APPENDIX A
LIST OF PROVISIONAL PROPOSALS AND QUESTIONS

CHAPTER 13 - OVERVIEW OF PROVISIONAL REFORM PROPOSALS

Provisional proposal 1

Regulation should continue to distinguish between taxis, which can accept pre-booked fares, be hailed on the street and wait at ranks, and private hire vehicles, which can only accept pre-booked fares. (Page 160)

No, all vehicles should be able to ply for hire, vehicles that are WAV should be given priority to use ranks and all journeys should be recorded

CHAPTER 14 – REFORM OF DEFINITIONS AND SCOPE

Provisional proposal 2

London should be included, with appropriate modifications, within the scope of reform. (Page 162)

Yes

Provisional proposal 3

The regulation of taxi and private hire vehicles should not be restricted to any particular type of vehicle but should rather focus on road transport services provided for hire with the services of a driver. (Page 164)

yes

Question 4

Would there be (and if so what) advantages to restricting licensing to motor vehicles that require a driving licence? (Page 164)

Any vehicle should be considered for licensing, however all drivers should have a DVLA Licence, irrespective of whether the vehicle has a motor or not.

Provisional proposal 5

Public service vehicles should be expressly excluded from the definition of taxi and private hire vehicles; and taxi and private hire vehicles should only cover vehicles adapted to seat eight or fewer passengers. (Page 165)

yes

Provisional proposal 6

References to stage coaches charging separate fares should no-longer feature as an exclusion from the definition of taxis. (Page 166) yes
Provisional proposal 7

The Secretary of State should consider issuing statutory guidance to the Senior Traffic Commissioner about the licensing of limousines and other novelty vehicles to assist consistency. (Page 167)

yes

Provisional proposal 8

The concept of “in the course of a business of carrying passengers” should be used to limit the scope of taxi and private hire licensing so as to exclude genuine volunteers as well as activities where transport is ancillary to the overall service. (Page 168)

yes

Question 9

How, if at all, should the regulation of taxis and private hire deal with:

(a) carpooling; and

(b) members clubs? (Page 170)

By giving a definition of (a) & (b) and alike relationships, require a registration applying for exemption.

Provisional proposal 10

The power of the Secretary of State and Welsh Ministers to set national standards should be flexible enough to allow them to make exclusions from the taxi and private hire licensing regimes. (Page 171)

no

Provisional proposal 11

Weddings and funerals should no-longer be expressly excluded from private hire licensing through primary legislation. (Page 172)

yes

Question 12

Would there be merits in reintroducing the contract exemption, by means of the Secretary of State and Welsh Ministers’ exercise of the power to set national standards? If so, what modifications could be made to help avoid abuse? (Page 174)

Absolutely NO

Provisional proposal 13
Regulation of the ways taxis and private hire vehicles can engage with the public should not be limited to “streets”. (Page 175)

*It should apply to any place*

**Question 14**

Is there a case for making special provision in respect of taxi and private hire regulation at airports? In particular, where concessionary agreements are in place should airports be obliged to allow a shuttle service for passengers who have pre-booked with other providers, or to the closest taxi rank? (Page 177)

*The provision should be to provide suitable and adequate ranking under the control of the LA, this should be a condition of the airport licence.*

**Provisional proposal 15**

The defining feature of taxis, the concept of “plying for hire”, should be placed on a statutory footing and include:

(a) references to ranking and hailing;

(b) a non-exhaustive list of factors indicating plying for hire; and

(c) appropriate accommodation of the legitimate activities of private hire vehicles. (Page 181)

*Yes to a & b, if we get rid of the two tier system you wont need c, however c would be appropriate in the case of plate exempt vehicles*

**Provisional proposal 16**

The concepts of hailing and ranking should not cover technological means of engaging taxi services. (Page 181)

*Yes they should*

**Question 17**

Would there be advantages to adopting the Scottish approach to defining taxis in respect of “arrangements made in a public place” instead of “plying for hire”? (Page 182)

*Yes as this approach would complement the notion of “any Place “ see above.*

**Provisional proposal 18**

The concept of compellability, which applies exclusively to taxis, should be retained. (Page 182)

*yes*

**Provisional proposal 19**
Pre-booking would continue to be the only way of engaging a private hire vehicle and cover all technological modes of engaging cars. This is without prejudice to the continued ability of taxis to be pre-booked. (Page 183) Remove the PH and require all journeys to be recorded at the commencement of the journey if not made before.

