



**Response to Law Commission's
Consultation on
Taxi and Private Hire Services**

London Taxi Branch

National Union of Rail, Maritime and Transport Workers

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1 LIST OF ACRONYMS

RMTLTB	RMT London Taxi Branch
BAH	British Airports-Heathrow
CoF	Conditions of Fitness
CBJ	Clip Board Johnny
CEO	Civil Enforcement Officer
FSA	Financial Services Authority
GLA	Greater London Authority
HALTS	Heathrow Airport Licensed Taxis Society
KoL	Knowledge of London
LFB	London Fire Brigade
LGMPA	Local Government (Miscellaneous Provisions) Act
LHCA	London Hackney Carriage Acts
MAQS	Mayor's Air Quality Strategy
MPCA	Metropolitan Public Carriage Act
PACE	Police and Criminal Evidence Act
PCN	Penalty Charge Notice
TfLTPH	Transport for London Taxis and Private Hire
TOCU	Transport Operational Command Unit
TRL	Transport Research Laboratory
TSRGD	Traffic Signs Regulations and General Directions
WCC	Westminster City Council

2 GLOSSARY OF TERMS

This response has been written for a wider audience than than the Law Commission, we have therefore included a glossary of terms.

Primary Legislation is legislation made by the legislative branch of government. In the United Kingdom primary legislation is known as an Act of Parliament. Example Metropolitan Public Carriage Act 1869.

Secondary Legislation (also known as delegated legislation) is law made by an executive authority under powers granted to them by primary legislation in order to implement and administer the requirements of the primary legislation. It is law made by a person or body other than the legislature but with the legislature's authority. Example London Cab Order 1934 (SI 1934/1346)

3 INTRODUCTION

London taxis are subject to a special licensing system that regulates the driver and the vehicle. These rules and regulations have been developed over nearly 360 years to protect the travelling public and taxi drivers.

The RMT London Taxi Branch (RMTLTB) insist that the strict regulations imposed on both driver and vehicle have been successful and that public safety has been well protected by the restrictions imposed by the legislation.

We assert that it is essential that regulation should continue to distinguish between taxis and private hire vehicles in the public interest. However, we believe that this can only be achieved by creating a definition of 'plying for hire' in statute.

We propose that new legislation should also reduce confusion between taxis and private hire vehicles, simplify enforcement of new regulations and define a clear boundary between primary legislation and local licensing policy.

Our members maintain that, in London, delegated legislation has allowed the roles of licensed taxis and private hire vehicles to become blurred. We believe that any new regulations should, where possible, be created in primary legislation in order to prevent local authorities introducing policies to suit their interpretation of the law.

This document has been created by working London taxi drivers and, as such, is written from a London perspective. However, we would like to stress that our response is made on behalf of all RMT licensed taxi drivers as we believe the issues addressed in this response to the Law Commission's proposals are relevant to all our colleagues.

We would particularly like to emphasise our responses to proposal 1 and proposal 15 which we believe should be central to any reform of the regulations that govern our trade.

4 OVERVIEW OF PROVISIONAL REFORM PROPOSALS

Proposal 1. Regulation should distinguish between taxis & PHV's

The RMTLTB agree that regulation should distinguish between the licensed taxi and private hire trades. We believe that this can be achieved by creating legislation that :

- Confirms the distinction between the working practices of the licensed taxi and private hire trades by creating a definition of 'plying for hire'.¹
- Removes confusion between the two types of vehicle by ensuring they are distinct and easily identifiable.
- Clearly defines the boundary between legislation and local licensing policy.
- Simplifies the regulations to enable effective enforcement against unlicensed drivers and drivers acting outside the terms of their licence.
- Confirms the source of funding for enforcement against unlicensed drivers.

Vehicle Distinction & Colour

Our members have reported many incidents of private hire vehicles being hailed in the street. We believe the lack of a single private hire vehicle colour allows touts to mix in with licensed private hire vehicles², particularly outside busy night time venues or where parking regulations are not being enforced.

We think that this type of confusion could be reduced by introducing a system where all new licensed taxis are black and all newly registered private hire vehicles are the same colour, but not black.

We think that the colour distinction is especially important now that vehicle partitions can be installed in private hire vehicles. This policy change³ has made the different vehicles less distinct from the inside and therefore, we believe, making the vehicles more distinct from the outside can only benefit passenger awareness and safety.

Whilst we do not have a view of which colour private hire vehicles should be, we feel it is important that it is a light colour. This would help to reduce any uncertainty about the type of vehicle at night and minimise the economic impact on the private hire trade,

As the Mercedes Vito has been licensed as a taxi and a private hire vehicle in London the proposed new colour schemes should be introduced as soon as practical to ensure that the two types of vehicle can be distinguished.

Manchester City Council considered this issue in 2008. At the time of their consultation private hire vehicles had to be white or silver and display prominent council branding. A licensing policy decision was made that required hackney carriages to be black or covered by full advertising livery.⁴

The RMTLTB propose that primary legislation is created that removes confusion between taxis and private hire vehicles by ensuring that they are clearly distinct by colour.

Legislation delegated to TfL should ensure:

- **All newly licensed taxis are black.**
- **All newly licensed private hire vehicles are the same light colour.**

¹ Refer to our response to proposal 15 regarding plying for hire

² Refer appendix 1 Photographs Vito Taxi with TX4 & Vito Taxi with Vito

³ Refer appendix 1A LTPH Notice 18/10

⁴ Refer appendix 1B & 1C Manchester City Council Licensing Policy

Vehicle Distinction & London Conditions of Fitness

The London Private Hire Act 1998⁵ states that a private hire vehicle should not be:

of such design and appearance as would lead any person to believe that the vehicle is a London cab;

The intention of this is clearly to ensure that customers can distinguish between the two types of vehicle. This means that, for example, a TX4 cannot be licensed as a private hire vehicle even if the taxi-light and meter have been removed.

In London, the Conditions of Fitness (CoF) describe the general construction and other features that a vehicle must possess to be licensed as a taxi⁶. There is nothing in this document which prevents a vehicle that is licensed as a private hire vehicle in London being approved for use as a taxi. As such, the London CoF should be amended to contain a clause that ensures that vehicles already licensed as private hire vehicles cannot be licensed as taxis.

London Taxis are famous for their ability to “turn on a sixpence”. This feature is extremely useful for a taxi driver when hailed on the 'wrong side' of the road. This ability to turn in one manoeuvre also causes less congestion and inconvenience to other road users.

We have noted a poll card from a recent survey⁷ undertaken by Peugeot. It asks drivers if they would be prepared to buy or rent the E7 model without the manoeuvrability requirement detailed in section 7 of the CoF. We maintain if the turning circle characteristic is removed then many more models could be used as taxis. Vehicles will then be less distinct and customers more uncertain about any vehicle they attempt to engage.

Our members do not feel that the taxi-light alone is sufficient to enable the public to easily distinguish between a licensed taxi and a dark coloured 'people carrier' style private hire vehicle which is very commonly used by the private hire trade. The Mercedes Vito is already used by both trades and the RMTLTB insist that this has blurred the distinction between the two types of vehicle.

The RMTLTB propose that primary legislation is created that removes confusion between taxis and private hire vehicles by ensuring that they are clearly distinct by make and model.

Legislation delegated to TfL should ensure:

- **Vehicles licensed as taxis in London are not licensed as private hire vehicles.**
- **Vehicles licensed as private hire vehicles in London are not licensed as taxis.**
- **The manoeuvrability requirement remains a component of the London CoF.**

Vehicle Identification

The RMTLTB do not feel that the current system of vehicle identification in London is effective, either by making private hire vehicles distinct from licensed taxis or from unlicensed vehicles.

In London the private hire licence disc is not prominent enough and can easily be

⁵ Refer appendix 1D pg 5 PHV London Act 1998

⁶ Refer appendix 1E LTPH London Conditions of Fitness

⁷ Refer appendix 1F Peugeot poll card

mistaken for something like a parking permit.

We maintain that the 'pre-booked only' sticker only adds to this confusion by making it easier to attract jobs that are not pre-booked.

We believe the most appropriate option is for a combination of rear licence plates and private hire door vinyls. These vinyls could be supplied by the operator but approved by TfL in a similar system to the one that administers taxi livery and advertising.

Councils such as Basingstoke and Deane have adopted a system that insists that

*all licensed private hire vehicles must display door vinyls issued by the Council. These must be permanently affixed (not magnetic) on either both front driver and passenger doors or both rear passenger side doors of the private hire vehicle immediately below the windows.*⁸

Our members have commented that they think the wording “No Booking No Ride” on these vinyls⁹ is appropriate but also believe including the terms “No Street Hails” and “Not insured unless pre-booked” would make the message more explicit.

Our members have also commented that confusion between the two types of vehicles could be reduced by prohibiting the use of roof signs on private hire vehicles.

The RMTLTB propose that primary legislation is created that removes confusion between taxis and private hire vehicles by ensuring they are easily identifiable.

- **Rear licence plates and prominent door vinyls should be mandatory for private hire vehicles.**
- **Roof lights should be restricted to use by licensed taxis.**

Legislation v TfL Satellite Office Policy

The Private Hire (London) Act 1998 was introduced to improve safety for the benefit of the travelling public. Whilst we accept that the Act defines the term 'variation of operator's licence' we insist that this concept was never discussed in Parliament when the Bill was being debated.

A variation of an operator's licence is more commonly referred to as a satellite office. The RMTLTB strongly assert that the implementation of the satellite office scheme has facilitated the creation of private hire 'ranks' at many late night venues.

The RMTLTB have noted that TfL's consultation document on Private Hire concedes that the current situation outside many operating centres :

- Gives opportunity for licensed or unlicensed drivers to tout or to accept bookings directly¹⁰.
- Tempts operators' staff to accept bookings outside the venue¹¹.
- Makes it easier for PH drivers to attract jobs illegally¹².

In London there are approximately 300 satellite 'offices'¹³ where private hire vehicles

⁸ Refer appendix 1G section 4e

⁹ Refer appendix 1G pg 7

¹⁰ Refer appendix 1H pg 8

¹¹ Refer appendix 1H pg 8

¹² Refer appendix 1H pg 15

¹³ Refer appendix 1H pg 4

Basingstoke & Deane PH Licensing Conditions

Basingstoke & Deane PH Licensing Conditions

LTPH Private Hire Consultation

LTPH Private Hire Consultation

LTPH Private Hire Consultation

LTPH Private Hire Consultation

form 'ranks' whilst **waiting to be booked and clip board Johnnies (CBJ's) solicit customers.** They are clearly visible and, for the most part, operate unhindered. These operations used to be tucked away in the back streets but since the introduction of the satellite office scheme they now operate openly on many of central London's main thoroughfares such as Shaftesbury Avenue, Regent Street, Kings Road and Haymarket. It is also common practise for the CBJ to 'interview' the prospective customer and cherry-pick the best work. Jobs not considered profitable enough are directed to licensed taxis.

Indeed, local policy has now enabled the private hire trade to hold the monopoly to ply for hire at many locations across London.

In 2011 TfL responded to a Freedom of Information request regarding satellite offices in the following way :

*All private hire operator trading centres must comply with certain requirements before the centre will be licensed and currently there are no separate requirements for different types of centres. No legal advice has been sought by TfL on the impact licensed private hire operator trading centres would have on London's taxi trade or in relation to ranking or plying for hire.*¹⁴

This happened despite a TfL report titled Private Hire Strategy Proposals¹⁵, published in 2009 which stated:

Any changes to the operating conditions of the PHV industry need to be considered in the context of the impact on the taxi market.

Another TfL document from October 2008 describes one of the mechanisms that was used to create satellite offices:

The TfL Act 2008 has facilitated the establishment of satellite private hire offices in late night venues. This will be achieved by reducing the need for Private Hire operators to keep extensive staff and vehicle records at every location from which Private Hire vehicles may operate .

This describes how private hire booking facilities were allowed to operate with fewer restrictions than those normally imposed.

The RMTLTB assert that satellite offices allow unbooked private hire vehicles to form ranks outside many venues. We maintain that :

- **TfL have interpreted legislation to suit local licensing policy.**
- **The concept of satellite offices was badly planned and has been poorly regulated.**
- **A lack of enforcement of PH law has lead to widespread abuse of the system by operators, private hire drivers, CBJ's and unlicensed drivers.**

Legislation v TfL Private Hire Ranks Policy

In 2009 TfL published proposals relating to the Mayor's Air Quality Strategy (MAQS). The document describes exemptions to stopping and waiting restrictions for private hire vehicles. However, the same document acknowledges the risk of these vehicles being

¹⁴ Refer appendix 11 FoI request re STAN & satellite offices

¹⁵ Refer appendix 1J para 3.4 TfL Private Hire Strategy

seen to be plying for hire.¹⁶

We note that the exact text, including the strike-through, states : *TfL to liaise with the GLA (for MTS) and highway authorities for exemptions to stopping and waiting restrictions for PHVs waiting for booked fares*

A Taxi Fares Regulations Consultation document, published in 2009 by TfL, clearly states that they consider it legal for private hire vehicles to wait for bookings from their operator where parking restrictions allow¹⁷. It states :

One particular source of this confusion is waiting vehicles. Private hire drivers can park where this is allowed in order to wait for a booking from their operator.

The same paragraph goes on to state :

Drivers sometimes wait where parking restrictions are in force, and many authorities are not able to prioritise enforcement against this, particularly at night. Where this waiting takes place on taxi ranks, there is high risk that prospective customers will assume that the vehicles can be used as taxis.

- *This can result in threats to drivers who refuse to take customers;*
- *It makes it easy for unscrupulous drivers (licensed or not) to take fares illegally;*
- *By offering an opportunity for touts and illegal cabs, it can put vulnerable passengers at risk of assault associated with this illegal activity;*
- *It adds to public confusion about the distinction between taxis and private hire vehicles.*

TfL's Private Hire Strategy Proposals¹⁸ also states :

There is a significant problem of otherwise licensed PHVs touting for work especially in the West End and the general vicinity of night clubs.

Paragraph 4.7 of the same document goes on to describe how PH vehicles could be given 'road space privileges' and 'waiting areas'.

The RMTLTB insist that private hire vehicles parked in a 'waiting area' whilst waiting to be booked are forming a rank. We assert that the TfL documents referred to above describe private hire ranks and maintain that if a vehicle is inviting custom by being visible and available for immediate use then it is plying for hire.

Legislation v TfL Terminology

Paragraph 21 of the Abstract of Laws for London's Private Hire vehicle operators states :
A PHV operator must not use the words 'taxi', 'taxis', 'cab', 'cabs' or any other word which is closely similar

However, misleading use of the word 'cab', as described in our response to question 23, is easy to find. TfL have a text facility called CABWISE. This facility promises to text 3 'cab numbers' to the user¹⁹. The service actually returns the numbers of 2 private hire

¹⁶ Refer appendix 1K Mayor's Air Quality Strategy Private Hire Proposals

¹⁷ Refer appendix 1L para 3.71 LTPH Taxi Tariff Consultation

¹⁸ Refer append 1J para 3.12 TfL Private Hire Strategy

¹⁹ Refer appendix 1M Cabwise photograph

firms and another number to ring to find a taxi company.

Whilst we appreciate that this tool was designed to improve public safety we are surprised that TfL have used terminology in such an ambiguous way.

The RMTLTB propose that new legislation should be introduced to prevent licensing authorities from using misleading or ambiguous terminology in relation to the licensed taxi and private hire trades.

Legislation v TfL Interpretation of the Law

In an interview on the Eddie Nestor BBC London, Drive Time programme in August 2011, Peter Hendy, TfL Transport Commissioner, was questioned about lines of cars outside many night-time venues. Mr. Hendy stated :

It is legitimate for a private hire vehicle to wait in the street outside a satellite office for someone to make a booking, it is illegal to actively tout

Shortly after his appointment as TfL's Director of Taxi and Private Hire, John Mason attended a question and answer meeting in the taxi feeder park at Heathrow airport. When questioned about private hire vehicles forming ranks whilst waiting to be hired he stated that the legality of these operations was a matter of "how you interpret the law".

The RMTLTB propose that new primary legislation is created that clearly defines the boundary between legislation and local licensing policy and ensures local authorities do not introduce policies that allow the roles of the taxi and private hire trades to become blurred without authority from Parliament.

In particular, the RMTLTB propose that the new legislation should make it clear that vehicles, other than licensed taxis, that are waiting to be booked in designated 'waiting areas' or outside satellite offices are illegally plying for hire.

Enforcement

Whilst we hope that this consultation will create legislation that will make it much more difficult for licensed and unlicensed drivers to operate illegally, we are concerned that any new laws will not be supported by the strict enforcement necessary to make them effective.

Although The Private Hire (London) Act 1998 was enacted it has never been enforced. This view was shared by the London Assembly Transport Committee in 2008²⁰ who reported: *Unless the regulations governing private hire can be effectively enforced, some licensed drivers and others will act illegally if they believe they will not be caught. Furthermore, there appears to be a tension between the priorities of borough police and the TOCU Cab Enforcement Unit. Borough police working late at night will prioritise getting people home as quickly as possible which does not necessarily complement TOCU's work.*

The same observation was made in an OFT report titled 'The regulation of licensed taxi and PHV Services in the UK' which, although not specifically about London, stated:

²⁰ Refer appendix 1P_65B pg 14 London Assembly Transport Committee-Tackling Taxi Touting

Although it is an offence to ply for hire without a taxi licence under section 45 of the Town Police Clauses Act 1847, police do not often seek to charge the offender. This is, in part, because in the interests of public order the police would rather see the streets cleared than prevent unlicensed plying for hire.

The RMTLTB agree that enforcement relating to illegally plying for hire and touting has not been a high priority. Vehicles, other than licensed taxis, waiting to be booked from 'ranks' by CBJ's should have increased the likelihood of them being found to have committed the offence of illegally plying for hire. Our members are adamant that these operations are so conspicuous because the chance of anyone involved being arrested, let alone charged or convicted, is negligible.

The RMTLTB propose that primary legislation is created that ensures that the laws relating to plying for hire and touting for hire are simplified so that they can be effectively enforced.

Enforcement and Funding

The RMTLTB insist that ineffective enforcement is the main reason there are so many unlicensed vehicles in London. We believe this situation will not change unless enforcement is properly funded.

As such, our members are concerned about a recent legal case²¹ which could have a damaging effect on enforcement.

On 16th May 2012 the High Court produced a landmark decision confirming that it was unlawful for a local authority to charge lawful licensees for the cost of enforcement action against unlicensed operators.

Although the licensees in the case were operators of sex shops in Soho, we understand that the decision applies equally to any industry for which a licence to trade is required from the local authority.

The RMTLTB propose that this consultation confirms the source of funding for enforcement against both licensed and unlicensed drivers

5 REFORM OF DEFINITIONS AND SCOPE

Proposal 2. London should be included within the scope of reform

The rules and regulations that govern the licensed taxi trade in London have been developed over nearly 360 years to protect the travelling public and taxi drivers. The RMTLTB maintain that the strict regulations imposed on both driver and vehicle have been successful in their aim to protect public safety.

