying for hire is difficult to prove and requires significant enforcement resources. Technological advancement has blurred the distinction between the two trades.

Government should introduce a statutory definition of both plying for hire and pre-booked in order to maintain the two-tier system. This definition should include reviewing the use of technology and vehicle 'clustering' as well as ensuring taxis retain the sole right to be hailed on streets or at ranks.

Government should convene a panel of regulatory experts to explore and draft the definition.

Government response

- 2.11 This matter was the subject of specific consideration by the Law Commission in the course of its review. The Commission ultimately concluded that a statutory definition of plying for hire would not be a practical improvement on the current position. This decision was reached with the advice of an expert panel established specifically for the purpose of discussing reform of "plying for hire". The Commission's main reason

for reaching this conclusion was that whether a vehicle is plying for hire in particular circumstances is a matter of fact and degree that the courts must consider. It concluded that many of the current grey areas would remain unresolved as no statutory list of factors could be sufficiently determinative to give clear guidance.

- 2.12 We have no reason to believe that the legal situation has changed since 2014, and thus no reason to believe that a new or reconvened expert panel would reach a different conclusion. As a result, the Government does not intend to take this recommendation forward at this time.

TFG Recommendation 6

Government should require companies that act as intermediaries between passengers and taxi drivers to meet the same licensing requirements and obligations as PHV operators, as this may provide additional safety for passengers (e.g. though greater traceability).

Government response

- 2.13 PHV operators, and companies that act as intermediaries for taxi bookings, do perform functions that appear very similar. However, the Government is not convinced that there is a compelling case for the licensing of taxi intermediaries (such as taxi apps or radio circuits).
- 2.14 An operator is fundamental to the booking of a PHV, and so has a distinct and legally necessary role in the regulatory system. Conversely, when a taxi is requested via an intermediary, that intermediary is doing nothing more than passengers could do themselves - they merely convey the request from the passenger to a taxi driver. This is unlike the situation with PHVs where it would be illegal for the passenger to engage the services of the driver directly, and the involvement of the PHV operator is necessary to make the journey a lawful one. This distinction reflects the greater degree of regulation applied to taxis than PHVs.
- 2.15 The Law Commission also considered this, and concluded that intermediaries working solely with licensed taxis should not require licensing.

TFG Recommendation 7

Central Government and licensing authorities should 'level the playing field' by mitigating additional costs faced by the trade where a wider social benefit is provided – for example, where a wheelchair accessible and/or zero emission capable vehicle is made available.

Government Response

- 2.16 Government is aware of the additional cost involved in the purchase of a wheelchair accessible vehicle (WAV) or a zero-emission capable vehicle, whether voluntarily or because of licensing requirements.

- 2.17 For zero-emission capable vehicles, the Government provides the plug-in car grant² and the plug-in taxi grant³.
- 2.18 A number of authorities are proactively encouraging the provision of WAVs through offering discounted licensing fees for these vehicles. Government welcomes this initiative and would encourage licensing authorities to consider what other incentives could be offered (particularly those which may not impose costs on licensing authorities themselves - for example, allowing WAVs access to bus lanes).
- 2.19 The Government does not propose to introduce further financial incentives for taxis and PHVs based on vehicle type at the current time; however we will keep this under review.

TFG Recommendation 8

Government should legislate to allow local licensing authorities, where a need is proven through a public interest test, to set a cap on the number of taxi and private hire vehicles they license. This can help authorities to solve challenges around congestion, air quality and parking and ensure appropriate provision of taxi and private hire services for passengers, while maintaining drivers' working conditions.

Government Response

- 2.20 Local licensing authorities outside London can currently limit the number of taxis they licence, provided there is no significant 'unmet demand' for taxi services in their areas. It is not currently possible by law for any licensing authority in England to limit the number of PHVs it licenses.
- 2.21 The TFG members had differing opinions on this recommendation, recorded in their comments in the annex to the report; Transport for London (TfL) strongly supports it, while some other members flag concerns about the effects on competition in particular. Competition benefits consumers by incentivising operators to give value for money, to innovate, and drive improvements in service standards.
- 2.22 Of particular concern would be any potential impact on safety. An undersupply of vehicles would increase wait times and cause people to be stranded in vulnerable situations, potentially increasing the use of unlicensed, unvetted and illegal drivers and vehicles. We acknowledge that the recommendation is that licence 'caps' should require a public interest test, which may allow for consideration of any negative impacts. Nevertheless, the potential negative impacts of capping for passengers are considerable, and real-life demand for taxi and PHV services can be very difficult to accurately calculate. Reducing the availability of PHVs could also result in higher prices for passengers, as, unlike taxis, PHV fares are not controlled.
- 2.23 There has been significant growth in the number of PHVs licensed in London in recent years; there was an increase of 66% between March 2014 and March 2017, from around 53,000 vehicles to nearly 88,000. Since then, the number does appear to have stabilised at around 87,500.⁴ TfL has congestion charging powers, and has announced following public consultation that the exemption from the congestion

² <https://www.gov.uk/government/publications/plugin-car-grant/plugin-car-grant-eligibility-guidance>

³ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/682046/plugin-taxi-grant-vehicle-application-guidance.pdf

⁴ <https://tfl.gov.uk/info-for/taxis-and-private-hire/licensing/licensing-information>

charge currently given to PHVs when they are working will be removed from April 2019.⁵

- 2.24 The Government does not propose to take this recommendation forward. We would instead wish to see local authorities make the most use of existing powers to address air quality and congestion issues.

TFG Recommendation 9

All licensing authorities should use their existing powers make it a condition of licensing that drivers cooperate with requests from authorised compliance officers in other areas. Where a driver fails to comply with this requirement enforcement action should be taken as if the driver has failed to comply with the same request from an officer of the issuing authority

Government Response

- 2.25 The Government welcomes this recommendation. Regardless of any current or future rules on cross-border working (see paragraphs 2.30 - 2.35), drivers will on occasion encounter licensing officers from other authorities.
- 2.26 We are aware of a number of authorities that already have this requirement as part of their licensing conditions and we would encourage other licensing authorities to do so too. Where drivers are working in an area other than that in which they are licensed, it should be expected that licensees comply with the reasonable requests of any licensing officers, assisting them in ensuring compliance with appropriate standards, and ultimately protecting passengers.

TFG Recommendation 10

Legislation should be brought forward to enable licensing authorities to carry out enforcement and compliance checks and take appropriate action against any taxi or PHV in their area that is in breach of national minimum standards (recommendation 2) or the requirement that all taxi and PHV journeys should start and/or end within the area that issued the relevant licences (recommendation 11).

Government Response

- 2.27 The Government agrees that there should be national enforcement against the national minimum standards that will be introduced in response to recommendation two, and will legislate for this when time allows.
- 2.28 As noted above, regardless of any current or future rules on cross-border working, drivers will inevitably undertake some journeys which take them outside their licensed area. The benefits to passenger safety resulting from robust national minimum standards can only be maximised when effective enforcement ensures compliance with these, regardless of where journeys are taking place.

⁵ <https://consultations.tfl.gov.uk/policy/private-hire-charge-exemption/> (the exemption will continue to be available for wheelchair accessible PHVs).

- 2.29 The Government will work closely with licensing authorities and enforcement officers to ensure that the precise scope of national enforcement powers, and how they would be used in practice, are carefully considered and defined.

TFG Recommendation 11

Government should legislate that all taxi and PHV journeys should start and/or end within the area for which the driver, vehicle and operator (PHVs and taxis – see recommendation 6) are licensed. Appropriate measures should be in place to allow specialist services such as chauffeur and disability transport services to continue to operate cross border.

Operators should not be restricted from applying for and holding licences with multiple authorities, subject to them meeting both national standards and any additional requirements imposed by the relevant licensing authority.