London taxis have regularly been voted the best taxi service in the world²². We believe that a service that provides the highest levels of knowledge, safety, quality of driving, friendliness and cleanliness should be used as a model for other authorities.

However whilst we welcome reform that attempts to deal with the common issues identified, such as defining the terms “plying for hire” and “fit and proper.” We also

²¹ Refer appendix 1Q & appendix 1R Hemming v WCC

²² Refer appendix 2A Economist magazine taxi poll

agree with the comments made in the Law Commission paper No 203 (pages 161-162), that London is unique and significantly different from the rest of the UK.

There are over 340 licensing authorities not to mention all the other people involved or affected by this consultation. It will be interesting to compare the responses made by those outside of London and to see what sort of consensus there is in relation to ours.

With these reservations in mind, we are at this moment of the opinion that separate specific primary legislation for London either within a single Act or an entirely separate one, will still be necessary in dealing with the problems identified both in this consultation and the 2010 TfL PHV consultation (see appendix B)

The RMTLTB propose that the licensed taxi trade in London should be used as a model for other local authorities to adopt because of the recognised high levels of service and public safety it provides. However we believe separate Primary legislation specific to London is still required and essential.

Proposal 6. Stage coaches' fares to be excluded from the definition of taxis

The RMTLTB is aware that in London a pedicab is a stage carriage for the purposes of section 4 of the Metropolitan Public Carriage Act (MPCA) 1869.

We understand that outside London pedicabs are considered to be hackney carriages and therefore governed by the same strict regulations as licensed taxis and licensed taxi drivers.

We understand that this was as a result of Regina v Cambridge City Council 1998, where the judge Sir Richard Scott V-C. made the following comment:-

The question arises in this appeal (in the event, it may be the critical question) whether, within the meaning of the language used in the 1847 Act, Mr Lane's trishaws can be regarded as "stage coaches". One only has to put that question to have an almost irresistible urge to start laughing. Whatever one may envisage as a stage coach, it will be a long way removed from Mr Lane's trishaws.

In Cambridge, this has prevented pedicabs from operating as the 'drivers' and vehicles do not meet the required hackney carriage standards.²³

The RMTLTB have noted a TfL Surface Transport Panel report from May 2009²⁴ concedes the following points:

- There are 900 pedicabs *plying for hire* in London.
- The Transport Research Laboratory (TRL) crash tested a pedicab with a car travelling 30 miles per hour and reported that the passenger compartment of a pedicab would provide little or no protection.
- The majority of pedicab owners do not have third party insurance to cover injury to passengers or damage to other vehicles.

²³ Refer appendix 6A Letter Cambridge City Council

²⁴ Refer appendix 6B TfL Surface Transport Panel Pedicab Update

- They can cause obstruction of roads and footways by parking illegally outside theatres and other tourist attractions.

Many people have accepted the presence of pedicabs on our roads as they believe that they provide an environmentally friendly form of transport. However, our members are not aware of any scientific evidence that proves that this is the case. Indeed, we believe that they create pollution by causing congestion and obstructions.

Our members have commented that any congestion caused by pedicabs must have a detrimental impact on the response times of the emergency services. We are also aware that the LFB had concerns about access to congested areas, for example outside theatres, where these vehicles congregate.

In April 2011 the RMTLTB requested accident statistics involving pedicabs from TfL. Their reply below shows that no records are kept. Our members question how a vehicle, whose safety record cannot be assessed, has been allowed to continue to operate.

Unfortunately these do not have a specific vehicle type code under STATS 19, so they will be recorded either as 'pedal cycle' or 'other non-motor vehicle'. Sometimes the police will mention in the free text field that a pedicab or rickshaw was involved and we are able to search for these words, but obviously cannot be sure that we are picking them all up as we are dependent on the police recording that information, which they are under no obligation to do. The Department for Transport (DfT) has no plans to add these vehicles as an additional category

TfL have conceded that although pedicabs are not hackney carriages they do ply for hire in London. Westminster City Council (WCC) has already indicated that it plans to provide ranking facilities without a licensing regime.²⁵ Our members are concerned that if this plan is implemented then it is only a matter of time before other vehicles also demand the right to ply for hire.

TfL proposed a voluntary registration scheme for pedicabs as part of the London Local Authorities and Transport for London (No. 2) Bill. After opposition from the RMT the sponsors were forced to withdraw the clause which would have provided pedicab ranks, allowing them to ply for hire. The RMTLTB maintain the withdrawn clause would have granted these vehicles a legitimacy they do not deserve by permitting them to ply for hire from designated ranks.

In 2007 TfL won the right to seek a declaratory judgement²⁶ on the definition of Pedicabs, it was also aware that section 4 of the MPCA 1869 Act would need to be repealed.

TfL have since failed to pursue this matter despite the acknowledged risk to public safety. Indeed, at the conclusion of *Bugbugs Ltd v Transport for London*²⁷ Mr. J Swift made the following comment :

TfL's application for a declaratory judgement relates to a matter concerning the responsibilities of the state towards potential passengers of pedicabs and other road users, as well as to the operators and riders of pedicabs.

TfL has also stated that it is for government to determine necessary safety and licensing standards for pedicabs, as it does for other passenger carrying vehicles and that they will press for specific primary legislation to establish an effective legal framework for pedicabs.

The RMTLTB are strongly opposed to this idea and will continue to oppose any move

²⁵ Refer Stage Carriage section of our response to proposal 15

²⁶ Refer appendix 6C Pedicab chronology & judge's comments from *Bugbugs Ltd v Transport for London*

²⁷ Refer appendix 6D *Bugbugs Ltd v Transport for London*

that seeks to license or legitimise these dangerous vehicles.

In light of the above lack of will from TfL the RMTLTB propose that primary legislation is created that ensures pedicabs are banned from operating on the public highway, and also by

- **Repealing the “stage carriage” definition from the MPCA and/or**
- **Amending any other relevant Act(s)**

Proposal 13. Regulations for engagement should not be limited to the “streets”

The RMTLTB agree that the safety of a service cannot be determined by the location of that service i.e. public or private land. We believe new legislation should not be limited to public land and maintain that this principle has already been established.

White v Cubitt [1930] concluded that a stage carriage was plying for hire in a public place when it had been parked on private land adjacent to a public house²⁸.

When considering plying for hire **The London Hackney Carriage Act 1831** states:

*Every hackney carriage which shall be found standing in any street or place , shall, unless already hired, be deemed to be plying for hire....*²⁹.

Question 14. Should special provisions be made for regulations at airports?

Foreword

We first take issue with the Commission in relation to the point made in the Consultation document (para 3.41) that Airports typically exercise strong contractual control over taxi and private hire service provision. It is important for the Commission to understand that although there is an apparent agreement between taxi drivers and the management of Heathrow Airport, that this is a complicated relationship which is currently being tested at Law where the organisation, Heathrow Airport Licensed Taxis Society (HALTS), a limited company by guarantee. It is subject to current legal proceedings by three members of the RMTLTB. There was a “cooperative” registered at the Financial Services Authority (FSA) under the Industrial and Provident Societies Act 1965, which was “illegally” usurped and the membership not consulted over a change of status. It would be prudent, therefore, for the Law Commission to exercise caution over any interpretation of the relationship between the taxi trade and British Airports – Heathrow (BAH) in London.

As stated below there is a provision for a taxi waiting area at Heathrow on payment (the feeder-park) as the airport authorities have the right to prohibit waiting by hackney carriages - Section 63(2)(e) Airports Act 1968, except at certain standings appointed by such persons as may be specified in the bye-laws. This cannot be construed as being part of any overarching strong contractual control over taxi operations. This is a fundamental misconception by the Law Commission and we would respectfully request that this misconception is addressed as if it is written into any subsequent White Paper

²⁸ Refer appendix 13A White v Cubitt

²⁹ Refer appendix 13B para 35 London Hackney Carriage Act 1831

then we should most vigorously contest it.

Therefore, the relationship in law as we see it is that BAH has provided taxi stands and a place to wait. It has no authority to determine fares, or any “*modus operandum*” peculiar to licensed hackney carriage drivers in London. The relationship is purely one of provision of space to wait. The RMTLTB refutes any other claim in relation to the perception by BAH or HALTS mentioned above that there is any commercial agreement or otherwise which gives either party the right to any contractual control over taxi driver workings at Heathrow.

Operational Methodology

The regime in London currently allows for the ranking of taxis at Heathrow Airport. *This is contained within the Airports Act 1968 and refers particularly (Section 65 (5)) in that “any road within an airport in the metropolitan police district³⁰ shall be deemed a street or place within the meaning of section 35 of the London Hackney Carriage Act 1831.* Like other public transport serving Heathrow the provision of taxis is highly visible and acts as part of a coordinated public transport provision for arriving passengers. Taxis are integral part of the overall transportation economy at Heathrow. However, the amount of space that is available at each terminal taxi stand is limited in capacity and this means that taxis are held in an area known as the “feeder park” which is contained at the Northern Perimeter Road and means a substantial distance from the feeder park to, say terminal 5 and terminal 4.

Given the right to ply for hire at Heathrow, BAH in providing the space for taxis to be “fed” to a terminal make a charge. Currently (June 2012) this charge is £6.00 (six pounds) and although taxis have a right to rank at Heathrow (see above), this cost is disproportionate to the facilities provided and we question the right of Heathrow to make a charge for the provision of taxis. As a *quid pro quo* taxi drivers are able to charge an additional amount on the taximeter as an extra of £2.40 for each journey starting at an airport terminal. It should also be noted that taxis are always available, day and night, including Christmas and all public holidays. Often waiting times in the feeder area extend beyond 3 (three) hours. Appreciating that this situation and its being resolved may be outside the remit of this enquiry, it is important for the Law Commission to understand the difficulties faced by taxi drivers at Heathrow.

BAH has little control over private hire vehicle operators (phv) picking up at Heathrow, but in the past have attempted to introduce a provision for private hire vehicles to wait and, with the provision of booking facilities at the arrivals hall or in the main arrivals concourse, effectively to be available for immediate hiring. In order to overcome this it may be that there should be a provision for phv to park “off airport” and the airport authorities to provide facilities for passengers who wish to utilise this at a cost. In this was there would be no difficulty in ascertaining the essential difference between vehicles available for immediate hiring and those that were not.

Another important thing to understand is the question of cross border hiring. Many passenger pick-ups at Heathrow are performed by out of area taxis and private hire

³⁰ This would now be construed as within the area administered by the GLA, ostensibly the metropolitan London Boroughs

which are genuinely pre-booked. What concerns the RMTLTB is the availability of phv acting as if they were taxis. The provision of booking facilities at the airport in itself acts as a “satellite office”, which is discussed elsewhere in this Consultation response.

So, the following are the main issues that affect taxi operations at Heathrow;

- **The provision of waiting facilities without cost to enable taxis to perform the duties allowed for and laid out in statute.**
- **The prevention of phv acting as if they were taxis i.e., ranking to pick up arriving passengers booking at a “satellite facility” provided in an airport terminal within the airport perimeter and particularly within airport car parks.**
- **The responsibility for the provision of off airport facilities (at a cost) for phv operators to keep the distinction of what is available for immediate hiring and what needs to be booked in advance.**
- **The consideration of the financial effect that cross border hiring has on the taxi economy at Heathrow and the detrimental effect this has. If in the global context of cross border hiring, in that this is to be disallowed, then this will necessarily impact on the taxi economy at Heathrow. Out of area competition needs to be addressed and naturally this impacts additionally on the licensing authorities assessment of driver and vehicle licensing and availability of licensed drivers and vehicles.**
- **There is no “formal” contract between the majority of taxi drivers at Heathrow and BAH. The existence of an “agreement” between any organisation purporting to represent taxi drivers at Heathrow and airport management is not endorsed by any formal democratic government of taxi drivers. HALTS (see above) is acting unilaterally and in it’s own commercial interest. Please be respectfully advised that any endorsement of this by the Law Commission will be subject to vigorous objection by RMT.**

Proposal 15. Plying for Hire should be defined in statute

The RMTLTB believe that the right and ability to 'ply for hire' are the distinguishing features of the licensed taxi trade in London and believe a legal definition of the term is long overdue.

The significance of 'plying for hire' to the licensed taxi trade was recognised by The Report of the Departmental Committee on the London Taxicab Trade (aka the Maxwell Stamp Report) published in 1970, which stated :

*“It (plying for hire) is the privilege in return for which the trade accepts the extensive restrictions imposed upon it **in the public interest.**”*

The average time for a student to pass the All London Knowledge (KoL) is currently forty-four months Suburban knowledge twenty months³¹ We believe that the series of appearances that comprise the KoL are correctly regarded as a rigorous assessment of the suitability of a student to become a licensed taxi driver.

The RMTLTB find it strange that the hard earned, distinguishing feature of our trade, the right to ply for hire, has not been defined in statute.

Indeed, as long ago as 1939, in a review of the taxicab trade, The Hindley Committee

³¹ Source-Knowledge Point School, May 2012

Interim Report cmdnd 538 stated:

An essential feature of a scheme of control for private hire vehicles would be to ensure that the vehicles do not infringe on the cab's privilege of plying for hire

In our view, such a statutory definition of plying for hire is desirable whether or not legislation for the control of private hire vehicles is introduced

We maintain that it is crucial that new legislation includes a comprehensive definition of this term to formalise the distinction between the two trades.

Justification

The uncertainty surrounding its definition has left the police and local authorities reluctant or unwilling to enforce hackney carriage and private hire law.

This confusion has led to disorder outside many venues, in particular, those that service the night-time economy.

Some licensing authorities, including TfL, have interpreted legislation to suit local policy.

Definition

The Hindley Report considered the term in 1939 and suggested the following definition as a basis for consideration:

A vehicle is plying for hire if it is offered or available for hire, whilst in any street, public place, or place where it is, at the time of the offer or at the time when it is made available, open to the view of the public

In the absence of an existing definition we propose that this could be used as a starting point in order to facilitate any discussions involved in creating a new definition :

Working Practices

The RMTLTB submit the following components of the term for consideration:

- Only a licensed taxi may ply for hire, and the vehicle is the medium through which the driver exercises his/her right to ply for hire.
- A licensed taxi is plying for hire only when it has stopped after responding to a hail or is standing on a dedicated rank.

In **Hunt v Morgan [1948]** Lord Goddard stated “*the word ply does not connote motion, as it often does if one speaks of a vehicle or ferry boat plying between certain points.*” This means that the cruising that enables a taxi to respond to a hail does not constitute plying for hire.³²

- Plying for hire is a stationary activity and this characteristic should remain unchanged. The action of cruising with a taxi-light illuminated should not be considered as plying for hire, only an invitation to hail.

There are many reasons why a taxi driver may not respond to a hail, including consideration of customer and driver safety. Whilst we appreciate that the common perception of plying for hire involves cruising with a taxi-light illuminated, we maintain that excluding the static characteristic from legislation would compromise safety and undermine the complaints procedure.

³² Refer appendix 15A Hunt v Morgan

Taxi drivers are regularly hailed by people who are stood at locations where it is either unsafe or against traffic regulations to stop. For example, someone hailing from a zebra crossing is inviting a taxi driver to stop where he is liable to create a safety hazard for pedestrians and receive a fine and penalty points.

The RMTLTB also feel that taxi drivers, should not be compelled to respond to a hail if they feel their personal safety could be jeopardised. There are many circumstances where a driver may be unwilling to stop for this reason. For example, where there is a disturbance outside a venue or where someone is clearly 'incapable'. In this type of situation a driver should be able to make the decision not to respond to a hail without fear of recrimination.

Taxis are often hailed when they are already hired. This is a regular occurrence in summer when customers see a reflection on the taxi-light and mistakenly believe it to be on. The RMTLTB maintain that if motion was a characteristic of plying for hire then unjustified complaints would regularly be lodged against drivers who already had passengers or were using their taxi whilst not at work.

Eldridge v BAA [1970]³³ stated that a taxi driver commits no offence by refusing to stop when hailed and “*can only be required to accept anyone who chooses to hire him when he is actually on a rank or is stationary in a street*”.

- A licensed taxi is not plying for hire if the driver is forced to stop because of traffic conditions, being paid or is stationary due to other circumstances beyond his control.

Eldridge v BAA [1970] also stated that

“the licensed driver in an ordinary taxi-cab who was stopped at traffic lights would be at the mercy of everyone who wished to hire a cab. A similar problem would confront a driver who stopped momentarily whilst seeking a petrol pump or on his way home. This would be an intolerable situation for taxi-cab drivers .Furthermore, it might produce a most unseemly scramble on the part of the taxi driver to drive away as soon as his passenger was out and before the next passenger could come up to him”.

- Plying for hire is composed of two distinct working practices of responding to a hail and ranking (standing for hire)

London Hackney Carriage Act [1831] states that any hackney carriage standing in any street or place shall be deemed to be plying for hire unless it is already hired.

When considering section 35 of the 1831 Act **Eldridge v BAA [1970]** concluded that standing is similar to waiting or parking.

The Maxwell Stamp report defined ply as “*to wait or attend regularly, to have one’s stand at a certain place for hire or custom.*”. This description could be considered when attempting to define the working practice of ranking and its relationship to plying.

The RMTLTB propose that the following points relating to vehicles other than licensed taxis should also be given consideration for inclusion in a definition of the term :

- A vehicle that is on view to attract custom and available for immediate hire is illegally plying for hire.
- The offence of illegally plying for hire is complete without the presence of prospective passengers as plying for hire only requires exhibition and availability.

³³ Refer appendix 15B Eldridge v BAA

- A vehicle that has been *pre-booked* and is waiting outside a venue for that booking is not plying for hire. An identical vehicle in the same 'rank' that is *waiting to be booked* is plying for hire.

Cogley v Sherwood [1959] Concluded that :It is of the essence of plying for hire that the vehicle in question should be exhibited, that the owner or driver should expressly or impliedly invite the public to use it, and that a member of the public should be able to use the vehicle if he wants to.

Members of a private car hire group were convicted of offences, as the owners and drivers of hackney carriages, of having plied for hire without a licence contrary to the Metropolitan Public Carriage Act 1869 s.7 . The group operated at London Airport, where standing facilities were provided for the vehicles, and where orders were taken for the group's services at desks at the terminal. There was no indication at the standings where the cars waited, to which the public did not have access, that the cars were for hire.³⁴

Eastbourne BC v Stirling [2000] discussed cars forming a 'rank' on private land near to a station forecourt. The court stated that such a rank was “*plainly likely to attract custom from members of the public*” and concluded that the cars in the rank had plied for hire.³⁵

Gilbert v McKay [1946] stressed that where a vehicle is exhibited, than that is an important factor in assessing whether there had been plying for hire. The court also spoke in discouraging terms of the mini-cab office operating a 'stand' in the same way as a hackney carriage rank might operate.³⁶

Rose v Welbeck [1962]. When considering 'plying for hire' at a home office meeting in 1962 Mr. Stotesbury of the Home Office said **plying for hire involved three elements, exhibition, soliciting and availability**. Mr Rose thought that in some circumstances, a parked minicab could be held to be soliciting by its very presence. Mr Stotesbury went on to say that the difficulty of proving that an unlicensed vehicle was operating illegally could be eliminated completely by legislative amendment of the law relating to plying for hire by abolishing the element of soliciting from the necessary ingredients of the offence.³⁷

- A legal definition of the term 'solicit', where it refers to offering the services of a vehicle, should also be included in any new legislation. This would remove any confusion between the terms 'plying for hire' and 'touting for hire'.

Oddy v Bug Bugs Ltd [2003] also considered the term 'plying for hire' and went on to consider it's relationship to 'solicit'. Mr Justice Pritchford remarked that it was apparent that the term 'plying for hire' may include soliciting, but soliciting is not required to before a carriage is plying for hire.³⁸

- If the actions of a driver provide evidence of solicitation the separate offence of illegally touting for hire has been committed.
- Separate offences of plying for hire and touting for hire should be recognised in new legislation.

Stage Carriages

The RMTLTB is aware that in London a pedicab is a stage carriage for the purposes of

³⁴Refer appendix 15C

³⁵Refer appendix 15D

³⁶Refer appendix 15E

³⁷Refer appendix 15F

³⁸Refer appendix 15G

Cogley v Sherwood

Eastbourne v Stirling

Gilbert v McKay

Rose v Welbeck (summary)

Oddy v BugBugs Ltd (extract)

section 4 of the Metropolitan Public Carriage Act 1869. Whilst we insist that these vehicles should be banned outright, as opposed to preventing them from operating by classifying them as hackney carriages³⁹, we maintain that TfL had information which had them believe that *Oddy v Bugbugs Ltd* may have been wrongly decided⁴⁰. Still, they chose not to pursue the issue⁴¹, in effect granting unlicensed pedicabs the right to ply for hire. Our members have been consistent in their believe that pedicabs are acting as illegal hackney carriages.⁴²

Mr. J. Swift, judge in *Bugbugs Ltd v Transport for London*, made the following statement when commenting on the proceedings:

All I can say is that those words⁴³ must be material when considering the possible effect of paragraph 16 on the definitions contained in section 4 of the 1869 Act. We, therefore, have a decision by a stipendiary magistrate who may or may not have considered the material words, and decisions by a district judge and High Court judge who did not. That being the case, it does not seem to me that it can properly be said that the issue of the legal status of pedicabs has been decided by a court of competent jurisdiction so as to preclude, of itself, future challenge

The RMTLTB are strongly opposed to any move which would permit pedicabs to ply for hire on the public highway. Our members are adamant that these vehicles are a danger to the public and infringe on our hard earned right to ply for hire, a fact conceded by a TfL Surface Transport Panel report from May 2009 which stated that *there are 900 pedicabs plying for hire in London.*⁴⁴

Indeed, whilst discussing a voluntary registration scheme for pedicabs in Parliament, Mr. Martin Low of Westminster City Council stated :

I would rather not call them ranks because ranks are associated with hackney carriages. I think for clarity I would like to refer to them as pedicab waiting places⁴⁵

The RMTLTB have noted that Mr. Low did not deny that the proposed facilities were ranks, he just stated that he would rather call them something else. We assert that a 'waiting place' where a pedicab can ply for hire is a rank and referring to them as anything else, in an attempt to mask their real function or provide 'clarity', is misleading.

Our members will continue to oppose any move that seeks to allow these dangerous vehicles to ply for hire.

The Concept of Unmet Demand

The RMTLTB understand that the term 'unmet demand' describes a situation where the supply of a particular type of vehicle cannot match the demand created by people wanting to use the service.

TfL have described 'met demand' as actual taxi usage and 'unmet demand' as additional potential taxi usage that is not currently satisfied.⁴⁶

Our members believe that this unproven concept has been used to justify the introduction of satellite offices which has **granted the private hire trade the privilege**

³⁹ Refer to Regina V Cambridge CC described in proposal 6

⁴⁰ In 2004 TfL found a ref to para 16 of Sch1 to the 1985 Act & concluded that the opening words had the effect of amending the defn. of stage carriage in s4 of the 1869 Act, as a result, pedicabs should be defined as hackney carriages

⁴¹ Refer appendix 6D Bugbugs Ltd v Transport for London

⁴² Refer appendix 6A Letter Cambridge City Council

⁴³ in any enactment or instrument passed or made before the commencement of section 1 of this Act

⁴⁴ Refer to our response to proposal 6 & TfL Surface Transport Panel Pedicab Update

⁴⁵ Refer appendix 15H Hansard Minutes 10 March 2009 HOL Select Committee (LLA / TFL No 2 Bill)

⁴⁶ TfL Taxi and PHV Supply and Demand report November 2001

to ply for hire at many late night venues.

We maintain that this concept of 'unmet demand' remains unproven and we question the results of the above survey which admits that more research is necessary and concedes that applying the statistical process of expansion to on-street travel surveys is "especially challenging".

We would also question whether the 20 survey points used in central London for the same report were sufficient to make informed decisions about 1.8 million weekly taxi journeys.

Unmet Demand and Access

Photographs taken by one of our members⁴⁷ show the in ramp and out ramp respectively at Paddington Station on the evening of Friday 22nd June 2012.

Entry and exit to this new facility is very difficult. On this occasion it took 13 minutes to drop off a passenger and exit the station onto Bishops Bridge Road. The waiting passengers were queuing from the head of the rank back into the station. However, there were approximately 40 taxis available on the out ramp and a similar number on Bishops Bridge Road attempting to access the station.

This type of situation is common in London, particularly in the West End. Taxis cannot reach customers because of congestion, roadworks, construction sites and road narrowing schemes.

The RMTLTB question whether the supply of taxis is not sufficient to cope with demand and assert that accessibility and lack of provision for taxis is the real problem.

Indeed, we maintain that a lack of consideration of the taxi trade as part of an integrated transport system is preventing our members from plying for hire and is a contributory factor to the 'unmet demand' described in the TfL report.

The RMTLTB agree that a definition of 'plying for hire' should be created in statute. This new definition should :

- **Clearly distinguish between the working practices of the taxi and private hire trades.**
- **Recognise two separate working practices of responding to a hail and ranking.**
 - Recognise that the action of solicitation is the defining action between touting for hire and plying for hire, as such, a definition of 'soliciting', as it relates to vehicles for hire, should also be included in the legislation.
 - Recognise that only licensed taxis can legally ply for hire and state that this privilege will not be extended to pedicabs.

The RMTLTB also propose that consideration is given to the following issues and the effect they have on a licensed taxi's ability to ply for hire:

- **'Unmet demand'. We propose that this consultation should establish a definition of the term and describe how it should be measured.**
- **An integrated transport system. We propose that taxis are given more consideration as part of an integrated transport system.**

⁴⁷ Refer appendix 1S & appendix 1T 'Unmet demand' at Paddington station

Proposal 16. Hailing & ranking should not cover technological bookings

Our response to proposal 15 explains why we believe that plying for hire should be defined in statute. We assert that this new definition should be used to facilitate effective enforcement and, therefore, we believe that it should be kept as simple as possible. As such, we concede that technological bookings should be considered to be outside the scope of plying for hire.

However, we are concerned that this type of technology, particularly mobile phone apps, could allow a service provider to act as a taxi or private hire company without a licence. We assert that the process of simply matching customers with vehicles, without a strict vetting procedure of drivers, would compromise public safety.

A US company, Ubercab, recently developed a mobile phone app that accepts payment in return for matching drivers with customers.

The company was issued a cease and desist notice by the San Francisco Metropolitan Transport Commission and the Public Utilities Commission of California.⁴⁸ The authorities were concerned that the Ubercab service did not comply with city and state taxi and limousine regulations. However, Ubercab insisted that they are merely an app provider, not an unlicensed taxi service. The RMTLTB note that this company appear to be willing to take payment for providing a 'service' without taking on any of the responsibilities that we would expect to protect public safety.

The RMTLTB propose that new legislation should ensure that service providers who match vehicles to customers via a technological mechanism should hold an operator's licence.

Question 17. Scottish approach to engagement preferable to plying for hire?

The RMTLTB's response to proposals 1 and 15 state that we regard the hard earned right to ply for hire to be the distinguishing feature of the licensed taxi trade. As such, any move away from a system that recognises this should be resisted.

Indeed, we assert that an authoritative definition of this term, along with the other measures we have suggested, including effective enforcement, would create a clear boundary between the licensed taxi and private hire trades.

The RMTLTB propose that 'plying for hire' should be defined in statute and a move towards the Scottish approach to engagement should be resisted.

Proposal 18. The concept of compellability should be retained

The concept of compellability is a key feature of the licensed taxi trade. The RMTLTB agree that this concept should be retained in order to maintain the high level of customer service that the licensed taxi trade provides and uphold the distinction between the licensed taxi and private hire trades.

⁴⁸Refer appendix 16A Ubercab report

The RMTLTB agree that the concept of compellability should be retained.

Proposal 19. Pre-booking should be the only way to engage a PHV

The RMTLTB accept that new technologies have confused the boundary between pre-booking and hailing. We also recognise that technology can evolve rapidly and this could mean that any new legislation could be difficult to enforce.

Our response to proposal 15 describes why we believe plying for hire, the distinguishing feature of the licensed taxi trade, should be defined in statute and that this definition should create a clear demarcation between the working practices of the licensed taxi and private hire trades.

As such, we have adopted a pragmatic approach to this proposal, unless there are plans and methods available to strictly enforce this so that only Taxis can be hired in this way we accept that a vehicle booked using a mobile phone app or via the internet should be regarded as pre-booked, and is therefore outside the scope of plying for hire.

The RMTLTB agree that pre-booking should remain the only way to engage a private hire vehicle and that this mechanism should fall outside the scope of plying for hire, unless methods are available to enforce this.

Provisional proposal 21

The Secretary of State and Welsh Ministers should have the power to issue statutory guidance in respect of taxi and private hire licensing requirements.

Whilst it is common within law for a parent act to delegate to secondary legislation the risk of such sub-delegation is that the person (in this case Secretary of State) who has been given the power to make law may pass this power down to another person or department. Statutory Instruments are supposed to be made by Government Ministers. In reality they often merely rubber-stamp laws actually made by their civil servants.

Clearly when the first London Hackney Carriage Act was written in 1831 the Licensing Authority, which at the time was the Home Office/Metropolitan Police, was not concerned with the licensing of Private Hire vehicles and as such did not need to consider any impact this would have on their Hackney Carriage licensing regime. Indeed the Act of 1831 and the Acts that followed did not need to consider the licensed operation of Private Hire at all, only the issue of unlicensed vehicles operating and therefore were worded as such.

In 2000 TfL was created and the licensing regime for London Taxis was taken over from the Home Office/Metropolitan Police the same year. By 2005 TfL had also completed the licensing of Private Hire within London. In October 2010 TfL conducted a PHV consultation, the RMTLTB responded in December 2010 with a 112 page document (see separate document appendix B) highlighting many of the issues and problems discussed in this Law Commission project.

We were very disappointed when we saw TfL's response entitled Outcomes of PHV consultation TPH Notice 08/11 (appendix B) which was less than two pages long!

After 2 years little has changed. They can't deny that they were not made aware of these issues, much of which is in their power to put right. We believe that since the inception of TfL in 2000 that deficiencies within primary legislation such as a definition of "plying for hire", vehicle distinctions, pedicabs etc has allowed the Licensing Authority to interpret the law and devise policy through secondary legislation as they feel fit.

We should not have to seek costly judicial reviews for statutory interpretations on these fundamental issues, in order for a judge to attempt to work out what the draughtsman had in his mind when he wrote the act(s).

Let's take the example of the wording in the London Private Hire Act 1998 s.7 (2) (a) (iii) which states that:-

The Secretary of State shall grant a London PHV licence for a vehicle if he is satisfied that the vehicle---

"is not of such design and appearance as would lead any person to believe that the vehicle is a London cab"

At first this looks sensible in that it attempts to protect the public from confusion and the cab drivers right to ply for hire. However, it depends on what is a London cab?

The Metropolitan COF were introduced circa 1906 to serve the needs of the city and continue to this day, derived through secondary legislation via the London Cab order 1934. The result of this has been bespoke Taxis built specifically for London unique in shape, appearance and specification instantly recognisable from a distance, known the world over, synonymous with London.

The Mercedes Vito may be a fine vehicle but it is NOT a bespoke Taxi especially in appearance and particularly at night. (see photos of Vitos appendix 1).

We believe in 1998 the draughtsman of the act had in his mind a bespoke vehicle when referring to a "*London Cab*". What else was there licensed as such in London at that time for him to think otherwise?

TfL have stated that a bespoke Taxi model such as a TX cannot be licensed as a PHV even if the "TAXI" roof light and meter are removed.

Yet they have approved an adapted non bespoke vehicle licensed for many years in the Capital as a PHV for use as a London cab.

Why is this important?

The Iconic London BLACK cab is our trademark our Unique Selling Point (USP). Surely the whole point is that “any person” should be able to distinguish from a distance what is a London Cab and what is not. It should tell the public who has the right to ply for hire and who has not. All businesses rely on USP for success often spending large sums of money in order to achieve this.

We have brought this to TfL’s attention as the licensing authority in 2010, they have done nothing to rectify this stating that the Vito Taxi has a “TAXI” light fitted on the roof. Firstly all Hackney Carriages in the UK have a TAXI light but that does not make them all London cabs in appearance or design.

Secondly what they have failed to understand is that at night many people hail a Taxi even with the TAXI light OFF because they recognise its appearance and design. A driver responding as such is still plying for hire (see TfL Taxi Driver Abstract of rules page 12) and can carry out the hiring, or have a complaint made against him if he refuses.

Given that there is an acknowledged problem of both illegally plying and touting for hire, why create policy that ignores the historical development of the London cab trade where you make it easier for a licensed PHV driver or an unlicensed driver to pass him/herself off as a London cab driver particularly with the many visitors to the capital?

There are now other manufacturers for example such as Peugeot and Nissan looking to provide adapted versions of their “off the shelf” vehicles for consideration for use as London cabs, the latter Nissan it would appear meets the turning circle requirement!

On this issue the RMTLTB are adamant that in reforming the law governing Taxis and Private Hire that any loopholes, lacunas and deficiencies are resolved by way of Primary legislation with the use of direct and explicit wording in the interests of clarity, public safety and common sense. If there is conflict between a statute and common law, it is the Act of Parliament which will prevail and must be followed by the courts.

Proposal 22. Update Terminology

The RMTLTB accept that some of the terminology in current legislation is out of date.

We propose that new legislation should refer to 'hackney carriages' as 'licensed taxis'.

The term 'Private hire vehicle' should be used to describe vehicles commonly known as 'mini-cabs' whilst 'unlicensed vehicle' should be used to describe a vehicle used by touts.

The RMTLTB propose that new legislation should refer to 'licensed taxis', 'private hire vehicles' and 'unlicensed vehicles',

Question 23. Should PHV's be allowed to use terms such as “taxi”?

Distinction

Paragraph 21 of the Abstract of Laws for London's Private Hire vehicle operators states :
A PHV operator must not use the words 'taxi', 'taxis', 'cab', 'cabs' or any other word

which is closely similar

The intention of the above is clearly to reduce the chance of confusion and protect public safety. However, ambiguous use of the word 'cab' is prevalent, especially in the media, and is regularly used to describe vehicles and drivers from both trades.

An article from the Mail Online⁴⁹ uses all the following terms in one report about a private hire driver jailed for rape: minicab driver, cab driver, private taxi (driver), private hire driver, unlicensed taxi tout.

The RMTLTB accept that outside London the word 'taxi' is commonly used to mean a private hire vehicle. However in London this is not the case, our customers clearly understand the different terminology and working practices.

Consistent and appropriate use of 'private hire' and 'unlicensed driver' or 'tout' would help the public and media to identify a legitimate private hire service.

Similarly, any new legislation should refer to our vehicles as 'licensed taxis' although we accept that, in less formal settings, the terms 'black cab' and 'taxicab' are understood to mean the same.

Distinction & Pre-booked 'Taxis'

The RMTLTB maintain that using the term 'pre-booked taxi' to mean a private hire vehicle would only confuse the issue of vehicle distinction and clearly contradicts the intentions of proposals 1 and 15 which aim to distinguish between the two types of vehicle.

We do not agree that using a preface to reiterate how the vehicle was obtained can change it into something that is separate and distinct. We assert that a pre-booked private hire vehicle is simply a private hire vehicle that was legally engaged.

Furthermore, we feel this proposal would lead to confusion in London where thousands of jobs are pre-booked every day via the radio circuits. What should a taxi carrying out one of these pre-bookings be called? Perhaps 'a pre-booked, specifically designed, wheelchair accessible, highly regulated, bona fide licensed taxi' ?

'Taxi' and the Internet

The RMTLTB is concerned about misleading use of the word 'taxi' on the internet, particularly when related to services offered at airports. Using the words 'taxi heathrow' in a search engine returns hundreds of entries to the browser.⁵⁰

Closer inspection of the individual sites reveals they are almost exclusively private hire companies that are either advertising taxis or using taxi as a keyword to return a private hire service.

The RMTLTB propose that any reform should legislate against this.

The RMTLTB propose that legislation should confirm the distinction between the taxi and private hire trades by :

- **Consistent and appropriate use of 'licensed taxi' and 'private hire vehicle'**
- **Preventing the private hire trade from using any term, including “pre-booked taxi”, which may lead a customer to believe they provide licensed taxis or**

⁴⁹Refer appendix 23A

Daily Mail Online report

⁵⁰Refer appendix 23B

Screenshot taxis @ LHR

licensed taxi drivers.

- **Preventing misleading advertising on the internet**

6 A REFORMED REGULATORY FRAMEWORK

Question 40. Should licensing authorities be able issue peak time taxi licences?

The RMTLTB are strongly opposed to the idea that a taxi licence and the right to ply for hire could be issued rather than earned.

Allowing vehicles other than licensed taxis to ply for hire also contradicts the intentions of proposals 1 and 15 which aim to distinguish between the two trades.

Using the term 'peak time taxi' to mean a private hire vehicle would confuse the distinction between the two trades which, in London, is well understood.

We also believe that such a scheme would have a detrimental effect on public safety, customer service, customer choice and the reputation of the taxi trade in London.

Safety

The KoL is universally recognised as a rigorous examination of topographical knowledge. However, London taxi drivers are fully aware that completing the KoL is also a test of determination and commitment.

KoL appearances are so called because they assess the overall suitability of the student to become a licensed taxi driver. Successful candidates therefore value what they have earned and are mindful of the statutory restrictions. One of the consequences of the difficulty of earning the right to ply for hire has been that public safety has been well protected.