Government Response

- 2.30 There are clearly a range of views within the sector and interested parties about how cross-border, or out-of-area, journeys by taxis and PHVs should be permitted or restricted. This can clearly be seen in the range of views expressed by individual members of the TFG in their comments in the annex to the report.
- 2.31 Currently, a PHV journey can take place anywhere in England provided that the driver, vehicle and operator are licensed by the same licensing authority. However, the licensing requirements in different areas (for example, the training required of drivers or the vehicle standards set) can vary considerably.
- 2.32 Such variations, combined with the freedom to carry out journeys anywhere, can incentivise drivers or operators to license away from the area where they actually intend to carry out work. This means that the ability of local licensing authorities to set and maintain taxi and PHV standards for their local areas is undermined.
- 2.33 We acknowledge the view that national minimum standards will go some way towards resolving that problem. The Suzy Lamplugh Trust noted in its comments on the TFG report that it did not support recommendation 11 because the introduction of national minimum standards would resolve the current practice of drivers choosing which licensing authority to obtain their licence from based on "less stringent" safety checks.
- 2.34 Even with national minimum standards in place, there will still be variations in licensing conditions (and therefore matters like licence costs and processing times), since the Government does not intend to remove the ability of licensing authorities to set their own local standards in matters not covered by the national minimum standards, or above and beyond those minimum standards. Local authorities are accountable for licensing in their areas and it is only right that they have the powers to properly shape and influence their local market.
- 2.35 Government therefore agrees with the principle of this recommendation, and will consider further (with a view to legislation) how it might best work in detail. In particular, Government will need to consider what size of area is appropriate. We will also consider what flexibilities or exemptions might be needed to reduce or avoid negative impacts on any particular business models, types of transport or passenger,

and businesses or localities that are close to (perhaps multiple) licensing authority borders.

TFG Recommendation 12

Licensing authorities should ensure that their licensing administration and enforcement functions are adequately resourced, setting fees at an appropriate level to enable this.

Government Response

- 2.36 The prime reason for regulation of taxis and PHVs is to protect the public and licensing authorities must ensure that this function is sufficiently resourced to do so. We therefore urge licensing authorities to ensure that they have efficient and effective procedures in place to minimise the cost to the trade of establishing a robust and well-resourced licensing body and undertake a review of their licensing fees to recover the permissible costs and no more of providing this.

TFG Recommendation 13

Legislation should be introduced by the Government as a matter of urgency to enable Transport for London to regulate the operation of pedicabs in London

Government Response

- 2.37 The Government fully supports this recommendation.
- 2.38 Under the current law, pedicabs can be regulated as taxis elsewhere in England but not in London. This is the result of the differing legislation that governs London and the rest of England. In London, pedicabs are considered to be 'stage carriages' rather than taxis (hackney carriages). The resulting lack of any regulation of pedicabs in London is an anomaly which needs fixing, in the clear interest of passengers.
- 2.39 The Government has worked with TfL to support the Pedicabs (London) Private Members' Bill brought forward by Paul Scully MP. The objective of the Bill has cross party support, and we hope that Parliament will enable this to become statute.
- 2.40 Should the Pedicabs (London) Bill not become law, the Government will put forward its own legislation when time permits to enable TfL to regulate pedicabs.

TFG Recommendation 14

The Department for Transport and Transport for London should work together to enable the issue of Fixed Penalty Notices (FPNs) for both minor taxi and PHV compliance failings. The Department for Transport should introduce legislation to provide all licensing authorities with the same powers.

Government Response

- 2.41 The Transport for London Act 2008 enables an FPN system to be introduced for certain taxi and PHV offences within London. These powers have never been commenced by TfL. Despite the title of the relevant schedule to the 2008 Act, the list of offences relates only to Acts which govern taxi regulation and therefore would not enable FPNs to be issued regarding any PHV offence.
- 2.42 The Department for Transport and TfL are discussing what amendments to the schedule of offences would be required to address this regulatory imbalance and address TfL's concerns, so that it can make effective use of its powers.
- 2.43 The Department is aware that a number of licensing authorities operate a penalty points system to address minor infringements. We will engage with licensing authorities to establish if there is significant demand for a power to issue fixed penalty notices outside of London to assist in the enforcement of national minimum standards.

TFG Recommendation 15

All ridesharing service services should explicitly gain the informed consent of passengers at the time of the booking and commencement of the journey.

Government Response

- 2.44 Taxi and PHV ridesharing services (i.e. multiple passengers sharing a taxi or PHV to the same, or similar, destinations who are charged separate fares - for example, the 'Uber Pool' service) have been permitted for over 30 years but the adoption by the public of new technology is likely to increase the participation rate.
- 2.45 Government supports choice for consumers but this must be an informed choice. It would be unacceptable for any person to be led to believe that they are hiring a taxi or PHV exclusively, and then be expected to share with other passengers who are unknown to them. Although the TFG report does not present any evidence that such confusion is happening in practice, operators should ensure their systems make it entirely clear to passengers when they are engaging a shared service. Licensing authorities may wish to ensure that their operator licensing conditions make clear that operators must do this.

3. Safety in taxis and private hire vehicles

- 3.1 Many of the recommendations made by the TFG Report in this area call on local licensing authorities to make better use of their existing powers, ahead of Government legislating for the introduction of national minimum standards.

TFG Recommendation 16

The Department for Transport must as a matter of urgency press ahead with consultation on a draft of its Statutory Guidance to local licensing authorities. The guidance must be explicit in its expectations of what licensing authorities should be doing to safeguard vulnerable passengers. The effectiveness of the guidance must be monitored in advance of legislation on national minimum standards.

Government Response

- 3.2 The TFG received submissions and heard evidence on ways to increase passenger safety from a wide range of organisations.
- 3.3 Both the Jay and Casey Reports into child sexual abuse and exploitation noted the prominent role played by taxi and PHV drivers in a large number of cases of abuse. The Casey Report in particular uncovered what was described as "weak and ineffective arrangements for taxi licensing which leave the public at risk." To help reduce the risk posed to children and vulnerable individuals from harm by taxi and PHV drivers who seek to abuse their position of trust, section 177 of the Policing and Crime Act 2017 enables the Secretary of State to issue statutory guidance to licensing authorities on the exercise of their taxi and PHV licensing functions.
- 3.4 The TFG was invited to review the draft statutory guidance ahead of the public consultation, and it has now been published for consultation alongside this response. The Department is grateful to the organisations it engaged with while drafting the guidance for consultation, and we encourage all organisations and individuals with views on the guidance to respond to the consultation.

TFG Recommendation 17

In the interests of passenger safety, particularly in the light of events in towns and cities like Rochdale, Oxford, Newcastle and Rotherham, all licensed vehicles must be fitted with CCTV (visual and audio) subject to strict data protection measures. Licensing authorities must use their existing power to mandate this ahead of the requirement's inclusion in national minimum standards.

To support greater consistency in licensing, potentially reduce costs and assist greater out of area compliance, the Government must set out in guidance the standards and specifications of CCTV systems for use in taxis and PHVs. These must then be introduced on a mandatory basis as part of national minimum standards

Government Response

- 3.5 The Government's view on the use of CCTV in taxis and private hire vehicles is set out in the consultation on draft statutory guidance which accompanies this response.
- 3.6 It is the Department's view that CCTV (with targeted overt recording of audio instigated when either the passenger or driver deems necessary) provides additional public protection - to both passengers and drivers - providing a fuller objective record of events, assisting in identification of unacceptable and/or illegal behaviour by all occupants of the vehicle. As the TFG report identifies, ridesharing in taxis and PHVs is becoming more popular, introducing further risks as passengers are travelling in close proximity with strangers.
- 3.7 However, Government must also consider the importance of protecting individuals' privacy. It is vital therefore that any recordings made are able to be viewed only by those with a legitimate need to do so, such as the police when investigating an allegation or licensing authorities in response to a complaint. Licensing authorities should refer to guidance issued by the Information Commissioner and the Surveillance Camera Commissioner when formulating their policies on the specification and use of in vehicle CCTV system.
- 3.8 It should be noted that where a local authority considers granting a license subject to CCTV conditions, it assumes the role of a system operator for the purposes of the Home Secretary's Surveillance Camera Code issued under the Protection of Freedoms Act 2012, which means it must have regard to the Code; and is the data controller for the purposes of the Data Protection Act 2018.