One of the reasons that taxi drivers are heavily regulated is that they can pick people up without a record of the journey. We believe statistics⁵¹ show that this has been very successful and any move away from this system would involve a calculated risk with public safety.

Licensed taxi drivers regularly deal with people who are in vulnerable positions, particularly at night. The above statistics show that these customers have been in safe hands. The RMTLTB question if this would remain the case if peak time licences were sold as a source of revenue rather than being granted after a thorough assessment of a person's ability and suitability to do the job.

Customer Service

Completing the KoL provides the driver with not only the right, but the ability to ply for hire in an extensive and complicated road network in one of the world's largest cities. The process provides licensed taxi drivers with the training to provide a very high level of service.

We insist that there are no short-cuts to gaining the ability to immediately be able to

- Recognise thousands of streets names and locations such as stations, theatres, restaurants, clubs & bars
- Adapt a journey for road closures or traffic jams

⁵¹ Refer appendix 40A RMTLTB facts & figures

- Change the destination of a journey in mid-route
- Determine the best route for a journey with multiple drop-off locations
- Recognise locations with unusual spellings or pronunciations
- Respond to requests for help. The following requests have all been made to a member of the RMTLTB in the last few weeks :

I've just been robbed, can you take me to the nearest police station?
Can we stop at a 24 hour chemist?
Can you take us to the Lion King, we don't know which theatre it's on at?
I am going to the Harlequins, do you know where they play?
Can you drop me where I can go for a walk with the best views of Big Ben?
Can you take me to the hotel that used be called Westminster City Inn?
Can you take me to my hotel. I don't know what it's called or the street but it's got "Inn" in the name?

Drivers who ply for hire must be able to **respond instantly** to these types of requests to provide our customers with the service they expect. A private hire driver in a peak time 'taxi' does not possess the skills to ply for hire in London. The RMTLTB assert that private hire drivers should drive private hire vehicles where, once they have been booked, they have time to plan their route.

In London it is well understood that all licensed taxis are wheelchair accessible whilst very few private hire vehicles have that facility. The RMTLTB maintain that this accessibility forms part of the service that licensed taxis provide.

Customer Choice

The RMTLTB maintain that real choice is conditional on a full understanding of that choice. The confusing concept of a vehicle that must be pre-booked most of the time but can ply for hire at others does not provide that clarity. Indeed we believe it would confuse the issues of vehicle distinction and vehicle identification discussed in proposal 1.

The RMTLTB maintain that a clear choice for any customer is to hail a licensed taxi in the street, take a licensed taxi from a rank or pre-book a private hire vehicle from a preferred company.

Effect on the Licensed Taxi Trade

The RMTLTB maintain that allowing private hire drivers to ply for hire would have a damaging effect on the licensed taxi trade in London.

Tourists or business people who received a poor service from a peak time 'taxi' would not hesitate to recount the experience to their friends and colleagues.

The RMTLTB assert that the London taxi trade should stand or fall on it's own merits and that it's reputation should not be compromised by drivers who lack the commitment and determination to complete the KoL.

Enforcement

The RMTLTB question how such a system would be enforced. We suggest that this type of licence would only provide another loophole for those who are looking to exploit the system.

Terminology

With reference to proposal 23, would a private hire vehicle that was granted a permit to

work at peak times of demand be called a “predominantly pre-booked, temporary peak-time taxi” or a “temporary peak time, predominantly pre-booked private hire vehicle”?

Perhaps private hire companies would be compelled to amend livery or door vinyls say

“No booking, No ride (except on bank holidays between 9am and 4pm)” or

“Pre-booked only (except Sunday between 1am and 3 am)”

The RMTLTB does not consider that the proposal to allow private hire vehicles to act as taxis is a practical concept. We assert that the right to ply for hire should be earned, not issued or sold, in order to protect public safety, customer service, customer choice and the reputation of the London taxi trade.

Proposal 43. Licensing authorities to retain ability to regulate max taxi fares

The RMTLTB are opposed to this proposal for a number of reasons. We do not believe that the dynamics of taxi driver earnings and the taxi economy have been modelled (you have shown no evidence for this) and, therefore, this proposal becomes subjective in relation to the regulation of maximum taxi fares.

Firstly, you must consider that taxi drivers are self-employed. They are only earning when the taxi vehicle is hired. The difficulty that taxi drivers face is that because they are essentially disparate and because of the nature of the taxi economy i.e., regulated fares, then there can be no individual negotiation of fares with passengers outside the normal business practise of taxi drivers.

What is problematic is that any arbitrary tariff applied by any Local Authority which does not take cognizance of the economic conditions which affect taxi drivers in any one locality should be tested by a set of economic and statistical criteria to ensure that taxi drivers’ aspirations are met.

It must be said that the application of any tariff will be demand elastic dependant on the tariff. What is important is that any tariff must be agreed by the majority of taxi drivers licensed in any one area.

It is our contention that Local Authorities should not have the power to regulate taxi fares where this might mean that taxi drivers are effectively subsidising fares due to measures outside their control which would necessarily impact on their profitability. For example, the recent hikes in fuel prices which put tremendous strain on taxi driver earnings in a market governed by the effects of recession.

Taxi fares should not be subject to political considerations by any Local Authority representatives. Regrettably this has happened in London where a previous Mayor artificially held down fares, in our estimation, to gain political kudos. This should not happen and, therefore, fares should be governed by taxi drivers in association with each other within England and Wales but within the different Licensing Authority areas.

London taxi drivers in particular have suffered by the tariff adjustment made each year by TfL. We do not believe that the increase provided for adequately reflect the aspirations of drivers. In 2012 an increase of just over 5% in the tariff did not strictly reflect the total hike in costs to taxi drivers which strictly is broken down into two elements;

- The costs associated with depreciation and running costs including the cost of a vehicle/driver’s licence issued by the local authority.

- The other costs which are not adequately taken into account often by local authorities are the price indices. So, in 2012 London taxi drivers were disadvantaged in the tariff “increase” as it did not adequately reflect the “cost of living index”. This is not an isolated phenomenon and occurs each year.

Secondly, you must also consider how any tariff is “fixed”. We refer particularly to London and the way that fares are governed. We refer to the London Cab and Stage Carriage Act 1907 – Chapter 55 (1) where it states that:

*The Secretary of State shall have the power by regulations made under section 9 of the Metropolitan Public Carriage Act 1869 to **fix** the fares to be paid for hire in London of taxis fitted with taximeters.*

This was subsequently amended where powers were devolved to TfL and states that:

Transport for London may make regulations from time to time by London Cab Order....(3) for fixing the rates and fares, as well as for time and distance to be paid for hackney carriages.....

We propose that a definition be applied for all taxi licensing authorities in what is allowable by them in “fixing” the fares of self-employed taxi drivers. So, we propose that in the first instance a tariff be proposed by an association of taxi drivers in any locality. This agreement would effectively constitute a **setting** of the tariff. This is what local taxi drivers would demand to be **fixed** by the Local Authority. It should not be within the Local Authority remit to question or adjudicate on this as this would reflect the needs locally of taxi drivers and would be subject to economic rules pertaining to demand elasticity in that an unreasonable tariff set by drivers would be unsustainable in the long run and to their detriment.

The RMTLTB propose that the maximum taxi fares should be set by taxi drivers, not the licensing authority.

7 REFORM OF DRIVER, VEHICLE & OPERATOR LICENSING

Should national driver safety standards such as the requirement to be a “fit and proper person” be either:

- (a) set out in primary legislation; or
- (b) included within the Secretary of State and Welsh Ministers’ general powers to set national safety conditions?

We believe this important issue should be (a) set out in primary legislation.

Proposal 48. Private hire operator licensing should remain mandatory

The RMTLTB agree that operator licensing should be retained as a mechanism to protect public safety. We believe that recent events in Scotland, where the Councils have been concerned about involvement of organised crime in PH operations, justify this proposal.⁵²

Police in Edinburgh have raised fears that west coast gangsters are attempting to infiltrate the city's private hire firms as 'fronts' for drug dealing and money laundering.

Police and council officials in Edinburgh have held discussions on how PH licensing rules could be more strictly applied to prevent criminal gangs getting a foothold in the private hire industry.

8 REFORMING QUANTITY CONTROLS

Proposal 54. LA's should no longer have the power to restrict taxi numbers

The RMTLTB believe that there should be a mechanism in primary legislation that gives licensing authorities the ability to manage the growth of BOTH taxis and private hire vehicles.

This is crucial in relation to such matters as maintaining standards, congestion over ranking, parking, and pollution.

We have read the minutes of a number of meetings regarding this issue and believe that the arguments for and against are well known to the Law Commission (paper no203 discusses them) Nevertheless, we would like to make the following points:-

- Many licensing authorities both here in the UK and abroad have re-regulated after deregulation has been judged to have failed. This is costly and **we believe that far greater research and analysis is needed regarding this matter.**
- New York is a capitalist city similar to London yet the regulator has been convinced by capping and methods of operation.
- Deregulation can have a socio-economic impact. In Ireland between 2008 -2010 upwards of 25 taxi drivers had committed suicide after finding it almost impossible to earn a living when the number of vehicles licensed increased from approx 4,000 to 20,000.
- The Law Commission have accepted that if taxi drivers can't make enough money to cover their business and basic living costs then things fail. Mr Percival has acknowledged this when discussing taxis working in rural areas. However, the RMTLTB believe that this is a generic principle and therefore equally applicable to taxi drivers who work in cities.
- If drivers can't make enough then standards fall
- In London, taxi drivers must pass the KoL before they are licensed. They value and take pride in what they have achieved, devalue it and the reverse starts to happen continue down that route and eventually the trade will fall into decline.

- As far as London is concerned both drivers and prospective knowledge students need to “buy into” the KoL licensing regime in order for it to prosper. No one is going to do X number of years on the KoL to find that there is no job at the end, or that the privileges are not perceived as significant compared to a PHV licence

⁵²Refer appendix 48A

which can be obtained in a month or so.

The RMTLTB believe that there should be a mechanism in primary legislation that gives licensing authorities the ability to manage the growth of BOTH taxis and private hire vehicles*.

Question 55

What problems (temporary or permanent) might arise if licensing authorities lost the ability to restrict numbers?

The fact that TfL cannot restrict either Taxi or PH numbers we feel is of significant importance for the future of the London Taxi trade as a whole.

The Private hire industry has grown from an estimated 20,000 in 1969 working mainly in the suburbs, to over 61,000 the majority now working mainly in central London. In 1969 there were 12,770 Taxi drivers licensed of these 1,179 were suburban drivers. In Nov 2011 there were approx 25,000 Taxi drivers licensed of these approx 3,500 were suburban drivers.

While it is true that Taxi licensing has increased, by comparison Private Hire has not only trebled in size but has 300 satellite offices to work from within prime locations of central London.

In December 2011 TfL issued TPH notice 13/11 stating that applications for certain suburban sectors would not be processed pending the outcomes of a consultation later this year. The last year has also seen TfL introduce green (All London) and yellow (Suburban) identifiers to be displayed in working Taxis. This was done in order to enforce against suburban drivers illegally plying for hire outside their area notice 12/11 (see Appendix 55)

Clearly we do not condone illegal activity, however if this has become a significant problem then one must ask why this has occurred. It is true we are in a recession, and most including central London drivers, are affected by this. It is also true that the costs of running a taxi are increasing, and are roughly the same for a London or Suburban driver.

But we have to ask why would a suburban driver who has taken approx 20 months to pass the knowledge for his area, risk losing it by working in central London illegally? The answer is he wouldn't if he can earn a reasonable living, and particularly if sufficient rank space is provided for the numbers licensed.(see Appendix 56)

We believe that this is an example of where problems occur when the ability in law for the licensing authority to manage the growth of BOTH trades does not exist

Question 56

Should transitional measures be put in place, such as staggered entry to the taxi trade over a scheduled period of time, if quantity restrictions are removed?

A staggered entry into the taxi trade has existed in London by virtue of the introduction of the “Knowledge of London” in 1884, in fact number restrictions were in place until 1833 when the power to do so was abolished. However transitional entry measures do not apply to Private hire licensing, obtaining a licence is essentially a form filling administrative process. (see Appendix 56)

In London therefore it is for these reasons, that we believe that the ability to manage the growth of BOTH trades in particular Private Hire is not only necessary but long overdue.

9 TAXI AND PRIVATE HIRE REFORM AND EQUALITY

10 REFORMING ENFORCEMENT

Question 65. What more could be done to address touting?

The RMTLTB maintain that lack of enforcement is the main reason that touting is so prevalent in London. It is clear that this illegal activity will continue unless effective new legislation is created and enforced. However, we believe that there are other measures which could be used to deter unlicensed drivers and reduce the opportunities they need to operate.

Deterrent

A TfL report from 2008⁵³ stated that the average fine for touting was £135 and this figure was lower than the same figure calculated in 2004.

Transport Operational Command Unit (TOCU) analysis of sample cases in the same year found that the average fines for touting and having no insurance were £150 for each offence.⁵⁴

The RMTLTB feel that these figures do not act as a deterrent (the maximum fines for touting and having no insurance are £2500 and £5000 respectively) and do not reflect the danger touting poses to public safety.

Our members are aware of the prices that touts charge as customers often recount the offers they have been made. The level of these fines are modest compared to their potential earnings.

⁵³Refer appendix 65A para 3.18

⁵⁴Refer appendix 1P-65B pg 15 para 3.17

We believe that fines will only act as a deterrent if touts are aware they will be heavily penalised if they are caught. This view is shared by Wolverhampton City Council who recently reported that they have gradually created heavier sanctions for private hire drivers who respond to 'flag downs'. This policy was reviewed and upheld at a Licensing Committee meeting in September 2010.⁵⁵

The RMTLTB propose that new legislation should be introduced to ensure that fines for touting are set at a level that will act as a deterrent and reflects the danger it poses to the public

Ranks and Demand

The importance of ranks to taxi drivers was recognised in the Maxwell Stamp report which stated:

It is considered desirable that ranks should be provided wherever there is heavy public demand for taxis. Although taxis cannot legally ply for hire from a stationary position except at an authorised rank.....

A report commissioned by TfL and produced by Sinclair, Knight, Merz in 2004 states that :

taxi ranks are a key point of access to taxis as a mode and a key point of interchange to other modes. As such they are a fundamental part of improving the supply and availability of taxis to the public

Taxi ranks are clearly essential to licensed taxi drivers as they are the only place taxis can legally ply for hire other than when stationary after responding to a hail. The RMTLTB maintain that they contribute to public safety as travellers associate them with a trusted form of transport. However, provision of new ranks has not been given a high priority in London.

This view is supported by the statistics⁵⁶ which demonstrate that the ratio of rank space to taxis has fallen from 1 rank space for each taxi in 1938 to 1 rank space for every 11 taxis in 2010.

Whilst we appreciate that the competition for kerb space is often an issue we know from experience that when new ranks are created to meet demand they are very successful. In London the relatively new Berkeley Street rank at Nobu is extremely popular with taxi drivers and customers alike.

London has a booming night-time economy and therefore the pattern of demand for taxis in the late evening or early morning is very different to the one in business hours. We believe more consideration should be given to innovative ways of creating ranks where there is demand. The part-time night rank at Sketch in Conduit Street has been very successful but there are still many places, particularly at night, where there is a demand for taxis but no ranking facilities.

The RMTLTB propose that new legislation should be introduced for the public benefit to ensure that licensing authorities are obligated to create taxi ranks where there is demand. Further rank space provision should be on an agreed ratio relative to the number of Taxis licensed within the area of the licensees entitlement to ply for hire

⁵⁵Refer appendix 65B para 2.5

⁵⁶Refer appendix 65C

Ranks and Maintenance

Evidence of poor maintenance of taxi ranks can be seen in correspondence between the RMTLTB and Westminster City Council.⁵⁷ Until very recently taxi ranks and their Traffic Management Orders had been so badly maintained that parking regulations could not be enforced on taxi ranks across the borough. WCC instructed its Civil Enforcement Offices (CEO's) not to issue tickets to vehicles parked at these locations.

The letter, dated June 2010, from Jonathan Glanz, Deputy Cabinet member for Parking and Transportation, and information received via a Freedom of Information request confirmed that code 45's (PCN's issued to vehicles parked on a taxi rank) had ceased as far back as December 2008.

The RMTLTB maintain that this situation, which is still not fully resolved, compromised the safety of both the travelling public and taxi drivers. Some licensed private hire drivers along with unlicensed drivers were using ranks adjacent to venues to attract customers. We believe many of these customers may have been confused as to the true nature of the vehicles.

We have noted that the DfT's Operational Guidance to Local Authorities of the Traffic Management Act contains the following text

All local authorities are responsible for the accuracy and condition of the traffic signs and road markings that identify parking restrictions in their area. The traffic signs and road markings must conform strictly to the relevant regulations (currently the Traffic Signs Regulations and General Directions 2002 TSRGD and subsequent amendments)

Before applying for the new powers, as part of their review of existing TROs, authorities should ensure that the relevant traffic signs and road markings are present and consistent with TSRGD; and in a good state of repair;

The same document goes on to state :

PCNs may not be valid if they are issued where traffic signs and road markings are incorrect or in poor condition

The RMTLTB propose that new legislation should be introduced for the public benefit to ensure that licensing authorities are obligated to maintain taxi ranks so that they are fit for purpose

Satellite Offices & Ranks

In London private hire vehicles waiting to be booked outside satellite offices regularly cause obstructions and congestion. They also allow unlicensed vehicles to mix with licensed vehicles.

The RMTLTB agree with TPH & Westminster City Council who have stated that installing new taxi ranks at touting hotspots is an effective way of reducing touting.⁵⁸

We maintain that a taxi rank should be the preferred option outside a venue as they cause less congestion than private hire vehicles whose numbers are not restricted by the size of a rank.

⁵⁷ Refer appendix 65D

Letter J.Glanz WCC

⁵⁸ Refer appendix 65E para 3.5

WCC Licensing Private Hire & Pedicabs

The RMTLTB also believe that if an application to install a taxi rank near a venue is rejected because of concerns over increased congestion then any application for a PH operating licence for that venue should be rejected for the same reason.

The RMTLTB propose that new legislation should be introduced to ensure that:

- **Licensing authorities are obliged to consider the installation of a taxi rank as a first option at any venue where there is demand.**
- **If an application for a rank at a venue is rejected on the grounds of congestion/obstruction then that venue should not be eligible for an operating centre licence.**

Satellite Offices & Planning Consent

The RMTLTB believe that a lack of controls, including a proper planning application process, has lead to confusion outside many night-time venues. As previously stated in this document TfL's have conceded that this confusion :

- Gives opportunity for licensed or unlicensed drivers to tout or to accept bookings directly.
- Tempts operators' staff to accept bookings outside the venue.
- Makes it easier for PH drivers to attract jobs illegally

The RMTLTB believe that public safety should always be the first consideration when applications are made for operating centre licences. As such, the premises should be deemed appropriate and safe by a qualified planning officer.