TFG Recommendation 18

As Government and local authorities would benefit from a reduction in crime in licensed vehicle both should consider ways in which the costs to small businesses of installing CCTV can be mitigated.

Government Response

- 3.9 It is likely that Government and local authorities would benefit from a reduction in crime as a result of more extensive installation of CCTV in taxis and PHVs. However, CCTV is installed in many businesses at their own cost with an expectation that this

will deter crime and so protect their staff and property. For example, similar conditions may be required before granting establishments a licence to sell alcohol.

- 3.10 Government has acted to assist the trade where tighter regulation has significantly increased costs, for example providing a grant of up to £7,500 to assist the trade in transitioning to zero emission capable vehicles. The cost of installing a CCTV system is similar to a replacement set of tyres for a vehicle; as such we do not consider subsidising of these additional costs is necessary.

TFG Recommendation 19

National standards must set requirements to assist the public in distinguishing between taxis, PHVs and unlicensed vehicles. These should require drivers to have on display (e.g. a clearly visible badge or arm-band providing) relevant details to assist the passengers in identifying that they are appropriately licensed e.g. photograph of the driver and licence type i.e. immediate hire or pre-booked only.

All PHVs must be required to provide information to passengers including driver photo ID and the vehicle licence number, in advance of a journey. This would enable all passengers to share information with others in advance of their journey. For passengers who cannot receive the relevant information via digital means this information should be available through other means before passengers get into the vehicle.

Government Response

- 3.11 It is clearly important that people are able to identify a licensed vehicle and driver, minimising the risk of them travelling in vehicles that are not licensed or correctly insured.
- 3.12 It is also common that people do not understand fundamental differences between taxis and PHVs; comments from the Suzy Lamplugh Trust in the annex to the TFG report highlight that over a quarter of people believe PHVs can be hired directly through the driver.
- 3.13 There are divergent standards through England as to what a taxi and PHV may look like, or display. These differences range from the minor e.g. whether an operator's details can or must be displayed (either permanently or in a form which can be removed) to specifying what colour vehicles must be in order to be licensed.
- 3.14 The Government will consider what vehicle and driver identification requirements should be included within national minimum requirements, focussing on supporting safety. Over and above national minimum standards, local considerations (particularly in respect of vehicle licensing conditions) will remain important.

TFG Recommendation 20

All drivers must be subject to enhanced DBS and barred lists checks. Licensing authorities should use their existing power to mandate this ahead of inclusion as part of national minimum standards.

All licensing authorities must require drivers to subscribe to the DBS update service and DBS checks should must be carried out at a minimum of every six months. Licensing authorities must use their existing power to mandate this ahead of inclusion as part of national standards.

Government Response

- 3.15 The Government agrees with both parts of this recommendation, and they are included in the statutory guidance which has been issued for consultation alongside this response. In the longer term, they will be considered as part of national minimum standards.
- 3.16 In 2012 the Government enabled licensing authorities to undertake enhanced Disclosure and Barring Service (DBS) checks; this includes the ability to check both barred lists, which list people who are prevented from working with children and/or adults as they are, have been, or might in the future be, engaged in regulated activity or where a person is cautioned or convicted for a relevant (automatic barring) offence. As the TFG report acknowledges, all licensing authorities have a stated policy of requiring enhanced DBS checks for taxi and PHV drivers, but a small minority of authorities do not also check the barred lists despite there being no additional cost to do so.
- 3.17 The TFG report also highlights the benefits of requiring licensees to subscribe to the DBS's update service, through reduced administration and lower long-term costs for both licensing authorities and licensees themselves.

TFG Recommendation 21

Government must issue guidance, as a matter of urgency, that clearly specifies convictions that it considers should be grounds for refusal or revocation of driver licences and the period for which these exclusions should apply. Licensing authorities must align their existing policies to this ahead of inclusion in national minimum standards.

Government Response

- 3.18 The Government agrees with this recommendation, and its view has been included in the statutory guidance which has been issued for consultation alongside this response.
- 3.19 As with the introduction of national minimum standards, Government will seek to balance the need for greater nationwide consistency with respect for local decision making. We welcome the work that the Institute of Licensing in partnership with the Local Government Association, the National Association of Licensing and Enforcement Officers and Lawyers in Local Government have done in this area. Their work has informed the guidance on previous convictions that is included in the

draft statutory guidance. The intention is that, subject to the outcome of the consultation, this will be included in national minimum standards.

TFG Recommendation 22

The Quality Assurance Framework and Common Law Police Disclosure Provisions must be reviewed to ensure as much relevant information of behaviours as well as crimes by taxi and PHV drivers (and applicants) is disclosed to and to ensure licensing authorities are informed immediately of any relevant incidents.

Government Response

- 3.20 Under section 113B (4) of the Police Act 1997, the legislation requires that the DBS requests that a relevant Chief Officer of police provide any information which he/she reasonable believes to be relevant and considers ought to be disclosed. The Quality Assurance Framework (QAF) is the decision-making tool used by the Disclosure Units of police and other law enforcement agencies when considering whether information should be disclosed or not for inclusion in Enhanced Disclosure and Barring Service certificates. This is overseen by the National Police Chiefs' Council (NPCC) as it relates to the statutory police role within the disclosure regime.
- 3.21 Under Common Law Police Disclosure provisions (CLPD), the police can use their common law powers for the prevention and detection of crime to proactively provide police intelligence or information to a third party (such as a licensing authority) where there is a public protection risk, to allow them to act swiftly to mitigate any danger. It is for Chief Police Officers to locally determine the implementation of CLPD provisions.
- 3.22 Government will discuss the provision of information with the NPCC with a view to ensuring that appropriate steps are being taken to provide relevant information to licensing authorities.

TFG Recommendation 23

All licensing authorities must use the National Anti-Fraud Network (NAFN) register of drivers who have been refused or had revoked taxi or PHV driver licence. All refusals and revocations must be recorded, and the register checked for all licence applications and renewals. Licensing authorities must retain the reasons for any refusal, suspension or revocation and provide those to other authorities as appropriate. The Government must, as a matter of urgency, bring forward legislation to mandate this alongside a national licensing database (recommendation 24).

Government Response

- 3.23 It is important that licensing authorities who are making a decision on whether to grant a taxi or PHV driver licence can do so in possession of all relevant facts, including whether the applicant has been refused or lost a licence in another area because of safety concerns. At present, there is no data sharing mechanism to make sure that such history is disclosed to them.

- 3.24 The Government supports the Private Member's Bill brought by Daniel Zeichner MP that would mandate licensing authorities to use such a database. The Government also welcomes the initiative of the LGA in setting up a voluntary database of drivers who have been refused or revoked licences. Any information obtained using data sharing methods like this must be used as an aid to local, independent decision making. The statutory guidance which is published for consultation alongside this response expands further on the Government's view.
- 3.25 In the longer term, the Government intends that information about drivers who have had licences refused or revoked would be one part of the wider-ranging national database discussed against the next recommendation (24).

TFG Recommendation 24

Government must establish a mandatory national database of all licensed taxi and PHV drivers, vehicles and operators, to support stronger enforcement.

Government Response

- 3.26 Government will legislate for the creation of a national taxi and private hire database, as a necessary accompaniment to national enforcement powers. Development of the database will take account of the work undertaken for the identification of taxis and PHVs for charging Clean Air Zone purposes.
- 3.27 It will assist in the effective application of national minimum standards by enabling suitably qualified local authority enforcement officers to take action against taxis and PHVs regardless of where they are licensed.
- 3.28 The establishment of a national licensing database will assist bodies such as licensing authorities and the police to communicate information in a timely manner, as it will enable them to quickly and accurately identify where a driver or vehicle are licensed. For example, this would assist the police in disclosing relevant information under the Common Law Police Disclosure powers.