The London Fire Brigade (LFB) state⁵⁹ that particular attention should be given to fire safety at shared premises:

The Order imposes an onus on the person responsible for the premises to provide and maintain sufficient fire precautions so that people can work in safety, or escape safely in the event of a fire or other serious event.

Many of our members have reported that ease of exit is regularly compromised in busy venues by booking activities of licensed and unlicensed drivers.

Despite this, TfL published PCO Notice⁶⁰ 09-07 which contains the following text :

*However, the existence of planning permission is not critical to fulfilling the requirements of the private hire legislation **or to providing a safe service to the travelling public.***

We also believe that the problems of congestion and obstruction could be solved by insisting that operators must, as part of the planning application process, demonstrate where cars waiting for pre-booked jobs would park.

The confusion created by the presence of CBJ's, either licensed or unlicensed, could be significantly reduced by requiring all bookings to be taken from a dedicated and separate space within the premises. Anyone in a high-viz jacket with a clipboard would then clearly be either unlicensed or operating outside the terms of their licence.

⁵⁹http://www.london-fire.gov.uk/Documents/GN_66.pdf

⁶⁰Refer appendix 65G

LPHCA newsletter including PCO Notice 09-07

We recognise that employees at some operating centres escort bookings to waiting cars. This has, at times, lead to accusations of touting. This activity would be much more easily recognised if the booking had been taken in a dedicated space, removing the need for a private hire employee outside the booking space to carry a clipboard.

We believe that standard signage, approved by the licensing authority would help customers identify legitimate places where a private hire car could be booked. This requirement would also make it easier to identify illegal operations as they would not own the necessary signage.

The RMTLTB also suggest that operators should have a landline telephone number for bookings. This proposal would ensure that bookings are taken from a legitimate and registered address and therefore help reduce the number of operations that run from stairwells, hallways or alleys.

The RMTLTB propose that new legislation should be introduced that obligates Licensing Authorities to ensure:

- **Private hire operators must obtain planning consent before an operating centre licence is granted. The process should pay particular attention to fire safety.**
- **Satellite offices must have a dedicated space from which to take bookings.**
- **Satellite offices must display approved signage and have a landline telephone.**

Crime & Licensing Statistics

The RMTLTB is aware that crime and licensing statistics for licensed taxis, private hire vehicles and unlicensed vehicles are not held separately^{61 62}. We believe that this situation is detrimental to the reputation of the licensed taxi trade. It also prevents customers from making an informed decision about their travel arrangements and masks the real danger of travelling in an unlicensed vehicle.

We propose that the following figures should be held separately for licensed taxis, private hire vehicles and unlicensed vehicles.

- number of arrests/prosecutions/convictions with reasons
- number and amounts of fines with reasons
- number of drivers' licences suspended/revoked with reasons
- number of operators' licences suspended/revoked (incl. variations) with reasons

The RMTLTB propose that new legislation should be introduced to ensure that police and licensing authorities are obligated to hold crime and licensing statistics separately for licensed taxis, private hire vehicles and unlicensed vehicles.

Question 66. Would it be desirable and practicable to impound vehicles?

The RMTLTB maintain that the level of fines for touting and having no insurance are

⁶¹ Refer appendix 65F

⁶² Refer appendix 65H

Mayor's question re crime statistics

TfL Letter re taxi & private hire crime statistics

too low to act as a deterrent. It is widely recognised that touting is damaging to public safety and has a detrimental economic impact on our members and legitimate private hire operations.

Unlicensed drivers and licensed drivers who ply for hire break the law for financial gain. We believe that this activity can only be prevented by ensuring that the consequence of being caught has a significant economic impact on the offenders. Impounding a vehicle of someone caught illegally plying for hire would provide that deterrent.

The RMTLTB propose that it is desirable and practicable to impound vehicles that illegally ply for hire as the current levels of enforcement and fines are having no impact.

11 REFORM OF HEARINGS AND APPEALS

The RMT London Taxi Branch (RMTLTB) within the framework of the larger corporate entity of the Union acts as the representational arm for taxi drivers who are members of the London Branch in particular but may be licensed outside of London and therefore the RMTLTB has had experience of assisting its members who are governed by the Local Government (Miscellaneous Provisions) Act 1976 and the Town and Police Clauses Act 1847, as well as by the various London Hackney Carriage Acts enacted over time and subsequent legislation giving rise to additional rights or restrictions to drivers.

Proposal 70. Right to appeal a licence suspension or revocation limited to applicant

In relation to this Chapter the RMTLTB has strong views on how the current situation impacts on its members especially where their livelihood is at stake and there needs to be an overhaul both in London and in the Provinces in that way that sanctions are applied to drivers. We concentrate particularly on the sanctions applied to individual persons and for the purpose of this Chapter we are concerned with the revocation and/or suspension of drivers' licences by Transport for London Taxis and Private Hire Directorate (TfLTPHD). Some of these proposals might also be considered for private hire drivers to ensure that real or alleged offences are treated similarly for both sets of drivers provided that any equal treatment is not a prelude to a consideration of phv having the same rights to ply for hire. This is a public safety issue.

Currently, it appears, in London that the dealing with complaints against private hire drivers is less vigorous than that in place for licensed taxi drivers. It would be appropriate for the Law Commission to ascertain what these differences are as the evidence that RMTLTB has in this regard is by way of questions answered by TfLTPHD (TPHD) who state that private hire operators deal with complaints made against their registered drivers. In this way it might appear that the absence of any formal control would be an issue worthy of addressing.

At this point it might be appropriate to portray the current mechanism that pertains to London in particular and then provide a brief overview of the application of sanctions outside of London based on our experience of handling complaints matters on behalf of our members. It should be noted that the RMTLTB has members licensed in Rushmoor, Hampshire and Luton, Bedfordshire. The RMT Union has members in other parts of the United Kingdom from Newcastle to South Wales including a large body of taxi driver membership in Solihull, West Midlands.

In dealing with complaints in London the Taxi and Private Hire Directorate have issued a Staff Manual⁶³ which gives guidance on the licensing of taxi and private hire drivers and gives a broad definition of those offences which would be unacceptable in relation to what constitutes “fit and proper” in order to become licensed. However, the offences below are those which may apply to drivers who are already licensed. TPHD state below that most of these offences are made by way of allegation from members of the public in the form of a complaint. It should be noted that TPHD acknowledge that these “offences” below are contained with hackney carriage law and the Acts state in general terms that these matters are to be laid before a Magistrate. One, therefore, has to ask when it became practice for the former Public Carriage Office to take on the right to adjudicate in these matters where no judgement has been made in a Magistrates Court and assume the rights to act as Magistrate in revoking or suspending licences?

The following are specific offences identified under hackney carriage law

- refusing to be hired (to a destination within the licensing area up to 12 miles or 20 miles from Heathrow)
- demanding more than the legal fare
- abusive language
- misbehaviour
- plying for hire elsewhere than on an authorised taxi stand
- plying for hire outside of licensed area
- rank loading passengers elsewhere than on an authorised rank
- failure to carry a copy of taxi driver’s licence
- failure to wear badge
- failure to display taxi driver identifiers
- failure to issue a receipt when requested
- leaving a taxi unattended on a rank

Whilst the majority of allegations of these offences will be the result of customer complaints (see paragraph 4.4 of Staff manual), any driver receiving conviction or caution for taxi specific offences will result in his previous licensed history being examined. ‘One off’ offences will result in a warning letter being sent to the driver. A series of offences being committed will result in consideration of continued fitness to hold a taxi driver’s licence.

It is these particular allegations (those made by public complaint) which form the basis of our concerns which are noted below.

Please consider the following complaints methodology:

Complaints Methodology

1) A driver receives a letter from TPH (Taxis and Private Hire at TfL) advising that a complaint has been made. The driver is given about 14 days to make a reply either personally or through the branch secretary or representative. The name and address of the complainant are obliterated from the document to prevent drivers from knowing who has complained.

⁶³ TfL Staff Manual 2012 - <http://www.tfl.gov.uk/assets/downloads/businessandpartners/driver-operator-and-vehicle-licensing-guidelines.pdf>

2) Depending on the nature of the complaint and the answer given by our member, this decides whether the complaint will be placed on a file known as the "career chronology". It is important to point out that complaints are accepted up to several months after the event and a driver may have no recall. (This, we believe, was enacted through the auspices of the Transport for London and London Local Authorities Act 2007).

3) The complaints tend to be overstated in for example, the driver used abusive language or misbehaved. What constitutes abusive language and misbehaviour? Often complaints are outright lies and are meant to be vindictive against drivers by causing trouble.

4) Where a complaint is laid on file this may be used subsequently where a similar complaint is made or it might mean that a subsequent portfolio of complaints (which could be as little as four in a two year period) may constitute grounds for a member's licence to be suspended or revoked.

5) The critical thing about the procedures is that the evidence taken from the complainant is taken at face value only. There is never an interview with the complainant and the driver or his representative is unable to "cross examine" any complainant. Any suspension of a driver's licence would be based on the balance of probability and the driver has no influence on this except to plead his case.

6) When a licence is suspended or revoked, and this could be for a period of three months and possibly up to six months, the impact of such a suspension and loss of livelihood is disproportionate to any alleged offence. Legislation governing the powers given to the Licensing Authority (TfL) is contained within the London Hackney Carriage Acts (LHCA) which only states that drivers must be "fit and proper". There is no definition of what constitutes this and even so there are no powers conferred on TPHD that allow them to do this. Offences contained within the London Hackney Carriage Acts must be determined by the Magistrates Court. It seems that "custom and practice" has been allowed to overtake the law and there has never been any repeal to our knowledge against the LHCA.

7) This means that taxi drivers are treated unfairly and do not have recourse to any legal system of redressing any grievances they might have in relation to false or malicious complaints. However, the various Acts do give drivers the opportunity to make an appeal to the Magistrates Court should their licence be placed in jeopardy. The situation is far from satisfactory and we are sure that in any other employment situation the law would uphold the rights of the individual to a fair hearing when faced with complaints that are not tested under any rules of evidence.

8) It would appear that RMT taxi driver members in other parts of the country where discipline is governed by the Local Government (Miscellaneous Provisions) Act (LGMPA) have been shabbily treated by detrimental decisions. RMT taxi driver members in Luton have unfairly had their licences suspended at the apparent whim of a licensing officer who may have a personal prejudice or grievance against our member. Incidentally, almost all our members in Luton are of Asian origin.

The above then begs several questions;

- **The need for a constant procedure that will be applied uniformly across the spectrum of licensed taxi drivers in England and Wales,**
- **The need for a similar procedure to be applied to private hire drivers to ensure that there is equality both in defence of any perceived breach of the "fit**

and proper” standard and also in the application of any sanction which may relate to the suspension or revocation of a licence.

- **Who has the authority to exact these sanctions? This is particularly pertinent to the application of revocation or suspension.**
- **The need for a standard definition of what constitutes a driver to be considered “fit and proper”⁶⁴ within the complaints procedure, to continue to be licensed as a taxi driver within the UK. This is imperative as the current application of this “so-called“ standard has had dramatic repercussions on our members where a licensing authority has a very loose notion of this concept which in turn leads to unfair and disproportionate sanctions against taxi drivers. There is a need to consider a fair complaints procedure and for there to be a binding application in England and Wales.**

This, then, supposes a National standard which would then ensure an equal application and a fundamental levelling of procedures to ensure that taxi drivers’ rights in Law were upheld wherever this may occur.

In the scenario described above provisional proposal 70 is not totally clear. If it means appeals against the suspension of a vehicle licence then RMTLTB are not at this point concerned with that detail. (*We are concerned that there should be a necessary distinction of vehicle types i.e., taxis should appear different from vehicles licensed for private hire work*).

However, because there is not a universal taxi vehicle type, then RMT taxi driver members in provincial licensing areas must have the right to appeal where a licensing authority act unreasonably in refusing to grant a licence.

The Law Commission will already be aware of the differences between those licensed in London and those drivers outside. It may be pertinent to give a couple of examples;

- In London a driver, as already shown above, will be asked to answer an allegation against a complaint or a series of complaints over a time period. Subject to the acceptability of any reply based on the balance of probability (who would be necessarily be qualified to make such an assessment?).
- A driver then may receive a letter stating that the licensing authority is considering suspension or revocation, or may, indeed, invite a driver to a personal hearing to answer any questions and/or offer an explanation.
- If it is decided to suspend a driver’s licence then in London there is the opportunity to appeal provided this made within 28 days of the “sentence”.⁶⁵ This would then allow the driver and his/her representative to make a representation without the hearing being tape recorded under the Police and Criminal Evidence Act (PACE) as allowed for under the LGMPA. It should be noted that in the appeal stage that a driver is allowed to continue to work unhindered as normal.
- If this appeal is denied then in London a driver has the right to make an appeal to

⁶⁴ The RMTLTB in this paper is not concerned with the general standard applied by Licensing Authorities in England and Wales as outlined in relation to determining “fit and proper” for taxi licensing i.e., Criminality and serious crime, but in the application of sanctions for those allegations above which may mean the loss of a driver’s licence where due process of law is not seen to be done i.e., corroborative evidence or sworn testimony, especially where these allegations might be considered relatively trivial. It is important to move away from a punitive regime of sanctions against taxi drivers based purely on hearsay.

⁶⁵ Section 17 of the Transport Act 1985 and the Statutory Instrument The London Taxis (Licensing Appeals) Regulations 1986.

the Magistrates Court. This is at his/her cost and there is no provision for a legal representation, nor for a driver to claim his costs if a Magistrate finds in his/her favour against the licensing authority.

- If the Magistrate finds against a driver in London there is no further appeal unless a driver was of a mind to seek a judicial review which we suggest would be unlikely.

The critical thing is that any changes to legislation affecting drivers subject to these processes should take into account :

- **A driver should be allowed to continue working whilst any process is being conducted until the exhaustion of any appeal.**
- **The levelling of the “playing field” in relation to drivers in London and those outside would mean that there should be a provision for London drivers to make a further appeal to the Crown Court.**

Complaints Outside of London

Outside of London a slightly different scenario applies in that:

- Drivers who have “breached” the terms of their licence or have had complaints made by members of the public against them are invited to attend a meeting with a member of the Licensing enforcement team. Drivers are allowed to have a representative with them. However, the worrying aspect of these interviews is that they are recorded under PACE which gives the implication that a driver is guilty of an offence. We would wish to have this feature removed from any subsequent legislation. We refer particularly to Luton Borough Council and the fact that a number of their taxi licensing officers are former policemen. This is unfortunate. Complaints and the procedures which apply to taxi drivers are not subject to criminal law we suggest unless there is a specific allegation which comes within the scope of a police investigation.
- Matters concerning drivers are then placed before a “panel” of local authority councillors who will make a decision as to whether a driver’s licence is revoked or suspended. Once again there is no offer of legal representation and the council will have a legal representative to “prosecute”. This is a grossly unfair state of affairs.
- Drivers are able to appeal any adverse decision to the Magistrates Court. Once again no legal representation is given or accommodated at the expense of the local authority.
- Subject to the outcome at Magistrate’s Court a driver has appeal to Crown Court.

RMTLTB Concerns & Recommendations

Once again we reiterate the need for there to be a transparent process which does not penalise the driver unduly and disproportionately for any real or alleged offences which have not been proven. The RMTLTB are adamant that the current situation is a travesty and the protection of driver members within the scope and definitions of any new Act should place the onus more on the local authority to act within the rules of evidence and if complaints against drivers are to be upheld then this should mean that complainants should be expected to attend any hearing, including appeals at Magistrates Court for cross examination by Counsel as appropriate. This may seem like a sledge hammer to crack a nut but the emphasis must be on fair play and the current system acts against the driver. Radical and far reaching amendments need to be enacted to ensure that civil and

human rights are met which is patently not the case currently.⁶⁶ Where a driver successfully challenges the decision to revoke or suspend a licence, then there should be a formula for compensation by the licensing authority for loss of earnings to include also the award of costs at Magistrates and/or Crown Court.

The RMTLTB propose that:

A complaints procedure is created that can be applied uniformly to all licensed taxi drivers.

A definition of 'fit and proper' is created within the complaints procedure to ensure sanctions are applied consistently.

This consultation process should consider extending the same sanctions to private hire drivers.

Outside of London the requirement for interviews regarding complaints against drivers to be conducted under PACE should be removed.

Licensed taxi drivers should be allowed legal representation at all stages of the complaints procedure.

Proposal 71. The 1st stage of an appeal should be for the LA to reconsider

The RMTLTB propose that the first stage in the appeal process throughout England and Wales in respect of refusals, suspensions or revocations of a taxi driver's licence should be to require the licensing authority to consider its decision. This should mean that whilst this takes place a driver's license should not be in jeopardy and normal working should be allowed to continue.

The RMTLTB propose that whilst a complaint against a driver is being considered the driver should be allowed to continue working until the exhaustion of any appeal.

Proposal 72. Appeals should continue to be heard at the magistrates' court

Notwithstanding the rights of a driver at Magistrates Court the RMTLTB are in favour of the fullest rights being extended to all taxi drivers in England and Wales to ensure that any decision to suspend or revoke a licence may be contested fully to ensure that rights under the law are met. We do not agree to limit this appeal only to a Magistrates court. Therefore, taxi drivers should have the right of appeal to the Crown Court.

The RMTLTB propose that taxi drivers should have the right of appeal to the Crown Court.

⁶⁶ Refer appendix 70A – which is a defence on behalf of a member whose licence was revoked even when the argument put forward pointed out the unfair nature of the assessment of “fit and proper”. This demonstrates the haphazard application of a standard which seems purely to be based on a subjective consideration of the details presented.

12 CONCLUSION

The last stage of attempted reform was in 1970 with *The Maxwell Stamp Report*. This gave much of the basis for creation of the London Private Hire bill which led to the 1998 London Private Hire Act being passed.

It stated:-

*In return for the exclusive right to “ply for hire”, London taxis are subject to a special licensing system in respect of both the vehicle and the driver that **does not apply** to the ordinary motorist or **to the private hire trade**; and the drivers must comply with certain statutory restrictions as to where and how they may drive or park their vehicles in the streets, **over and above those which apply to the ordinary motorist and the private hire trade.***

*These statutory restrictions were all originally related in one way or another to **the entitlement to ply for hire**, being, for the most part, **safeguards against the possible abuses of the travelling public by taxi drivers, and of taxi drivers by their passengers**, that are inherent in a situation where it is reckoned that any member of the public, **however defenceless**, should be able to pick any one of a large fleet of **identical vehicles in the street** to take him/her to the destination of his/her choice, **without being harmed, lost or cheated in the process.***

*The reason for the distinction between the two types of vehicle is that **taxis are allowed to ply for hire** and **private hire cars are not**, and it has always been held that a degree of control is necessary **in the interests of the travelling public** when a vehicle can be hailed in the street, **which does not hold for vehicles that have to be ordered in advance.***

*One further comment on plying for hire in the context of the definition of a hackney carriage is that it is **the vehicle itself which is described as plying for hire.***

*Although the situation of the vehicle must depend on human agency, for the purpose of the definition **the character of that agency is irrelevant.***

*The uncertainty surrounding this definition has prevented any agreement on the **line to be drawn between fair and unfair competition**, and continuing friction between the licensed trade and some private hire car firms has been the result.*

We believe our privileges are under threat and our right to ply for hire is being infringed.

What The Law Commission and Government have to decide particularly with regard to London is:-

Do they agree that the guiding principles highlighted above should be upheld and not undermined?

The London cab trade has a very long history it was designed and developed in such a way to provide very high standards and has a reputation known throughout the world as second to none. Do they want this to continue?

If the answer is YES to these questions then the issues identified must be resolved via Primary legislation.

The RMTLTB maintain that, in London, TfL have been moving towards a one tier system by way of stealth since they took on the role of licensing Taxis and PHVs, where managers use terminology such as “*integration & interchange*”. We strongly assert that TfL have, particularly with the introduction of satellite offices and related private hire 'ranks' as well as approving a working taxi rank as a PH pick up point, interpreted the law to suit local

policy without authority from Parliament. In so doing, as a new generation evolves it is becoming less clear as to what a London cab is and who is entitled to do what. We are at a crossroads where the London cab trade has everything to lose and private hire has everything to gain.

Licensing authorities should be prevented from acting in this way by creating new legislation that :

Creates a definition of 'plying for hire' in statute. The definition should :

- Distinguish between the working practices of taxis and ph vehicles.
- Recognise the working practices of responding to a hail and ranking.
- Ensure that, in London, the right to ply for hire is earned, not issued or sold.

Ensures that the laws relating to plying for hire and touting for hire are simplified so that they can be effectively enforced. The legislation should :

- Recognise solicitation as the defining action between touting and plying.
- Create a definition of 'soliciting', as it relates to vehicles for hire.
- Allow vehicles that illegally ply for hire to be impounded.

Ensures that fines for touting are set at a level that will act as a deterrent and reflects the danger it poses to the public.

Ensures the boundary between primary legislation and local licensing policy is clearly defined and:

- Ensures local authorities can not introduce policies that allow the roles of the taxi and private hire trades to become blurred.
- Makes it clear that vehicles, other than licensed taxis, that are waiting to be booked in designated 'waiting areas' or outside satellite offices are illegally plying for hire.

Ensures licensed taxis and private hire vehicles are clearly distinct by colour. Legislation delegated to TfL should ensure :

- All newly licensed taxis are black.
- All newly licensed private hire vehicles are the same light colour.

Ensures licensed taxis and private hire vehicles are clearly distinct by make & model. Legislation delegated to TfL should ensure :

- Vehicles licensed as taxis are not licensed as private hire vehicles.
- Vehicles licensed as private hire vehicles are not licensed as taxis.
- The manoeuvrability requirement is retained in the London CoF.

Ensures taxis and private hire vehicles are easily identifiable. Legislation delegated to TfL should ensure :

- Rear licence plates and door vinyls are mandatory for ph vehicles.
- Roof lights are restricted for use to licensed taxis.

Ensures taxis are given more consideration as part of an integrated transport system by ensuring that :

- Licensing authorities provide taxi ranks where there is demand.
- Licensing authorities maintain taxi ranks so that they are fit for purpose

Ensures pedicabs are banned from operating on the public highway by way of new primary legislation and also by :

- Removing the “stage carriage” definition from the MPCA.
- Amending any relevant Act(s).

Ensures that taxi drivers are treated fairly at airports by:

- Allowing licensed taxis to perform the duties laid out in statute by providing free waiting facilities
- Preventing ph vehicles acting as if they were taxis.

Ensures that police and licensing authorities hold crime and licensing statistics separately for licensed taxis, private hire vehicles and unlicensed vehicles.

Creates a definition of 'unmet demand' and describes how it should be measured.

Ensures that service providers who match vehicles to customers via a technological mechanism should hold an operator's licence.

Confirms the source of funding for enforcement against both licensed and unlicensed drivers.

Ensures that pre-booking remains the only way to engage a ph vehicle.

Ensures the terms 'licensed taxi', 'private hire vehicle' and 'unlicensed vehicle' are used appropriately and consistently.

Prevents ph operators from using terms which may lead a customer to believe they provide taxis.

Ensures that maximum taxi fares are set by taxi drivers.

Declares the London licensed taxi trade as a model for other local authorities.

Ensures that the concept of compellability is retained for licensed taxis.

Ensures planning consent is gained for ph booking facilities in shared premises. Legislation delegated to TfL should ensure satellite offices:

- Obtain planning consent *before* a licence is granted.
- Obtain a fire safety certificate as part of the planning process.
- Have a dedicated space from which to take bookings.
- Display approved signage and a have a landline telephone.

Creates a disciplinary procedure to be applied uniformly for all licensed taxi drivers. The new procedure should:

- Define who has the authority to sanction suspensions and revocations.
- Define “fit and proper”
- Allow drivers to continue working until the exhaustion of any appeal.
- Ensure that, outside London, the requirement for interviews regarding complaints against drivers to be conducted under PACE is removed.
- Ensure that licensed taxi drivers are allowed legal representation at all stages of the complaints procedure.
- Ensure that taxi drivers have the right of appeal to the Crown Court.

CHAPTER 1:

CONTENT OVERVIEW

In compiling this response to the Law Commission proposals, research has been carried out looking at the impact of such, at local, national and international level.

Data taken from anecdotal evidence, documented evidence by individuals, media reports and University research thesis papers. A broad referencing allowing a wide scope for understanding and realising the core complexities of actions taken in other countries including the 'cause and effect'.

Locally the base model used is that from historical events of the issuing of additional licences. Nationally from collated evidence of a list of uk cities, notably Birmingham (uk second city), Sheffield, Manchester, Newcastle and others.

Internationally from countries affected in the past and present by similar and equal decisions by central and local governments, notably USA, Sweden, Japan, Netherlands, Australia, New Zealand, South Korea, Republic of Ireland and South Africa.

CHAPTER 2:

LOCAL IMPACT – PAST, PRESENT & FUTURE

In 1999, Leeds increased its fleet of Hackney Carriage from 276 to 537, which was done based on managed growth and implemented over a 5-year period. Coupled with this was a significant reduction in the mindset of rank space availability, save to say that the city was fortunate to have the benefit of access to use of its local international airport (Leeds Bradford), which accounted for at least 40 to 80 vehicles, both static and operational right up to the subsequent loss on December 31st 2007 by means of a questionable tender by the new owners and the inadequacies of the local council to make provision in the sale of the same for the right to continue to service the same.

On that basis, Leeds was capable of ensuring space for the growing fleet with the exception of areas within the city centre environs. The negative impact felt was due to a static number of Hackney Carriage users, which the previous numerical number of 276 vehicles, which were operational 24/7, had continued to service with good customer satisfaction.

Subsequently the addition over the 5 years of 260 licenses impacted heavily on driver's income, quality standards of vehicles already in the fleet, passenger confidence levels and driver standards. Driver's standards being attributed to an influx from the private hire sector that had previously found it hard to enter unless through leasing a vehicle from the owner.

Because the mindset of a private hire driver is very much different to that of a hackney carriage driver, issues arose between new and old drivers alike. This became public knowledge and a period of customer dissatisfaction set in. The impact being an additional downturn in work realised by both radio circuits in the city and at strategic ranks located across the city.

This led to a huge increase in private hire operators and private hire vehicles filling the necessity to fulfil the increase in work in the suburban areas of the city.

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As time carried on, drivers improved their attitudes and improved their reputations with passengers and fellow drivers alike. This led to an increase in consumer confidence previously lost and the upturn in the hackney carriage sector showed positive signs for the future. Ten years on from one of the worst recessions and many were pleased to see an improvement, which on the back of such a hard decade, had become long overdue.

From 1999 to present, Leeds has realised an increase in its population and that of the surrounding cities and towns. Over the period in question, the populous of Leeds has grown from just under 600'000 to just over 1'000'000 due to its strategic location at the centre point of the uk and after many businesses from around the uk relocating to the city and bringing the workers with them.

This has significantly improved the need for a fleet of 537 during that period and a number that still exists today. Twice since the OFT report was first published with its findings from the report author, Mr Rupert Cope has the city delivered unmet demand surveys and these being carried out by the professional transport consulting body, Halcrow Fox. This to determine the need for an increase in numerical limits based on the current restriction by the local authority.

On both occasions, those surveys have clearly indicated no compelling need for any increase and as a direct result of those surveys the quality of both the Hackney Carriage and private hire sectors have excelled to the point where confidence has allowed owners to reinvest every 8-10 years in new/nearly new vehicles. Prices ranging from 20 to 30 thousand pounds in the respect of wheelchair accessible vehicles. The local authority having set a benchmark of 3 years for nearly new on a relicensed vehicle already in service.

This reinvestment has shown the public that vehicles are at the safest levels now that they have ever been. Revocations of licenses compared to fleet size being roughly around 1% per annum compared to mid 90'2 when it was closer to 10 or 20% of the fleet, which would have been taken off the road due to unroadworthiness.

Currently the city provides for 130 rank spaces made up of both 24 hour, night only and match day provision and uses four of the city's 24 hour ranks to filter into Leeds only train station, which currently serves the largest throughput of users, second only to Kings Cross in the capital. Kerb space in the city is at the highest premium it has ever seen with increases in bus services and notably from 2016 to 2018 when the central government funded NGT 'Next Generation Transport' is commenced on the two planned routes from North of the city to a section to the South.

This will see sections of kerb space already vied for by all forms of public transport, removed in favour of this scheme. Thereby reducing the potential in the city for expansion of an increase in rank provision for the anticipated increase in vehicle numbers – hackney carriage.

CHAPTER 3:

LOCAL DILEMMA WITH PROPOSAL

Leeds has always been unique in that it has set itself apart from other cities as a centre of excellence both within the region, nationally and internationally. Boasting a university in the top five of the Russell Group, two hospitals creating pioneering work, museums including the Royal Armouries and a public transport network that moves citizens of the city and further afield with comparative ease.

A city, which can be proud of its connections with access disability groups over the past two decades. Making strides to ensure vehicle quality, reliability and choice have provided for one of the best fleets nationwide. One that is considered as a 'Best Practise' model by those disability groups both locally and nationally.

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A trade profession, which has ensured that vulnerable citizens can be sure that the hackney carriage or private hire they summon, is vetted to the highest degree. Transporting members of local women's groups, safe in the knowledge that their patrons will be carried to their destination both reliably and in exceptional standards of transport.

A public, which has grown to rely on both sectors as a very safe method of transport in the knowledge that ringing their urban or city based company, will deliver the very same company of their choice. Thus creating stability, peace of mind and an excellent level of repeat custom for all concerned. In addition, by this model, we also see prices remain competitive to the extent that choice of use remains a factor in the urban postal areas. Consequently, a deliverance of service 24 hours & 7 days exists, further augmenting journeys taken when both bus and rail services fail to operate.

A product of this is also driver satisfaction and the knowledge that while earnings remain uncertain being self-employed, that an unseen standard of earnings has developed and remains relatively constant during especially the recent years and the knock on effect of the economic turbulence which has affected many small, medium and large scale business equally.

The true litmus test of this is that unlike in the early 90's where drivers came and went at leisure, leading to a certain market failure, the opposite has happened which is mainly to be attributed to market stability and reassurance levels in both sectors. Moreover, more attributable is the increase of populous and transport strategies put in place at local transport planning meetings. Where factors such as hackney carriage and to a lesser extent, private hire, the numbers of which play an integral part of ensuring a responsible approach to traffic planning in a city which is historically Victorian in its layout and structure and which is instantly impacted by a single traffic issue anywhere on its one way system.

An acute effect which would be felt is a systematic loss of service in outer urban areas of the city, Leeds having a very expansive demographic. Taking in small towns, villages and conurbations which would suffer such an impact, especially during the periods of less vehicles working, which we feel would not be served by part-time licenses either due to the expanse of these outer urban areas as they would only serve to fulfil a need, if in fact there actually was one elsewhere.

CHAPTER 4:

NATIONAL IMPACT

Evidence from recent attempts to delimit and deregulate would suggest that in cities where this has not met any demand, where prices have increased, where standards have actually dropped, where service has suffered consequently and where consumer satisfaction has plummeted, it has not and does not clearly and unequivocally work.

In fact, it is evident that the whole basis for the systematic market failure is prominent and self-propelling.

Factors of this nature cannot be ignored as they provide a clear mirror image of the impact, which would be felt across both England and Wales as a result. The real question is why impose a situation which many cities have seen fail and as such, have or are taking steps now to rectify after suffering exactly what the profession previously argued and protested would happen that came to fruition.

More worrying is the prospect of 'cross border hiring' and 'baton passing'.

Let us look at cross border hiring to start. This in the mere name would suggest a question. If it did and does happen, why have borders? Why not one giant authority, which would then license every vehicle wherever in

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the country they came from. A central licensing system. With one pot of central money located for each area to fight over.

The answer to all being that we have that already and it is known as 'central government'.

Interesting is the question that could central government do this if it tried to impose this. Simply the possibility is 'no'. The logistics of such a scheme would be unthinkable, unmanageable and unworkable due to the sheer nature of the business and needs for constant record checking of each individual and not sample testing as a would-be option.

Fundamental flaws would arise, especially through lack of local licensing enforcement in areas, which were less successful in reaping monetary allowances for such. Put simply, it would be an altruistic and somewhat eldorian ideology. Some local authorities finding their resources lined with gold and others scratching around trying to do the best they could with little or no financial stimulus.

Moving on we then endure the elderly, vulnerable and less able bodied citizens who rely on constants in their lives to retain and establish confidence in the company and service they use and expect regularly to take them to or from shops, care homes, health facilities, be they hospitals, centres of psychological assistance, disability centres, nursing homes etc.

This relaxation would cause upset in this community and a potential knock on effect would be that these citizens would become more and more isolated in those very communities.

The issue of insurance should be raised on this topic as it would be very interesting to realise if insurance companies would further allow a company to take a booking and then to pass that on to another driver from a different licensing district to complete without it having gone through that vehicles own booking system in the first instance.

Then we have 'baton passing'. It is a fine point to make that this model works in the capital. However, does it? Have or are sample surveys ever carried out of passengers who have succumbed to this process? Is it conclusive? – Beyond questionability.

We believe that if the process works in the capital, we doubt it would do so anywhere else. Other cities and towns across the uk experience less demographic sprawl and would find a lesser need for such model. Most companies and or single operators would find the relaxation pointless as for many they strive to provide a good or even excellent service to their own customers, let alone another company, especially at busy times.

It also raises a more important question, which we touched on previously, that of valid insurance. Who, if the vehicle was found to be not insured properly due to the hiring initially being from another company, does the passenger claim from in the event of a missed flight, train or even claim for injury while leaving or exiting the vehicle. Worse still, in the event of a collision, would the driver accept responsibility via his own company who has accepted the sub-contracted work via the original booking company or the booking company directly.

Our feelings on this basis nationally lay with disability groups whose users could be on the receiving end of years of litigation and or non-successful claims through this very flaw in both baton passing and cross border hiring. Subsequently, would cross border and baton passing lead to contracting companies using less regulated firms from authorities with lesser standards. For example, wheelchair accessible hackneys and their retaining and loading equipment.

The scale of the catastrophe that passengers would endure would be of epic proportions. As we all know, 1976 saw the introduction of the Local Miscellaneous Provision Act to regulate in the provinces a situation, which was growing out of control. This regulated the previously unregulated service and gave the public the boost of safety confidence. Unfortunately, the proposals being considered and the cause and effect would be

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symptomatic of leaping back in time pre 1976 as illegitimate companies would start up and the whole issue of safety for the public which was addressed in 1976 would rear its ugly head once more.

We currently live in a society where protection for all citizens is paramount. Opening this up for such wholesale abuse flies in the face of that very mantra or reasoning. Disability and vulnerable groups and the general public, when posed with the idea, think it is ill advised and a recipe for disaster in years to come.

CHAPTER 5:

INTERNATIONAL FINDINGS

Many international papers have been written by many authors over the past two decades relating to relaxations of this very nature. The scale of the reporting leading to overall mass questioning of the reasoning behind such ventures by central government and local authorities in each respective country.

Cities cited such as New York, Tokyo, Stockholm and Dublin to name but a few. Moreover, countries where wider effects have been noted even stretch as far as New Zealand and Australia.

Conclusions on these papers have summarily found that the actions were seriously flawed, under rated as per their effect and on the whole a disproportionate response to an acute situation where leaving a system alone and working greater at local level would, according to these reports, have had a more beneficial effect in terms of congestion; but more so in light of passenger dissatisfaction which did and still does occur in these countries and cities within.

Choong-Ho Kang BSc(Eng), MSc(Eng) of Leeds Institute for Transport Studies of Leeds University, conducted a 50 page thesis study in 1998 looking at most of the countries mentioned previously. His findings were that the overall system employed by these governments, while an attractive proposition to reducing employment statistics, were all but 100% flawed and a proven recipe for total market failure within this particular sector.

Noted was the knock on effect being felt by services feeding into this very market from suppliers. More importantly though were the issues raised through gangland activities because of general relaxation of the legislative process for first receiving a license and then the enforcement of such.

Noted also in the thesis paper is the distinct slump in standards of vehicle, driver and service. While first thought to improve fleets, increase drivers and substantially decrease passenger waiting, the report actually finds the complete opposite conclusion. Other eminent papers pointing to specific cities such as New York, Dublin and more, also find concurrence in the cause and effect. Citing reference to a paper 'The Taxi Deregulation – Outcome in Rural Areas' by Agneta Marell and Kerstin Westin of Transport Research Unit, Department of Business Administration and Department of Social and Economic Geography of University of Umea, Sweden. The most damning act coming with the introduction of 'The Transport Policy Act 1989' allegedly to provide a new framework for the taxicab industry. Those being: Complete Entry Barrier Removal, County Admin Boards relieved of their duty to estimate demand for taxi services in their local authority, Fare control removal, Requirements for taxicabs to be linked to radio-dispatch systems, Geographically restricted operating areas eliminated and lastly regulated operating hours were discontinued.

The expectations were that deregulation would ultimately lead to:

Increased supply, lower prices, new services, diversification, enterprise development and higher efficiency. Most of these expectations being theoretically based from studies of US cities in the late 1970's.

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Moreover, the compelling conclusions were that ‘it did not promote new services, nor attract new customers and was interpreted as actually lowering efficiency’. It also created a new type of competitor ‘the single cruiser cab’.