TFG Recommendation 25

Licensing authorities must use their existing powers to require all drivers to undertake safeguarding / child sexual abuse and exploitation awareness training including the positive role that taxi/PHV drivers can play in spotting and reporting signs of abuse and neglect of vulnerable passengers. This requirement must form part of future national minimum standards.

Government Response

- 3.29 The Government welcomes this recommendation and the acknowledgement that such a requirement can be universally applied under powers already available to licensing authorities.
- 3.30 The draft statutory guidance which has been issued for consultation alongside this response includes a recommendation that licensees should be required to undertake safeguarding / child sexual abuse and exploitation awareness training.

- 3.31 In the longer term, the Government intends that this requirement would be included in national minimum standards.

TFG Recommendation 26

All individuals involved in the licensing decision making process (officials and councillors) must have to undertake appropriate training. The content of the training must form part of national minimum standards.

Government Response

- 3.32 It is important that councillors or officers making decisions about the suitability of licensing applicants are suitably trained and equipped to do so. Authorities may have very robust policies in place, but it is the practical application of these that provides protection to the public. Licensing officers may frequently be called on to make difficult decisions, such as revoking or refusing a licence conscious of the implications that decision may have on the applicant or licensee and their family. Licensing authorities must ensure that their decision makers are aware of the public protection role they have and that the overriding consideration is the safety of the public.
- 3.33 The draft statutory guidance which has been published for consultation alongside this response recommends that those charged with determining taxi and PHV licensing matters undertake appropriate training.
- 3.34 In the longer term the Government intends that the requirement for training would be included in national minimum standards.

TFG Recommendation 27

Government must review the assessment process of passenger carrying vehicle (PCV) licensed drivers and/or consider the appropriate licensing boundary between taxis/PHVs and public service vehicles (PSVs).

Government Response

- 3.35 The TFG report explains the current demarcation (i.e. seating capacity) and differing licensing processes between the PHV and Public Service Vehicle (PSV - minibuses, buses and coaches) regimes.
- 3.36 The Government attaches the utmost priority to passenger safety in the licenced taxi and PHV trade. The licensing regime for any transport mode must be reflective of the relative potential risk they might pose to the travelling public. It is not therefore acceptable that the PHV licensing regime may be evaded through the use for PHV bookings of drivers and vehicles which are not licensed for PHV purposes.
- 3.37 Where PHV operators also hold a PSV operator's licence, PSVs should not be used to fulfil bookings except with the informed consent of the hirer. For example, if a member of the public contacts a PHV operator and seeks a booking for a party of fewer than nine passengers, it cannot be reasonable to assume that a PSV is required unless there are other factors e.g. a large amount of baggage. If, for

example, a nine-seater minibus (a PSV) is necessary, the difference in licensing requirements should be explained and explicit consent obtained. Licensing authorities should use their existing powers to include as a condition of a PHV operator's licence that bookings received by that licence-holder must be fulfilled using a PHV licensed driver and vehicle. Authorities may then take appropriate steps to monitor and enforce compliance with the licence condition.

- 3.38 In the longer term, it will be important to consider as part of the Future of Mobility Grand Challenge what changing technologies and ways of working might mean for the differing regulatory frameworks applied to road transport in the UK, including whether the number of seats in a vehicle remains an appropriate way of deciding how to regulate.

TFG Recommendation 28

Licensing authorities must require that all drivers are able to communicate in English orally and in writing to a standard that is required to fulfil their duties, including in emergency and other challenging situations.

Government Response

- 3.39 Government supports this recommendation. Those that carry members of the public must be able to understand the needs of their passengers.
- 3.40 The draft statutory guidance which has been issued for consultation alongside this response recommends that licensing authorities require an English assessment (oral and written) for their licensees.
- 3.41 In the longer term, Governments intends that this requirement would be included in national minimum standards.

4. Accessibility

TFG Recommendation 29

All licensing authorities should use their existing powers to require that their taxi and PHV drivers undergo disability awareness and equality training. This should ultimately be mandated as part of national minimum standards.

Government Response

- 4.1 The Government supports this recommendation. Taxis and PHVs play a vital role in enabling disabled people to travel where other modes may not be available or accessible. The Department has, in previous best practice guidance, encouraged licensing authorities to use their powers to improve drivers' awareness of the needs of disabled people including by undertaking disability awareness training. This training should include awareness of less visible impairments, such as learning disabilities and dementia.
- 4.2 Licensing authorities have the powers to mandate this training. The TFG report highlights the low proportion of authorities (38% as of 31 March 2017, increasing to 41% as of 31 March 2018) which currently do so.
- 4.3 Since the Group submitted its report, Government has published the Inclusive Transport Strategy⁶ (ITS). The ITS includes a commitment to consult on updated best practice guidance which should better support licensing authorities to use their existing powers. In particular, we will recommend that authorities require taxi and PHV drivers to complete disability awareness and equality training, make it simple to report discrimination, and take robust action against drivers who have discriminated against disabled passengers.
- 4.4 In the longer term the Government intends that these training requirements will be included in national minimum standards.

TFG Recommendation 30

Licensing authorities that have low levels of Wheelchair Accessible Vehicles (WAVs) in their taxi and PHV fleet should ascertain if there is unmet demand for these vehicles. In areas with unmet demand licensing authorities should consider how existing powers could be used to address this, including making it mandatory to have a minimum number of their fleet that are WAVs. As a matter of urgency the Government's Best Practice Guidance should be revised to make appropriate recommendations to support this objective

⁶ <https://www.gov.uk/government/publications/inclusive-transport-strategy>

Government Response

- 4.5 The TFG report highlights the variation in the availability of wheelchair accessible vehicle (WAVs) across England. In over a quarter of authorities, 5% or fewer of taxis are wheelchair accessible, and this measure increases to nearly two-thirds of authorities for PHVs. It is however acknowledged that an entirely WAV fleet may not be beneficial to disabled passengers, most of whom are not wheelchair users.
- 4.6 In its comments in the annex to the TFG report, Transport for London comments on the difficulty in achieving a mixed PHV fleet as vehicles are often licensed by individuals rather than PHV operators to whom a quota might be more easily applied. The Local Government Association also noted that there may be practical barriers to mandating practicality minimum WAV numbers.
- 4.7 In the ITS Government stated a desire to see a much greater proportion of WAVs, particularly in non-urban areas, over the next 10 years. We will write to all local licensing authorities stressing the importance of supporting an inclusive taxi and PHV fleet.
- 4.8 We will continue to monitor the proportion of WAVs within overall taxi and PHV fleets, as reported in the annual DfT taxi and PHV statistics, and to seek clarification from authorities as to the steps they are taking to assess and respond to the local need for such vehicles.

TFG Recommendation 31

Licensing authorities which have not already done so should set up lists of Wheelchair Accessible Vehicles (WAVs) in compliance with s.167 of the Equality Act 2010, to ensure that passengers receive the protections which this provides.

Government Response

- 4.9 In 2017, the Government commenced sections 165 and 167 of the Equality Act 2010. Under Section 167 a licensing authority may publish a list of their licensed vehicles designated as wheelchair accessible; those vehicles are then required to apply the passenger protections in Section 165. These are to not charge more to a passenger in a wheelchair than to any other passenger, and to provide reasonable assistance (drivers may be exempted from the latter on medical grounds).
- 4.10 In the ITS, Government strongly encouraged licensing authorities to publish lists under section 167 of the Equality Act 2010 to ensure that wheelchair users are protected from discriminatory behaviour. The ITS also committed Government to:
- From autumn 2019 publish on an annual basis a list of those authorities which we know to have issued a list of taxis and PHVs designated as being wheelchair accessible in accordance with Section 167 of the Equality Act 2010;
 - Continue to encourage local licensing authorities, which have not already done so, to publish lists of taxis and PHVs designated as wheelchair accessible under Section 167 of the Equality Act 2010, and to inform the Department that they have done so.