Additionally taking reference from a paper in 2008 headed ‘Deregulation and wage gaps in Sweden’ by Mikael Ohlson of Department of Economics and Statistics, Vaxjo (Linnaeus) University, Sweden. Suggesting ‘the labour earnings decreased substantially in the taxi sector after the deregulation’ and ‘the results of the estimations show that the trend of the labor earnings has been weaker in both the bus and taxi sectors compared to the rest of the labor market. Thus, the increased competition and the cost pressure due to the deregulation seem to have had a dampening effect on labor earnings in these sectors’ – Page 29, item 7.

A lesser, yet equally as important paper was written by a journalist, Pepe Arnige in 1998 titled ‘Before and after Deregulation’ and published in a trade magazine ‘Call Sign’.

The opening paragraph setting the scene for the whole paper and in that it states ‘the situation for the honest, hard working cab driver is still the same. Trying to survive on an income level lower than the minimum standard of the Swedish social welfare law. Many drivers having suffered from nervous breakdowns, heart attacks, personal bankruptcies and divorces’.

The general opinion of drivers is one of ‘dishonest and corrupt’ because the strategic breakdown of systems of fares has led to passengers being gouged. In a city which at the time of the report had a population of 1.4M and a taxi fleet of 5000. The worst scenario being that the deregulation of the industry coming at the onset of a hard-hitting recession.

The closing remarks cited in the paper refer to a spokesperson for Stockholm City Council having said ‘I think that a re-regulation is the only way to solve this tragic mess that has been part of each taxi driver’s life for more than seven years’. Thus showing that it is more than apparent that local authorities even acknowledge the mistake taken, but were seemingly powerless to alter the state.

Another cited mention would be that of ‘the local’, a Swedish newspaper in English written by author Doug Lansky on 12th January 2009. In which he comments that passengers who are visitors were more likely to be price gouged than locals. That years after deregulating, the taxi numbers went up, but that a few strange results had emerged. For example, competition from small companies did not drive down price as had been anticipated. Instead, large companies strategically priced themselves lower, forcing the drivers to take huge pay reductions and thus leaving the smaller firms to increase prices and allowing them to prey on uninformed passengers.

The big point being that the deregulation had created an oligopoly, where regulation re-introduced or retained would have created greater competition.

The overall opinion from Sweden being that the whole situation had been ill planned, lacklustre and not thought through. The effect on the consumer had seen a negative outcome and the unwary passenger seen to be ripped off by unscrupulous small companies.

Moving further afield there have been issues raised within the sector in Japan, one of the worlds’ most economically diverse cultures.

Japan decided in 2002 to completely deregulate its taxi sector from the regulated system it had enjoyed, to one that was promising ‘consumer friendly competition’. However, it mentions that the results so far have been dismal for passengers. Taxis remaining the world’s most expensive, but drivers not reaping the benefits, instead they get poorer each year.

Unite the Union Branch NE 302/3: Law Commission Submission Report on Review of Hackney Carriage and Private Hire Legislation

2012

In this article by Paul Wiseman of USA TODAY he states a Professor Seiji Abe at Osaka Kansai University as saying 'Deregulation worked in the telephone industry and the railroad industry, but it doesn't work in the taxi industry', having studied taxi deregulation – Japanese style. He also states that 'deregulation was a mistake because the burden falls so heavily on drivers who were already struggling to survive'.

Another article in 'The Japan Times Online' states that the Land, Infrastructure and Transport Ministry in July 2008 had started to revive some regulations saying that 'an oversupply of taxis had led to lower profits for taxi companies and poorer working conditions for taxi drivers'. It also states that the ministry had hopes that deregulation would help improve services for taxi users. It also states that the ministry had said that 'an overabundance of taxis was responsible for the worsening of taxi drivers working conditions'.

Back in April 2000, the then Transport Minister, Nikai Toshihiro had said 'The change in the system will help improve services because operators will become more creative in offering services. It will raise expectations among users for better services'.

It is clear that this did not happen and that the market is now under review by the current Ministry of Land, Infrastructure, Transport and Tourism. With views to amend the Road Transportation Law in 2011 to curb the growth of new taxi operators by submitting a bill to the ordinary diet session, as noted from an article in The Asahi Shimbun by Kaname Ohira on 30th June 2010.

It is noted from other countries where this practise has been adopted that it is unworkable, flawed and an unrealistic attempt to correct a market that while it has failings, produces healthy competition with regulated prices.

The Netherlands deregulated in 2000 failed. Failing policy objectives of strengthening the role of the taxi in the Dutch Transport System. It resulted in unanticipated fare increases and bad driver behaviour. The local authorities lost their say and were unable to correct these problems.

South Africa deregulated in 1987 and an emergence of taxi cartels was the first striking impression. Gun violence was prevalent between these cartels. Fierce competition was seen between new drivers during the late eighties and early nineties. The upshot was 'taxi wars' where between 120-330 deaths have been recorded annually since the deregulation.

The USA found issues relating to fares insofar as they did not fall in real terms, but actually increased in every city studied. It was found that productivity fell by at least one third within all four cities where data was obtainable. The authors argued that decreases of this magnitude in productivity had serious economic consequences for taxi drivers. Shifting the industry from employee to lease drivers, it caused the drivers to earn a lower income.

IBISWorld, a world-renowned source of industry and market research has recently on July 15 2012 suggested that new figures indicate that the Law Commission Impact Assessment is FLAWED!

It suggests that 'the recession has caused demand for services to falter. That lack of clear economic recovery has suppressed demand for industry services in the following years, leading to the pressure of lower profitability'.

Indicators pointing out that 'the average industry wage is barely enough to live on alone. That swells in driver's numbers have been seen during the recession and that the increase in competition amongst drivers at a time of decreasing demand for services resulted in losses in years 08/09, 09/10 and with scant margins to be realised in 12/13.

It also states that the outlook for the next five years to 17/18 to be moderate

CHAPTER 6:

REPORT CONCLUSIONS

In concluding this report, it is obvious that the planned reformation of the current legislation over the past 180 years is nothing short of complete disaster. Using anecdotal evidence and that of specific papers by noted authors with nothing to gain from their time and efforts, it is clear that on an international basis this was disaster.

It is also clear that by peering into other countries we can see clear evidence that issues raised by the Law Commission themselves are flawed beyond the point where sense and sensibility collide to suggest that factors, which relate to the working cab driver should be ignored. Papers show that intrinsically, workers pay, standards of vehicles and ancillary services are all affected by deregulation where it has been shown from proof that in other countries this has been the case.

A vision that by deregulating and delimiting the taxi sector will somehow create a utopian situation for all users is too altruistic and has also been proved to be flawed. Reference to the Japan scenario is enough to see the failings on that basis.

The reports and localism have also shown that by local authorities retaining quantity controls and local licensing it can be argued that they are best placed to judge the market place and where necessary issue additional licences as and when, yet also to be in the best place to oversee the regulation of fares, standards of vehicles, standards of drivers and to maintain a duty of care to the travelling passengers, be they able bodied or suffering a disability.

Increasing the free market is nice in theory when applied to the correct market place. Subsequently, to tinker with the wrong market place it has been shown that it fails spectacularly. With catastrophic effects to drivers and their well-being. No one should underestimate the importance of driver welfare and wage related earnings in these reports and findings. The two are diametrically attached by the sheer nature of the business.

Indicators show that where driver wages fall, so too do the drivers morale, care of duty, standard of vehicle and equipment therein. The symptomatic knock on effect is that to the environment. This is also linked to the wage earnings. Higher the wage, better the condition of the running of the vehicle. Less pollution and harmful nitrates into the atmosphere. Lower the wage and the opposite effect is noticed.

Couple all these issues and remember that the taxi industry according to IBISWorld is in decline and it opens the question of why now?

While it can be argued that parts of archaic legislation do certainly need bringing up to the 21st century, it should also be a consideration that the bulk of the legislation remains intact. Insofar as it has served the consumer well and protected them accordingly in the provinces since the 1847 TPCA and latterly the LGMP Act 1976, 2010 Equality Act etc, it would best serve the public to retain these legislations, but offer practical solutions to amending outdated practises such as the carriage of a bale of hay.

It should be noted that this branch would recommend that planned, maintained growth is the panacea for Leeds and other cities and towns. Where it is evident that previous deregulation has not worked, it should be noted that it has not worked for a reason. That reason being the same as the fundamental reasons why there was such market failure in countries such as Sweden and Japan – overkill.

Unite the Union Branch NE 302/3: Law Commission Submission Report on Review of Hackney Carriage and Private Hire Legislation

2012

When attempting to correct a situation with one that is equally flawed and open to question, especially as noted elsewhere decades on, it would seem much more practical to adopt the sensible approach and use the phrase 'if it's not broken, don't fix it'.

Moreover, it should be noted that the findings should not be looked at as a 'one size fits all' attitude and adopted as such. Cities such as Leeds and its equals have much more to lose from deregulation than they have to gain. Additionally we do not see the advent of a 'one tier' system as a practical and competitive way forward for such findings.

Cities such as Leeds, where possible should be used as 'best practise' models insofar as they fulfil requirements for all users. Both in availability, affordability, standards and choice of vehicle for the users. Removing that ability to have a local say in what best fits the scope for Leeds is a damaging perspective from the drivers idea and also from that of the consumer. Removing the authorities' ability to increase the choice of vehicles and instead reduce the choice of vehicle would indeed help to stagnate the industry rather than move it forward and allow greater competition from the investment in more vehicles to serve the community and others alike which can adapt to the circumstances of the traveller.

It must be noted that over the past two decades Leeds, like many other cities suffered the indignation of Bus Deregulation and the effects that had on passenger morale, vehicle standards, driver etiquette and fare system. This should not be allowed to fall squarely into that trap and allow the very same issues noticed in the 90's and millennium to be repeated in another guise.

The taxi service that operates both in Leeds and in the UK should be hailed as the best in the world, with drivers in large cities studying the knowledge or a version of it. For international passengers to be content that when they step into a licensed taxi they are safe in the knowledge that their driver is vetted to the highest standard, that his vehicle is thoroughly tested regularly and that their fares are strictly controlled by the local authority which licenses it.

We should learn from other countries and not make the same mistakes. If anything, we should set the benchmark to which they should aspire to be like.

Please accept this report on behalf of members of:

Unite the Union
Leeds Hackney Drivers Branch
NE 302/3

Paul Landau

Branch Chairperson

References: Choong-Ho Kang – University of Leeds Institute for transport studies – August 1998
Marell & Westin – Umea University – 1998
Mikael Ohlson – Vaxjo University – April 2008
Pepe Arninge – Journalist 'Call Sign' - February 1998
Doug Lansky – Journalist 'The Local' – January 2009
Paul Wiseman – Journalist 'USA TODAY' – March 2005
Editor – Journalist 'The Japan Times Online' – November 2008
Kaname Ohira – Journalist 'The Asahi Shimbun' – June 2008

Councillor Anood Al-Samerai
Liberal Democrat Member for Riverside Ward
Leader, Liberal Democrat Group
Southwark Council
160 Tooley Street
London SE1P 5LX
Tel: [REDACTED]
Email: [REDACTED]

Public Law Team (Taxi and Private Hire)
Law Commission
Steel House
11 Tothill Street
London SW1H 9LJ

14th December 2012

Dear Sir or Madam,

Pedibus regulation

I write in relation to the consultation being conducted by the Law Commission on taxi and private hire services. I have been working on a related issue on behalf of some of my residents, and I was hoping that this late submission may still be considered as part of the study.

I have recently received a number of complaints about pedibuses travelling along particular residential streets in my ward, causing disruption to both residents and the traffic flow on these narrow roads. Pedibuses have seats for 8 passengers, who pedal the vehicle onwards, while a driver operates the steering and brakes. They are popular for stag and hen parties and in our area their journeys usually trace a course between a number of pubs or bars. The noise associated with the vehicles, which often includes loud music from a built-in sound system, is predictably disruptive, and not something I feel is suitable for these otherwise quiet residential roads.

My initial research informs me that these vehicles are not currently regulated in any way, and it seems that attempts have been being made to regulate pedicabs for a number of years, with no positive results. I was therefore pleased to find that the Law Commission would be looking into this general area.

I see from the consultation document that the Law Commission will be examining the status of pedicabs specifically, and whether designating the vehicles as hackney carriages in London could be used to bring the vehicles under the related regulatory regime. I note also, though, that pedibuses are booked in advance and do not ply for hire in the same way as pedicabs, so in this context the similarity between the two vehicle types may be misleading.

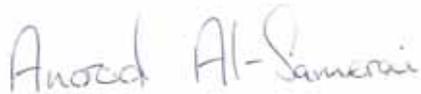
I therefore ask that the Law Commission consider making recommendations for the regulation of pedibuses, specifically addressing the following two issues:

1. whether pedibuses can be regulated alongside pedicabs, if the latter are

- reclassified as hackney carriages;
2. if option one cannot be pursued, whether pedibuses may be incorporated into an alternative regulatory regime, or be made subject to a new system of regulation.

Residents of my ward would be very pleased to hear of some progress on this issue, and I would like to thank you on their behalf for taking their views into consideration.

Yours faithfully,

A handwritten signature in blue ink that reads "Anood Al-Samerai". The signature is written in a cursive style with a light blue background behind it.

Councillor Anood Al-Samerai

Councillor for Riverside Ward, Southwark

Leader of the Liberal Democrat Group, Southwark Council

From: George Carnegie [REDACTED]

Sent: 18 November 2012 20:14

To: TPH

Subject: proposagestions you take my sugls reforming the law of taxi and private hire services

Follow Up Flag: Follow up

Flag Status: Red

Dear sir,

I realise that the end date for the consultation however I have only just been made aware of these proposals, I would therefore ask that you at least listen to my views.

[The only proposal that I wish to make my voice heard on is proposal 11. I own two 1920's vintage cars, which I use as wedding cars to try and cover a percentage of the cost of maintenance. If proposal 11 is passed into law, then sight of vintage cars at weddings would be a thing of the past. This would be a sad day to see our motoring heritage consigned to museums.

I would therefore ask you to consider excepting historic vehicles from proposal 11.

Yours

George Carnegie

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From: Clive Gosling [REDACTED]
Sent: 19 November 2012 12:40
To: TPH
Subject: Wedding cars as taxis?

Follow Up Flag: Follow up
Flag Status: Red

I write to object in the strongest possible terms to the potential Legislation that intends to treat wedding cars as taxis.

It is clear to anyone with common sense that wedding cars are used on a limited number of occasions each year. They are not used as day to day taxis and the costs associated with licensing them as such would put thousands of people out of business and out of work.

Most wedding car companies are small local enthusiasts. They maintain their cars to the highest level and surely an MOT for car doing just a few trips a year is adequate that it is roadworthy. It is interesting to note that the Law will soon change to stop cars previous to 1960 requiring an MOT. Why would a car of this age be perfectly acceptable to drive without an MOT day-to-day yet when used as a wedding transport a few times a year suddenly require much more stringent licensing.

The costs would be huge, I calculate just to run one car, would cost an additional £700 plus a few hundred pounds for each additional car not to mention the drivers who would require some degree of licensing and no doubt we would pay for the privilege . Our cars are booked in advance right across the UK so I am not sure why understanding our local towns roads would really help as part of any test. I am not against ensuring that the industry is of a quality customers expect however I feel as an industry we are doing a fantastic job maintaining a fantastic British tradition. I would urge strongly that you consider a degree of common sense and ensure vehicles that do 15 to 20 trips a year and are maintained to the highest possible standards are not simply treated as day-to-day cars picking up clients from a taxi rank.

If you do insist on progressing down this route please consider that it will be this law and this law alone that restricts the choice of brides and grooms and this law alone that will ensure in today's challenging economic times prices will escalate significantly to pay for the additional burden that this commission has placed upon the industry.

Regards
Clive gosling

Driver for Peartree weddings

Sent from my iPad

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From: Ireland, Tony (GCSx) [REDACTED]
Sent: 20 November 2012 10:26
To: TPH
Subject: Law Commission Response to consultation on HC/PH trade reform - Luton Borough Council

Follow Up Flag: Follow up
Flag Status: Red

Attachments: Law Commission Response to consultation on trade reform DRAFT 120822.pdf

<<Law Commission Response to consultation on trade reform DRAFT 120822.pdf>>

Further to the presentation at the IoL NTE event in Birmingham I understand that you are still accepting responses to the consultation

Please find attached a response on behalf of Luton Borough Council

Regards

Tony Ireland
Strategic Manager - Licensing, Permitting & Registration Services
Business and Consumer Services
Luton Borough Council

[REDACTED]
[REDACTED]

e [REDACTED]

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Ms. Jessica Uguccioni,
Lawyer, Commercial and Common Law Team,
Public Law Team (Taxi and Private Hire),
Law Commission,
Steel House,
11 Tothill Street,
London,
SW1H 9LJ,
UK.

23rd November 2012

Submission to Law Commission re: Reforming the law of taxi and private hire services

Dear Ms. Uguccioni,

Thank you for your time and feedback during our recent meeting.

We discussed the opportunities to achieve enhanced levels of driver and passenger safety and customer service standards in the taxi and private hire industries.

Please see the attached Submission from Global Business Register (GBR) as part of the current consultation process for the reform of the law of taxi and private hire services.

I have also enclosed a copy of the GBR TrustiD Taxi™ App Pilot Study Report for your reference.

If you have any questions on the submission provided simply contact me at [REDACTED] or by telephone at [REDACTED]

I look forward to reviewing the content of the final report.

Yours sincerely,

Padraig Griffin

Padraig Griffin
Business Development

Submission to Law Commission re: Reforming the law of taxi and private hire services

Section 1.3 What this project is about:

Consumers and drivers need to be guaranteed the highest of safety standards when using both taxi and private hire services. There are many examples of the need to improve the safety of taxis for both drives and the public e.g. please review the following online reports:

[Footballer Ryan Thomson in court over taxi driver attack online article](#)

[Taxi driver feared for his life during violent attack report](#)

[Two taxi drivers violently attacked and robbed in Grimsby Report](#)

[Hammer attack taxi driver jailed after breaking Hull man's neck article](#)

[Muslim Sex Attacks Lead to Female Only Taxis in UK Article](#)

[Sex attack on woman in Bagshot: CCTV of 'taxi' issued Article](#)

[John Worboys Met Police inquiry contacted by 102 women Report](#)

Additionally as private hire vehicles are not allowed “ply for hire” it is important that the public are protected with a real time safety tool to empower them to use all journeys in the safest manner possible. GBR recommend that all taxi and private hire vehicles offer real time verification of the driver and the vehicle in a traceable and user friendly fashion. Please refer to the GBR TrustiD Taxi App Pilot Study Report attached for an explanation of how this would work in practice. It is imperative that all the vehicles and drivers that the public use are currently licensed e.g. [Sex attack on woman who believed motorist was a taxi driver Report](#) . Real time authentication of both is now possible.