TFG Recommendation 32

Licensing authorities should use their existing enforcement powers to take strong action where disability access refusals are reported, to deter future cases. They should also ensure their systems and processes make it as easy as possible for passengers to report disability access refusals.

Government Response

- 4.11 The TFG report notes the findings of a recent survey of guide dog owners which identified that almost half (42%) had experienced a refusal to enter a taxi or PHV in the previous year because of their dog. The Government agrees that this is unacceptable.
- 4.12 In the ITS we committed to undertake research to identify why the risk of fines and the loss of a driver's taxi or PHV licence appear insufficient in some circumstances to prevent them from discriminating against assistance dog owners. It is obvious that prevention of illegal refusals is preferable to retrospective sanctions, which do little to rebuild the confidence of assistance dog users who have been subject to illegal refusals. We will therefore use evidence from this research to inform ways in which training can play a role in preventing refusals occurring. As set out in response to recommendation 29 of the TFG report, Government intends to include disability awareness and equality training in national minimum standards.
- 4.13 The Government agrees that those that refuse to meet their legal obligation under Sections 168 and 170 of the Equality Act 2010 should be subject to enforcement action. We have stated in the ITS that licensing authorities should use the powers available to them, and take robust action against those who have discriminated illegally against disabled passengers.

5. Working conditions

TFG Recommendation 33

The low pay and exploitation of some, but not all, drivers is a source of concern. Licensing authorities should take into account any evidence of a person or business flouting employment law, and with it the integrity of the National Living Wage, as part of their test of whether that person or business is "fit and proper" to be a PHV operator.

Government Response

- 5.1 The TFG report acknowledges that the group did not have the expertise, nor was it within its scope, to determine the employment status of drivers. This is also true of licensing authorities; only the courts can make rulings on employment status.
- 5.2 However, the Government agrees that the decisions of tribunals, and whether an operator concerned is complying with a ruling in the way the law requires, should reasonably be considered by a licensing authority as part of the 'fit and proper' test for a PHV operator. It is unacceptable for business not to comply with and deny workers their statutory employment rights - such as the appropriate National Minimum Wage rate or National Living Wage - and if a business deliberately does so in disregard of what is required of them, this calls into question whether they are fit and proper to be licensed.
- 5.3 As the TFG report also notes, the current high-profile debate on employment status goes beyond the taxi and PHV sector. The Good Work Plan, published in December 2018, states Government will legislate to improve the clarity of the employment status tests, reflecting the reality of modern working relationships.

TFG Recommendation 34

Government should urgently review the evidence and case for restricting the number of hours that taxi and PHV drivers can drive, on the same safety grounds that restrict hours for bus and lorry driver.

Government Response

- 5.4 The TFG report explains that although the group did not receive independent evidence of the number of hours drivers are working (or, more specifically, driving), the current lack of regulation of working hours for taxi and PHV drivers may potentially be a cause for concern.

- 5.5 The report also acknowledges that there may be monitoring and enforcement problems to enforcing such limits. This is particularly the case in a sector where currently the majority of drivers are self-employed.
- 5.6 In the first instance, in order to assess the scale of the issue, the Government will engage informally with sector stakeholders to determine whether it is possible to more accurately assess the hours drivers are working, and whether there is a trend for working more or excessive hours. The Government is mindful not just of road safety, but also of the need to avoid burdensome, yet difficult to enforce, regulation.



Taxi and Private Hire Vehicle Licensing: Protecting Users

Consultation on Statutory Guidance for Licensing Authorities

Moving Britain Ahead

DfT-2019-01

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Foreword

In recent years the taxi and private hire vehicle (PHV) industry has been subject of intense scrutiny as a result of failings in taxi and PHV licensing. Some authorities failed to ensure that individuals were 'fit and proper' to be issued a taxi or PHV licence and failed to take action when concerns were raised about the involvement of licensees in the abuse and exploitation of some of the most vulnerable in our society.

Above all else the taxi and PHV services provided to the public must be safe. Government will play its part, but the importance of local government in achieving this cannot be overstated. Government enables the legislative framework but it is the licensing authorities which set the standards and requirements and crucially make the decisions that can bring about the services the public deserve.

A key element of safety is ensuring that taxi and PHV drivers are properly assessed against robust standards and that this is the case regardless of where they are licensed. The granting of a licence must however not be seen as the end of the process but the beginning; licensees must continue to adhere to the high standards or risk having their licence revoked.

The excellent work undertaken in Rotherham following the identification of its past failings evidences what can be achieved with the powers licensing authorities currently have. We have recognised that not all licensing authorities are as proactive as others in raising standards. To address this, the Policing and Crime Act 2017 enables the issuing of statutory guidance to protect children and vulnerable adults, and by extension all passengers, when using these services.

Some of the recommendations proposed in the guidance would impose additional burdens on the trade. While I would sooner that such measures were not needed, the lessons from the Casey and Jay reports and the impact on the lives of those affected by these failures must not – and will not - be forgotten. To do otherwise would compound the harm and injustice done.

I hope that all authorities will adopt the Department's recommendations and bring about high common standards, and increased sharing of information and enforcement powers. There has long been a call for national standards to achieve greater consistency in licensing and in particular with respect to safety. Government, with the collaboration of all licensing authorities, can effectively bring this about without the delay of Parliament considering new legislation.

The Department has already undertaken to monitor the adoption of the recommendations made in the final version of the statutory guidance. While the measures in the final statutory guidance issued will be recommendations, these are the result of extensive discussions with a range of stakeholders and careful consideration. I will be asking licensing authorities that do not adopt these why they have not done so.



Nusrat Ghani MP

Parliamentary Under Secretary of State for Transport

What we are consulting on

Introduction

- 1 We are seeking views on proposed recommendations contained in draft statutory guidance to taxi and private hire vehicle (PHV) licensing authorities on how their licensing powers can be exercised in order to safeguard children and vulnerable adults. The power to issue this guidance comes from Section 177 of the Policing and Crime Act 2017.
- 2 This consultation will run for 10 weeks, from 12 February 2019 until 23:45 on 22 April 2019.

Who this consultation is aimed at

- 3 Section 177 of the Policing and Crime Act requires the Secretary of State to consult the following:
 - a. the National Police Chiefs' Council,
 - b. persons who appear to the Secretary of State to represent the interests of public authorities who are required to have regard to the guidance,
 - c. persons who appear to the Secretary of State to represent the interests of those whose livelihood is affected by the exercise of the licensing functions to which the guidance relates, and
 - d. such other persons as the Secretary of State considers appropriate.
- 4 This consultation has therefore been drawn to the specific attention of the National Police Chiefs' Council, the Local Government Association, the National Association of Licensing Enforcement Officers, the Institute of Licensing, and a range of trade representative bodies and publications of which the Department is aware across the country.
- 5 This is a public consultation and we are keen to hear from any other groups or individuals with an interest.

Our approach

- 6 The recommendations in the draft statutory guidance are the result of extensive engagement and detailed discussion with a range of bodies including representatives of licensing authorities, regulators, operators and drivers, and detailed consideration by the Department for Transport.
- 7 While there is a widespread consensus amongst stakeholders that common core standards are required to regulate better the taxi and PHV sector, government does

not currently have the legislative power to introduce national standards. The Department however expects the recommendations made in the final version of this statutory guidance to be implemented by licensing authorities unless there is compelling local reason not to. This consultation does not seek to discuss the merits of statutory guidance as opposed to legislation to mandate standards. Should Parliament pass legislation in the future to enable national taxi and PHV standards, the recommendations contained in both the statutory and best practice guidance will naturally be the starting point for considering what these might be.

- 8 All local authorities and district councils that provide childrens' and other types of services have a statutory duty to make arrangements to ensure that their functions, and any services that they contract out to others, are discharged having regard to the need to safeguard and promote the welfare of children. This means that licensing authorities should have in place arrangements that reflect the importance of safeguarding and promoting the welfare of children. This includes clear whistleblowing procedures, safe recruitment practices and clear policies for dealing with allegations against people who work with children, as set out in the Working Together to Safeguard Children¹ statutory guidance.
- 9 **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 this guidance might be drawn upon in any legal challenge to an authority's practice; any failure to adhere to the guidance without sufficient justification could be detrimental to the authority's defence.** This guidance 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.
- 10 The draft statutory guidance reflects the significant changes in the industry and lessons learned from experiences in local areas since the Department's best practice guidance was last updated in 2010. This includes extensive advice on checking the suitability of individuals and operators to be licensed; safeguarding children and vulnerable adults, the Immigration Act 2016, the Disclosure and Barring Service checks and Common Law Police Disclosure (which replaced the Notifiable Occupations Scheme).
- 11 This guidance replaces relevant sections of the best practice guidance issued by the Department in 2010. A consultation on revised best practice guidance, which focuses on recommendations to licensing authorities to assist them in setting appropriate standards (other than those relating to passenger safety) to enable the provision of services the public demand, will be launched at a later date.

¹ <https://www.gov.uk/government/publications/working-together-to-safeguard-children--2>

Consultation proposals

- 12 The draft statutory guidance accompanies this consultation document.

Terminology

Taxis are referred to in legislation, regulation and common language as 'hackney carriages', 'black cabs' and 'cabs'. The term '**taxi**' is used throughout the draft statutory guidance and consultation document and refers to all such vehicles. Taxis are able to be hired by hailing on the street or at a rank.

Private hire vehicles (PHVs) include a range of vehicles including minicabs, executive cars, chauffeur services, limousines and some school and day centre transport services. All PHV journeys must be pre-booked via a licensed PHV operator. The term **PHV** is used throughout the draft statutory guidance and this consultation document to refer to all such vehicles.

Consultation questions

- 13 The Department has carefully considered the recommendations proposed in the draft statutory guidance but these are of course subject to change following this consultation. While it is useful to have indications of the quantity of respondents that agree or disagree with these proposals, the Department wants to ensure that the final recommendations are informed by all available evidence and suggestions where these can be improved. We are specifically interested in ideas and proposals that:
 - are based on evidence
 - support the Government's aim to protect children and vulnerable adults from harm when using taxis and PHVs
- 14 There are 30 questions relating to the guidance, most of these ask for quantifiable (agree, disagree or no opinion) and qualitative (comments) responses.
- 15 Ahead of the consultation questions we would like to collect some information about you and your use of and/or role in the taxi and PHV trade. This information will be used to help to give context to the responses we receive from individuals and organisations. Only questions marked with an * are mandatory.
- 16 The consultation questions and a response form are available at:
<https://www.smartsurvey.co.uk/s/taxis-licence/>

Confidentiality and data protection

- 17 The Department for Transport (DfT) is carrying out this consultation to gather views and evidence on measures for inclusion within the statutory guidance issued to taxi and PHV licensing authorities. This consultation and the processing of personal data that it entails is necessary for the exercise of our functions as a government department. If your answers contain any information that allows you to be identified, DfT will, under data protection law, be the Controller for this information.
- 18 As part of this consultation we are asking for your name and email address. This is in case we need to ask you follow-up questions about any of your responses. **You do not have to give us this personal information.** If you do provide it, we will use it only for the purpose of asking follow-up questions.
- 19 We may contract a third party to analyse the responses we receive to the consultation. If you provide your contact details, we may share this information with a contractor in case they need to contact you regarding your consultation response.
- 20 DfT's privacy policy has more information about your rights in relation to your personal data, how to complain and how to contact the Data Protection Officer. You can view it at <https://www.gov.uk/government/organisations/department-for-transport/about/personal-information-charter>.
- 21 DfT's privacy policy has more information about your rights in relation to your personal data, how to complain and how to contact the Data Protection Officer. You can view it at <https://www.gov.uk/government/organisations/department-for-transport/about/personal-information-charter>.
- 22 Your information will be kept securely and destroyed within 12 months after the consultation has been completed. Any information provided through the online questionnaire will be moved from their system to our internal systems within 2 months of the consultation end date.

How to respond

The consultation period began on 11 February 2019 and will run until 23:45 on 22 April 2019. Please ensure that your response reaches us before the closing date. If you would like further copies of this consultation document, it can be found at <https://www.gov.uk/dft#consultations> or you can contact Taxis@DfT.GOV.UK if you need alternative formats (Braille, audio CD, etc.).

Please respond to the consultation at:

<https://www.smartsurvey.co.uk/s/taxis-licence/>

Alternatively, please send consultation responses to:

SG-Consultation2019@DfT.GOV.UK

Department for Transport

Buses and Taxis Division (Statutory Guidance Consultation 2019)

Great Minster House

33 Horseferry Road

London

SW1P 4DR

When responding, please state whether you are responding as an individual or representing the views of an organisation. If responding on behalf of a larger organisation, please make it clear who the organisation represents and, where applicable, how the views of members were assembled.

Freedom of Information

Information provided in response to this consultation, including personal information, may be subject to publication or disclosure in accordance with the Freedom of Information Act 2000 (FOIA) or the Environmental Information Regulations 2004.

If you want information that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence.

In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure

of the information, we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department.

What will happen next

A summary of responses, including the next steps, will be published within three months of the consultation closing. Paper copies will be available on request.

If you have questions about this consultation please contact:

Paul Elliott

Taxis@DfT.GOV.UK

Buses and Taxis Division

Department for Transport

Great Minster House

33 Horseferry Road

London

SW1P 4DR

Consultation principles

The consultation is being conducted in line with the Government's key consultation principles, further information is available at

<https://www.gov.uk/government/publications/consultation-principles-guidance>

If you have any comments about the consultation process please contact:

Consultation Co-ordinator

Department for Transport

Zone 1/29 Great Minster House

London SW1P 4DR

Email consultation@DfT.GOV.UK

<p>CITY OF WOLVERHAMPTON COUNCIL</p>	<h2>Non-Statutory Licensing Committee</h2> <p>20 March 2019</p>
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Report title	Proposed amendments to Hackney Carriage and Private Hire Vehicle Conditions	
Wards affected	All	
Accountable director	Ross Cook, Service Director of City Environment	
Originating service	Licensing Services	
Accountable employee(s)	Chris Howell	Licensing Manager
	Tel	01902 554554
	Email	chris.howell@wolverhampton.gov.uk
Report to be/has been considered by	None	

Recommendations for decision:

The Non-Statutory Licensing Committee is recommended to:

1. Approve the revised conditions for hackney carriage and private hire vehicle conditions.

Recommendations for noting:

The Non-Statutory Licensing Committee is asked to note:

1. That the proposed amendments have been subject to consultation with the Trade at their group meetings.

1.0 Purpose

- 1.1 To seek approval for the amendment to the current vehicle conditions and adopt them as the standard conditions.

2.0 Background

- 2.1 The current conditions for Hackney Carriage and Private Hire vehicles require the proprietor of the vehicle to be the proposer of the insurance policy.
- 2.2 Representations were received from drivers and operators that this condition caused them difficulties as many of them hire vehicles and are therefore not the vehicle proprietor.
- 2.3 The Councils legal services were consulted on whether a change could be made to the conditions so that the proprietor of the vehicle did not have to be the proposer of the insurance. The legal advice provided confirmed that there was no provision which would prevent a person who does not own the vehicle insuring it and ultimately, it is the responsibility of the person insuring the vehicle to ensure the appropriate cover is sufficient.