Section 1.7 Our “Law Commission” Approach

Safety can be enhanced without imposing inefficient cost on the industry. Feedback from Licensing Authorities, Drivers (See Video Interview: [Brief Taxi Driver Interview Part 1](#) and [Brief Taxi Driver Interview Part 2](#)) and consumers (Please refer to the GBR TrustiD Taxi App Pilot Study Report attached) highlight the range of competitive advantages available to each of the industries stakeholders.

Outline of Key Proposed Changes

Section 1.9

To successfully implement national minimum safety standards for both taxis and private hire vehicles the industry needs effective systems to develop an enhanced culture of safety. Technology can provide a key contribution to enhancing the standard of safety of journeys for both drivers and passengers. (See GBR TrustiD Taxi App Pilot Study Report (Page 8) Attached). Feedback from licensing officers indicates a lack of resources and insufficiently mobile technology to deal with enforcement issues. GBR Trustid Taxi™ provides a new level of public and driver engagement to promote increased safety. It also offers enforcement officers with a new mobile tool to meet their requirements e.g. audit checks, license verification, key reporting capability etc. in the field more effectively. The effective use of QR codes on the signage of taxi plates combined with effective mobile functionality presents an opportunity to deliver an enhanced level of service for the public and a practical support for genuine and fully licensed operators in the sector. Please see brief introductory video at this link [TrustiD Taxi - Introductory Video](#) .

Proposals to facilitate private hire services to operate on a national basis increase the importance of real time driver and vehicle license verification. Safety should never be compromised. Opportunities exist to deliver an enhanced level of service and standards from the industry via a customer focused Smartphone App. Practical feedback can be requested from consumers on their journey experience, driver knowledge, vehicle condition, lost items, other fields of information etc. This presents operators with a new way to secure valuable comment from their customers and to generate improved standard levels and repeat business and ultimately profitability.

Consistently licensing officers highlight the issue of “out-of-borough” vehicles and drivers. GBR TrustiD Taxi™ presents a real “on street” way to gain transparency and enforcement of such activity. To deliver greater consistency in how taxi and private hire legislation is applied requires greater consistency of enforcement. GBR TrustiD Taxi™ offers dynamic enforcement at street level and leverages the day-day activity of the public and genuine compliant drivers to promote a more productive industry. A national register of drivers and vehicles would prove a valuable asset for licensing officers and for more effective services going forward. Proposals for a new “peak time” taxi license will need flexible on street enforcement technologies.

The Need for Reform

1.13

Despite the prevailing level of regulation of both taxi and private hire services, the channels for generating effective customer feedback for both operators and regulators are not readily accessible. Advances in communication via Smart Phone devices make the current situation untenable and represent an opportunity cost to the industry.

1.14

Safety is a key justification for the licensing system. Safety is an ongoing process. Effective use of QR Codes and a focused Smartphone App provide a new way to deliver enhanced safety to drivers and passengers in a continuous and real way.

The Main Themes of Reform

1.17

The aim of promoting more consistency in bottom –line safety standards requires implementation of effective systems to sustain the desired standards of safety. GBR TrustiD Taxi™ provides a Smartphone App that provides you with a real way to enable the public to drive new safety and service standards amongst operators. It will empower the genuine and compliant drivers to secure more repeat business and customer loyalty. It will make it more difficult for sub –standard and fraudulent organisations and drivers to operate in the sector.

1.19

Real time verification at street level of taxi versus private hire vehicles will enhance the public’s understanding of the differences between the two and assist in resolving the current issues around hailing/non booking of private hire. The public need to engage with the vehicles and drivers in a user friendly, non-confrontational way before they enter a vehicle. This delivers a “due care/vetting” of the vehicle and driver prior to a journey which is not possible at present. The safety and service experience benefits of this provide real value for the public and genuine operators and indeed regulators.

1.24

GBR propose that the effective verification of the license status of both the vehicle and the driver represent two key variables in the setting of national minimum safety standards. Such minimum standards require effective enforcement tools. GBR TrustiD Taxi™ delivers an unprecedented level of coverage and market reach in an engaging, high quality data capture format to drive the awareness of safety. Safety can now be to the forefront of all journeys taken.

1.33

Regulators need to make the communication of instances of inequality effective e.g. drivers can’t discriminate against disabled people. There is a compelling argument to provide a practical real time mobile quality assurance communication tool for such feedback from the public. It is in the interest of the industry and operators to be socially proactive in relation to this.

1.36

Costs which would arise from a GBR TrustiD Taxi™ implementation include the initial set up to connect with the official driver and vehicle license registers. Drivers would incur a nominal fee per month to fund the ongoing service. Drivers could avail of a range of value added services in return for this fee e.g. cashless payment, customer feedback reports etc. The cost per vehicle for implementation will be small. Valuable benefits to accrue include a new level of safety available for both drivers and passengers. A dynamic quality assurance tool, to enhance the prevailing standards further for consumers and genuine operators, offers a new opportunity to achieve higher standards. There will be less opportunity for fraudulent and sub-standard operators to work within the industry. The costs involved in developing a fully functional national vehicle and driver registry will need a more detailed scope of the work involved. Fortunately similar projects have been successfully implemented in other industries. The benefits of a national vehicle and driver registry include a more productive licensing function on a nationwide basis and a safer and more compliant industry for all.

1.37

Likely savings will be generated from achieving new levels of compliance amongst operators, reduced fraudulent activity and more productive “kerbside” enforcement. The return on improved levels of safety for drivers and passengers delivers a real return on investment. A substantial advertising opportunity exists from implementing GBR Trustid Taxi™ providing further savings and an additional revenue channel. Productivity savings can be gained in licensing departments across the county from effective access to a national vehicle and driver register.

Overview of Provisional Reform Proposals

Provisional Proposal 1

Regardless of the vehicle being a taxi or a private hire vehicle the important point is how safe is the public when travelling in this vehicle and driver. Are both currently licensed? How can I highlight any issue with the service standard if I take the journey? Is this easy and effective to do? Does it make practical use of available mobile technologies?

Provisional Proposal 2

There is a value in having a consistent reform/regulation across the country. This will lead to clearer regulation and better understanding amongst all stakeholders. It opens opportunities for a more efficient industry across the country.

Provisional Proposal 3

Regulation of taxi and private hire vehicles should focus on safety and standards. This provides opportunities to enhance the industry for all.

Provisional Proposal 7

Comparable safety, quality assurance and standards benefits would apply to the use of limousines by the public. Verification and feedback are valuable in this setting also.

Provisional Proposal 24

National safety standards need to be enforced. Mobile technologies should be utilised to maximise enforcement and to empower the public as well as genuinely compliant operators. "Kerbside" driver and vehicle verification should be key variables in safety standards.

Question 28

Better value can be got from vehicle signage by using QR code technology and mobile devices/Smartphone Apps, such as GBR TrustiD Taxi™. Consumers can then more effectively "evaluate" a vehicle and driver before taking a journey. Improved use of signage can lead to safer journeys.

Question 29

A key obstacle to setting common national safety standards for both taxis and private hire vehicles is the enforcement challenge. Licensing departments don't have vast teams of enforcement officers. Improved capture of feedback from the public will assist with enforcement of standards and indeed service levels.

Question 30

The use of real time and mobile verification of the vehicle and driver by passengers will act as a new enhanced level of protection of drivers from attacks, anti social behaviour etc.

Question 37

Empower licensing authorities to co-operate on a statutory footing. This creates opportunities for a safer and more productive industry e.g. gain efficiencies from a creating a national vehicle and driver registry.

Provisional Proposal 62

The public need to be able to highlight safety, service, standard, lost items, complaints issues etc. effectively to licensing authorities. Smartphone Applications such as GBR TrustiD Taxi™ provide this level of quality assurance in an easy to use and accessible way.



Global Business Register Ltd.
Arclabs Research & Innovation Center,
W.I.T. West Campus,
Carriganore, Waterford. Ireland.

Provisional Proposal 63

Make reporting an effective and accessible process for the public as highlighted above in Provisional Proposal 62.

From: Michael_Lovatt [REDACTED]
Sent: 30 November 2012 14:36
To: TPH
Subject: Taxi and Private Hire Services Consultation

Follow Up Flag: Follow up
Flag Status: Red

Attachments: PH.HC. Additional Submission to the Law Commission.doc
Hello

I would be pleased if you could consider the following additional submission:-

Regards

Michael Lovatt
Community Protection Manager
Public Protection
Flintshire County Council
[REDACTED] 3

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Deellir na fydd unrhyw safbwyntiau, na chynghorion, na chasgliadau nac unrhyw wybodaeth arall yn y neges hon, nad ydynt yn berthnasol i waith swyddogol Cyngor Sir y Fflint, yn cael eu cynnig na'u cadarnhau ganddo nac ar ei ran, ac felly ni fydd Cyngor Sir y Fflint yn derbyn unrhyw gyfrifoldeb am y rhannau! hynny o'r neges.

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From: Joseph James [REDACTED]
Sent: 29 November 2012 19:00
To: TPH
Subject: Fw: Incidents in Taxi Cabs with a solution

Follow Up Flag: Follow up
Flag Status: Completed

To Whom it may concern

I have recently read a Police report that is related to assaults that have occurred involving taxi cabs throughout the United Kingdom.

As illustrated this has been a major problem that has increased year on year.

I'm fully aware of this problem as I was the general manager for the largest taxi company outside of London managing 103 black cabs for over 14 years. During this period assaults involving and against taxi operators has and continues to significantly increase due to the lack of detection. Therefore I have devised a solution to prevent and deter future crimes.

At present we're in advanced discussions with a number of local authorities located in London and the Northwest. In addition to that we have the full support of various women's groups and the Law Society, is currently evaluating the implementation of this project for the deregulation of taxis.

An introduction to a 'DNA Profile Programme' for owners and drivers of hackney carriages and private hire cars.

In the past few years councils have become more aware and intensified their approach to the 'Duty of Care' they have for the public and the services and operatives of licensing operations in their areas. It has become apparent that it is sometimes difficult to trace culprits of licensing misdemeanours and also even more difficult to prove the innocence of individuals and of the trade as a whole.

At this moment in time there are currently three distinctive checks available to councils the first being the 'Statutory Declaration.'

The 'stat dec' unfortunately, in our opinion is the least convincing of all because any applicant, or existing badge holder, is able to go to any solicitor and swear on oath that he or she has committed no offences in the past. There have been many occasions that, after the declaration has been witnessed by a solicitor and accepted (on face value) by a council that it has been found that the oath takers have not been entirely truthful. Whether it is unintentional or a deliberate attempt at hiding the past record of the applicant is usually a matter of much debate and of course extra work, and maybe a meeting or two, which adds to the council workload. To tighten the checking process up, the licensing authorities and central government introduced the 'Criminal Records Bureau' check or the 'CRB' as it is known. This is a foolproof method of finding out the past record of an

applicant as it is a 'police' check and will give an applicants full criminal past. This puts the council in the driving seat as to the true past record of anyone applying for a licence and it cannot be amended or altered as the applicant has no influence in the process. The CRB regulations are now being diluted so that a council can accept the ordinary CRB instead of the higher grade 'enhanced' check that has hitherto been required. We ask, why set standards and then lower them? The third check which is not used by all councils is the 'DVLA Licence' check. This is a check on the drivers background and gives a record of current and past driving offences. It is most helpful to councils as some applicants can apply for a new driving licence, by changing address for example and expired driving convictions are not on the new licence which the applicant may not declare either unintentionally or deliberately. In many cases a council would look into an applicants record with multiple offences before issuing a licence.

The three licensing checks that we have spoken about all have their merits. The 'Stat Dec' is a legal document that the applicant swears to on oath. If the applicant has not declared offences then he or she has committed an illegal act and can be prosecuted.

The 'CRB' is a police record of a criminal past and cannot be challenged by an applicant. The DVLA Licence check is also a true record and is also unchallengeable.

The common denominator of the above three checks is that they are not a deterrent, once the check has been completed it is not valid for anything that happens the next day. These are retrospective checks.

Working closely with the council we propose to use innovative and state of the art technology by introducing a DNA Profile Programme to increase safety throughout the area and to initiate, by the infallibility of DNA detection, the ultimate deterrent to every person who is licensed to drive a vehicle. This will also be the most efficient way to prove someone innocent and, in fact, clear the whole trade in one fell swoop.

The implementation of the system will also send a clear message about the councils desirability to deter future crimes and to improve safety as well as achieving further peace of mind in the area. It will also deliver a number of additional benefits:

1. An additional 'Duty of Care' provided by the council.
2. It improves safety and well being to residents.
3. It enhances and protects licenced drivers and will reduce unlicensed and illegal operators.
4. Once implemented and established it will be an effective deterrent for further assaults.
5. Protects drivers, operators, and residents against malicious allegations.
6. Peace of mind for bothe parents and students at colleges and universities.
7. Further protection for tourists and day trippers to the area.
8. A loud and clear message from the council to the public stating their commitment to stamp out predators that give their city a bad name.

With recent crimes and assaults being reported in the media we believe that this additional requirement is needed to address issues such as these and offer a failsafe method of protection to all and a deterrent to would be deviants and also a sure and speedy way to detect a wrongdoer.

Today DNA technology is fully established, proven, and extremely accurate. The system is cost affective and demonstrates a higher level of 'Duty of Care' and improves safety.

The database is held by the internationally renowned 'DDC DNA Diagnostics Centre'. There are two encrypted databases. The first one contains all the personal details of the client and the second database holds the encrypted DNA. This ensures that clients details and DNA are 100% secure. No data is held by our company. The database is up and running now and operating as we speak. Access to both databases would be necessary to associate an individual with generic information. The council is the only body who can request access to the database via 'DDC' and pass information to the police if they feel it necessary. From a sample being delivered to 'DDC a 24 hour turnaround is guaranteed for results back to the council. The great thing about the quick response is that if an 'individual or a taxi or private hire driver' is wrongly accused the issue is cleared up before the driver is arrested and has his character destroyed etc, etc. The good thing about a positive report is that the person is off the road straight away. On both counts it is a well done and quick way to prove or disprove any allegation.

Once the driver leaves the taxi trade for good their records will be destroyed and a confirmation certificate will be issued.

The programme will require each individual to have a pain free cheek swab collected at their own GP free of charge, it will then be sent to DDC for encryption and storage.

The cost of taking, storing and eccrypting the sample will be £100.00 per applicant. This can be made as a one off payment or by ten £10.00 payments by direct debit monthly with no intrest. This is a one off charge and lasts as long as the applicant remains a taxi driver. If a taxi driver stays in the job for ten years this price compares favourably against:

1. A 'Stat Dec' once per year. Asolicitors average charge is £10.00.
2. A 'CRB' check at a minimum £40.00 charged every three years.
3. A DVLA Licence check charged at £6.00 per year.

The DNA check is tanible and works. It does not look back, it looks forward. Therefore it is the only stand alone deterrant to serious crime committed by taxi drivers. It is also the only sure way to prove absolutely that a man is innocent.

From the council giving the police their permission to check a sample against 'the councils' database a result either negative (not a meber of the trade) or a positive (driver name and address supplied) is 24 hours. DDC then prepare the correct paperwork and samples

as required by the police for legal purposes.

The additional positives are that a council can boast that the latest technology is being employed by the council (at no cost to the council) to make their area and their taxi and private hire fleet are the safest and most accountable that it can be. It gives confidence to vulnerable members of the community and a belief that the legitimate trade is the only way to travel in safety.

If a council did adopt this system it would be a massive public relations coup and an opportunity to hammer home the message that only the legitimate and licenced vehicles are safeguarded by a council that is prepared to make the taxi and private hire trade culpable for its actions and also super safe from libellous and malicious actions.

Security for both taxi drivers and the general public is paramount. I would be delighted if a meeting could be arranged between our two parties to the progression we've made to date and to receive your thoughts and address any questions you may have. I look forward to your reply at your earliest convenience.

Yours faithfully

Mr. J James
Managing Director DNAD

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Key Cars (Bedford) Ltd
68b Midland Road, Bedford, MK40 1QB

bookings [REDACTED]
<http://www.keycarstaxi.co.uk>

To whom it may concern

I am writing to you with regards to the Borough Council's response to the Law Commission's review of taxi and private hire legislation. I would like to refer to question 23 where it is questioned if Private hire vehicles should be able to use terms such as "Taxi" or "Cab" in advertising. As a Private hire Operator, I strongly feel that we should be permitted to use these terms. I have asked many customers if they understand the term "Private hire", to which their response is that they always refer to our vehicles as a "Taxi" even though they have pre-booked it. When a customer calls the office, they always ask to book a taxi rather than a private hire vehicle. From the feed-back I have received from customers, they have highlighted the fact that they would not necessarily associate the term "Private hire" with a pre-booked taxi. We spend a considerable amount of money on advertising and need to use these terms for customers to understand what services we are offering. I hope my view will be considered with many others that have expressed theirs.

Thank you

Yours faithfully

Amna Sadiqa
Private Hire Operator
Key Cars (Bedford) Ltd

M: [REDACTED]
T: [REDACTED]

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From: Alan Milewczyk [REDACTED]
Sent: 03 December 2012 19:16
To: TPH
Subject: Taxi and Private Hire Services project

Follow Up Flag: Follow up
Flag Status: Red
Hello

I appreciate the consultation period for this project has ended but you may be interested in the following online article:-

<http://www.manchesterconfidential.co.uk/News/Taxi-Legal-Loophole-Clueless-Cabbies>

As a Manchester resident I agree with the contents wholeheartedly.

Best wishes

Alan Milewczyk
[REDACTED]

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From: Andrew Billington [REDACTED]
Sent: 16 December 2012 09:47
To: TPH
Subject: Proposed changes to wedding and funeral car licencing.

Follow Up Flag: Follow up

Flag Status: Red

Dear Sir

I am writing to raise an objection to the proposed changes to the licensing arrangements to Wedding and Funeral car licensing. There has been a tradition in Britain of Brides and Fathers choosing to be taken to the wedding venue in a classic vehicle. The vast majority of the people offering these services are very small one man bands that may only do a small number of events each year as a way of earning a few extra pounds to assist with the up keep of their historic vehicles. The imposition of full licensing requirements for vehicles and drivers would mean that the vast majority of these small private operators would non longer be able to afford to provide this service. In particular the fact that a licensed vehicle may only be driven by a licensed driver would mean that the vehicles would no longer be able to be driven by anyone else. Also the ideal that all drivers would need to possible pass a Knowledge test is utterly ridiculous. I am being made redundant at the end of December 2012 and was hoping to offer my classic VW Transporter for use at weddings as a way supplementing our meagre household income. The proposed licensing changes would make this impossible and as my wife and I use our classic vehicle for outings and holidays it would mean that she would not be able to share the driving, an activity that she very much enjoys.

Please focus on the specific issues that you are trying to resolve in this legislation and ensure that it does not have unintended consequences effectively killing the classic vehicle hire services much beloved in this country.

Yours faithfully

Andrew Billington

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