3.0 Proposal

- 3.1 It was agreed at the trade group meetings that the importance was around the vehicle being properly insured, rather than who insured the vehicle and that the conditions should be amended.
- 3.2 As this change would only impact those who wished to implement the change, wider consultation was not deemed necessary.
- 3.3 The proposed amended conditions for Hackney Carriage vehicles is attached at Appendix 1. The amendment is at paragraph 9.

Hackney Carriage Vehicle Conditions - Existing	
9.	The proprietor of the vehicle shall at all times ensure there is in force in relation to the use of the vehicle as a hackney carriage a Policy of Insurance or such security as complies with the requirements of Part VI of the Road Traffic Act 1988, and that the proprietor of the vehicle is the proposer of the policy of insurance.
Hackney Carriage Vehicle Conditions - Proposed	
9.	The vehicle shall be insured at all times. The policy in force must permit the use of the vehicle as a hackney carriage for public hire use.

- 3.4 The proposed amended conditions for Private Hire vehicles is attached at Appendix 2. The amendment is at paragraph 8.

Private Hire Vehicle Conditions - Existing	
8.1	The proprietor of the vehicle shall at all times ensure there is in force in relation to the use of the vehicle as a private hire vehicle a valid Policy of Insurance or such security as complies with the requirements of the Part VI of the Road Traffic Act 1988.
8.2	The proprietor of the vehicle must be the proposer of the insurance policy.
8.3	A copy of the current valid current certificate of insurance or cover note effective for the entire period of the licence relating to the vehicle must be submitted by the holder of the licence to their operator and, on request, to an Authorised Officer of the Council.
Private Hire Vehicle Conditions - Proposed	
8.1	The vehicle shall be insured at all times. The policy in force must permit the use of the vehicle as a private hire vehicle for hire or reward use.
8.2	A copy of the current valid certificate of insurance or cover note effective for the entire period of the licence relating to the vehicle must be submitted by the holder of the licence to their operator and, on request, to an Authorised Officer of the Council.
8.3	A copy of the current valid certificate of insurance or cover note effective for the entire period of the licence relating to the vehicle must be submitted by the holder of the licence to their operator and, on request, to an Authorised Officer of the Council.

- 3.5 It is also proposed to add an informative condition at 10.5

A Wolverhampton licensed private hire vehicle may only be driven by a Wolverhampton licensed private hire driver at any time.

- 3.6 Subject to approval of The Licensing Committee, it is proposed the amended conditions are effective immediately. The new conditions will only be in place once a vehicle licence is issued. They cannot be retrospectively applied.

4.0 Financial implications

- 4.1 There are no direct financial implications arising from this report [MK/08032019/L]

5.0 Legal implications

- 5.1 The Local Government (Miscellaneous Provisions) Act 1976 allows the local authority to condition licences for hackney carriage and private hire vehicles.

- 5.2 Section 47 of the Local Government (Miscellaneous Provisions) Act 1976 provides that a district council may attach to the grant of a licence of a hackney carriage under the Town and Policies Causes Act of 1847 such conditions as the district council may consider reasonably necessary.
- 5.3 Section 48 provides a district council may attach to the grant of a private hire vehicle licence such conditions as they may consider reasonably necessary.
- 5.4 Any conditions approved by Licensing Committee will attach to a licence on grant (to include grant on renewal).
- 5.5 Section 48 of the 1976 Act further provides that a district council may on the receipt of an application from the proprietor of any vehicle grant a licence for the vehicle provided they are satisfied that for the vehicle there is in force a policy of insurance or such security as complies with the requirements of Part VI of the Road Traffic Act 1988.
- 5.6 Section 80 of the Act deals with interpretation and provides that “*proprietor*” includes a part-proprietor and, in relation to a vehicle which is the subject of a hiring agreement or hire-purchase agreement, means the person in possession of the vehicle under that agreement. If there is a formal hiring agreement in place this may be the driver.
- 5.7 Part VI of the Road Traffic Act 1988 provides at section 143 that:
- (a) a person must not use a motor vehicle on a road [or other public place] unless there is in force in relation to the use of the vehicle by that person such a policy of insurance or such a security in respect of third party risks as complies with the requirements of this Part of this Act, and
- (b) a person must not cause or permit any other person to use a motor vehicle on a road [or other public place] unless there is in force in relation to the use of the vehicle by that other person such a policy of insurance or such a security in respect of third party risks as complies with the requirements of this Part of this Act.

Under the 1988 Act the word “**person**” could refer to anyone, not just the owner as was confirmed in *Williamson v O’Keeffe* [1947] 1 All ER 307, (1947) 45 LGR 128.

- 5.8 The type of insurance obtained and whether this is sufficient to deal with any liability is an issue for the person obtaining the insurance and any questions over extent of cover will need to be directed to the insurer. Button on taxis seems to support this by quoting from the case of *Telford v Wrekin Borough Council v Ahmed* which stated “*whether a policy covers a particular risk and therefore whether there is in force a valid insurance covering that risk will usually be a matter of construction of the insurance policy...*”

Section 143 of the 1988 Act states a person commits an offence if they drive a vehicle which is uninsured or permit this. “Person” is not limited to owner.

Section 50 of the 1976 Act details provisions as to proprietors and states the proprietor of any private hire vehicle (or hackney) licenced by the Council shall at the request of any

authorised officer of the Council produce for inspection the vehicle licence for the vehicle and the certificate of the policy of insurance or security required by Part VI of the Road traffic Act 1988 in respect of the vehicle and an offence is committed if a person fails to do this without reasonable excuse. [SH/06032019/D]

6.0 Equalities implications

6.1 There are no direct equalities implications arising from this report.

7.0 Environmental implications

7.1 There are no direct environmental implications arising from this report.

8.0 Schedule of background papers

8.1 Licensing Committee 29 November 2017

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HACKNEY CARRIAGE VEHICLE LICENCE CONDITIONS

MAINTENANCE OF VEHICLE

1. The vehicle and all its fittings and equipment including luggage areas shall at all times when the vehicle is in use or available for hire be kept in an efficient, safe, comfortable, tidy and clean condition and all relevant statutory requirements (including in particular those contained in the Road Vehicles (Construction and Use) Regulations or any subsequent revision amendment or re-enactment thereof) shall be fully complied with. In particular, but without prejudice to the generality of the foregoing:
 - 1.1 the seats of the vehicle shall be properly cushioned and covered
 - 1.2 the floor of the vehicle shall be provided with a properly fitted carpet, mat or other suitable covering
 - 1.3 all paintwork shall be maintained in a high gloss finish of a uniform colour free from dents, scratches or rust.
 - 1.4 there shall be provided the means of carrying and securing luggage in the boot
 - 1.5 the vehicle shall at all times carry a spare pneumatic tyre which shall comply with the provisions as to the mixing of and condition and maintenance of tyres contained in the Road Vehicles (Construction and Use) Regulations (or a subsequent revision amendment or re-enactment thereof) as if it were actually fitted as a tyre to the vehicle.
 - 1.6 the proprietor of the vehicle must at all times ensure the vehicle is regularly maintained to ensure compliance with these conditions. A policy statement relating to vehicle maintenance shall be devised. (A model policy will be devised by the Local Authority). This will need to include for example details of the frequency of maintenance inspections, maintenance procedures, frequency of servicing and location of servicing garage used etc.

The maintenance policy statement and other maintenance records shall be made available at any time without notice to an Authorised Officer of the Licensing Authority or a Police Constable who shall be empowered to take away the records if required.

ALTERATION OF VEHICLE

2. No material alteration or change in the specification, design, condition or appearance of the vehicle shall be made without the approval of the Council at any time while the licence is in force.

IDENTIFICATION PLATE

3. The plate identifying the vehicle as a Hackney Carriage and required to be exhibited on the vehicle pursuant to section 38 of the Town Police Clauses Act 1847 shall be securely fixed to the rear of the vehicle in a conspicuous position and in such manner as to be easily removable by an Authorised Officer of the Council or a constable. Such plate shall not be wholly or partially concealed from public view. The Council may also specify, from time to time as it sees fit, any other plate, sign or marking, together with the location or manner of fixing, designed to identify it as a Hackney Carriage.

INTERIOR MARKINGS

4. The proprietor shall cause to be clearly marked and maintained inside the vehicle in such a position as to be visible at all times to persons conveyed therein the number of this licence and the number of passengers prescribed in this licence. Such plate shall not be wholly or partially concealed from public view.

SIGNS, NOTICES ETC

5. No signs, notices, advertisements, plates, marks, numbers, letters, figures, symbols, emblems or devices whatsoever shall be displayed on, in or from the vehicle except as may be required by any statutory provision or required or permitted by these conditions, provided however that this condition shall not apply to any indication on a fare meter if fitted to the vehicle or to a sign which:-
 - 5.1.1 is displayed in, on or from the vehicle while it is stationary;
 - 5.1.2 contains no words or number other than the name and address of an operator of the vehicle or the name under which he carries on his business and its address and, in either case, the number of passengers to be carried in the vehicle; and
 - 5.1.3 is displayed in pursuance of a prior arrangement made for the carriage of a passenger or passengers named in the sign
6. The proprietor may cause to be displayed on the vehicle in accordance with the directions of the Council such advertisements as the Council may from time to time approve.

CHANGE OF ADDRESS

7. The proprietor shall notify Licensing Services forthwith, in writing of any change of his/her address during the period of the licence.

CONVICTIONS

8. The proprietor shall within fourteen days disclose to Licensing Services, in writing details of any conviction on him/her (or, if the proprietor is a company or partnership, on any of the directors or partners) during the period of the licence.

R.T.A LICENSING AND INSURANCE

9. The vehicle shall be insured at all times. The policy force must permit the use of the vehicle as a hackney carriage for public hire use.
10. The proprietor acknowledges receipt of this Hackney Carriage Licence and plates.
11. The proprietor must conform to all the conditions of this licence.
12. Upon expiry of vehicle licence plates must be returned to the City of Wolverhampton Council within 7 days. Any existing licence plates must be surrendered to the Council before new licence plates for a vehicle will be issued.

NB. Please note that should you feel aggrieved by any of the conditions in this Licence then you have the right of appeal to the Magistrates' Court within 21 days from the date when this licence is issued.

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PRIVATE HIRE VEHICLE CONDITIONS OF LICENCE

1. MAINTENANCE OF VEHICLE

- 1.1 The vehicle and all its fittings and equipment including luggage areas shall at all times when the vehicle is in use or available for hire be kept in a safe, comfortable, tidy and clean condition.

The following shall be adhered to:

- a) the seats of the vehicle shall be properly cushioned and covered.
- b) the floor of the vehicle shall be provided with a properly fitted carpet, mat or other suitable covering.
- c) all paintwork shall be maintained to a high standard in a single colour, free from dents, scratches or rust.
- d) All trim, wheel hubs and glass shall be secure and free from damage
- e) Only factory fitted privacy glass (tinted) will be permitted
- f) there shall be provided the means of carrying and securing luggage in the boot.
- g) All tyres including the spare must comply with the vehicle manufacturer's specification and the requirements of the Road Vehicles (Construction and Use) Regulations.
- h) the proprietor of the vehicle shall at all times ensure the vehicle is regularly maintained to ensure compliance with these conditions.

2. ALTERATION OF VEHICLE

- 2.1 No material alteration or change in the specification, design, condition or appearance of the vehicle shall be made without the prior approval of Licensing Services at any time while the licence is in force.

3. IDENTIFICATION PLATE/EXTERIOR MARKINGS

- 3.1 The plate identifying the vehicle as a Private Hire Vehicle shall be securely fixed to the rear exterior of the vehicle:-
- a) immediately adjacent to the number plate area of the vehicle, but must not obscure any part of the vehicle registration plate.
 - b) in a conspicuous position and in such manner as to be easily removable by an Authorised Officer of the Council or a Police Constable.

- c) the plate shall not be wholly or partially concealed from public view.
- d) at no time should the licence plate be removed from the licensed vehicle during the lifetime of the Private Hire Vehicle Licence unless exempted in law.
- e) the exterior plate must be securely and permanently affixed to the vehicle unless exempted in law.

3.2 Private Hire Vehicles shall at all times display a unique Private Hire Vehicle Operators door sign bearing the name, telephone number and/or 'App' on each side of the vehicle, which has been approved by Licensing Services.

3.3 The use of magnetic door stickers is prohibited.

3.4 No modification or trimming of the approved door stickers is permitted. The door sticker must be fitted towards the top of the door panel.

4. INTERIOR MARKINGS

4.1 The proprietor shall display the interior plate detailing the licence number of the vehicle and the number of passengers permitted to be carried. This shall be located on the upper left hand corner of the front windscreen and must be clearly visible to persons both inside and outside of the vehicle.

4.2 The proprietor shall display the 'warning to all passengers' notices provided by Licensing Services informing passengers that the vehicle must be pre-booked or insurance covering the vehicle may be invalidated. These must be positioned clearly and be visible to persons outside of the vehicle at all times.

4.3 'No smoking' signs must be displayed at all times.

5. SIGNS, NOTICES, ADVERTISEMENTS

No signs, notices, advertisements, plates, marks, numbers, letters, figures, symbols, emblems or devices whatsoever shall be displayed on, in or from the vehicle without the express written permission of Licensing Services.

6. CHANGE OF ADDRESS

The proprietor shall notify the Licensing Services in writing within 7 days of any change of his/her address during the period of the licence.

7. NOTIFICATION OF CONVICTIONS, CAUTIONS AND FIXED PENALTIES

The proprietor shall **within 14 days of the date of any conviction, caution or issue of a fixed penalty notice**, incurred during the life of this licence give full details in writing to Licensing Services. (If the proprietor is a company or partnership, details should be given for all directors or partners)

8. **INSURANCE**

- 8.1 The vehicle shall be insured at all times. The policy in force must permit the use of the vehicle as a private hire vehicle for hire or reward use.
- 8.2 A copy of the current valid current certificate of insurance or cover note effective for the entire period of the licence relating to the vehicle must be submitted by the holder of the licence to their operator and, on request, to an Authorised Officer of the Council.

9. **REPORTING OF ROAD TRAFFIC ACCIDENT**

When a Private Hire Vehicle is involved in an accident the Private Hire Vehicle Proprietor must report it to Licensing Services in writing, within 72 hours as required by Section 50 (3) of the Local Government (Miscellaneous Provisions) Act 1976.

10. **LICENSING**

- 10.1 If the proprietor of the vehicle is an accident management company or a leasing/hiring company the onus is on them to advise Licensing Services who is currently using the vehicle. The vehicle must have the correct livery at all times that it is on hire.
- 10.2 In the event of the holder of this licence ceasing to operate a licensed Private Hire Vehicle, the holder must surrender their private hire vehicle driver's licence and plates **within 7 days** to Licensing Services.
- 10.3 Upon expiry of vehicle licence, plates must be returned to the City of Wolverhampton Council, Licensing Services, Civic Centre, St Peter's Square, Wolverhampton WV1 1DA within 7 days. Any existing licence plates must be surrendered to the Council before new licence plates for a vehicle will be issued.
- 10.4 The holder of this licence must inform Licensing Services of the Operator the vehicle shall be working for at the time of plating and thereafter, in writing, when a change of Operator occurs.
- 10.5 A Wolverhampton licensed private hire vehicle may only be driven by a Wolverhampton licensed private hire driver at any time.

Please note that should you feel aggrieved by any of the conditions in this Licence then you have the right of appeal to the Magistrates' Court within 21 days from the date when this licence is issued.

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