Provisional proposal 20

Leisure and non-professional use of taxis and private hire vehicles should be permitted. There would however be a presumption that the vehicle is being used for professional purposes at any time unless the contrary can be proved. (Page 184)

Absolutely not, unless you make it a strict liability offence, but then what evidence could you rely on to prove beyond a reasonable doubt, this would create a massive enforcement issue.

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. (Page 185)

yes

Provisional proposal 22

Reformed legislation should refer to “taxis” and “private hire vehicles” respectively. References to “hackney carriages” should be abandoned. (Page 185)

No, remove PHVs

Question 23

Should private hire vehicles be able to use terms such as “taxi” or “cab” in advertising provided they are only used in combination with terms like “pre-booked” and did not otherwise lead to customer confusion? (Page 186)

This won’t be a problem if you remove PHV, if not why would you then want to confuse the public, so, NO

CHAPTER 15 – A REFORMED REGULATORY FRAMEWORK

Provisional proposal 24

Taxi and private hire services should each be subject to national safety requirements. (Page 188)

Yes, but this must be higher than the minimum standards set by the VOSA / MOT, please bear in mind these are working vehicles carrying people not goods, and covering up to 100k + miles pa, something similar to HGV testing!

Provisional proposal 25
National safety standards, as applied to taxi services, should only be minimum standards. *(Page 189)*

Yes, see No 24

**Provisional proposal 26**

National safety standards, as applied to private hire services, should be mandatory standards. *(Page 189)*

*If we are keeping PHV yes*

**Provisional proposal 27**

Private hire services would not be subject to standards except those related to safety. Requirements such as topographical knowledge would no-longer apply to private hire drivers. *(Page 190)*

*No they should be required. if we are keeping PHVs. Especially if we move the goal posts with regards to how & when journeys are recorded.*

**Question 28**

Should local standard-setting for private hire services be specifically retained in respect of vehicle signage? Are there other areas where local standards for private hire vehicles are valuable? *(Page 190)*

*Yes, if we are keeping Them*

**Question 29**

What practical obstacles might there be to setting common national safety standards for both taxis and private hire vehicles? *(Page 191)*

*Why would you want to create a two tier system with regards to safety.*

**Question 30**

Should national conditions in respect of driver safety be different for taxi services compared with private hire services? *(Page 192)*

*Why would you want to create a two tier system with regards to safety.*

**Provisional proposal 31**

The powers of the Secretary of State and Welsh Ministers to set standards for taxis and private hire vehicles should only cover conditions relating to safety. *(Page 192)*

*No they should provide for Comfort & Convenience.*
Provisional proposal 32

The powers of the Secretary of State and Welsh Ministers to set national safety standards should be subject to a statutory consultation requirement. (Page 193)

No this should be a DFT / VOSA matter.

Question 33

What would be the best approach for determining the content of national safety standards? In particular should the statutory requirement to consult refer to a technical advisory panel? (Page 193)

Yes

Provisional proposal 34

Licensing authorities should retain the power to set standards locally for taxis provided above the minimum national standards. (Page 193)

Yes

Question 35

Should there be statutory limits to licensing authorities' ability to set local taxi standards? (Page 194)

yes

Question 36

Should licensing authorities retain the power to impose individual conditions on taxi and private hire drivers or operators? (Page 194)

yes

Question 37

Should the powers and duties of licensing authorities to cooperate be on a statutory footing or is it best left to local arrangements? (Page 195)

yes

Provisional proposal 38

Neighbouring licensing authorities should have the option of combining areas for the purposes of taxi standard setting. (Page 196)

Yes, where appropriate.

Provisional proposal 39

Licensing authorities should have the option to create, or remove, taxi zones within their area. (Page 196)
Yes,

**Question 40**

Would it be useful for licensing authorities to have the power to issue peak time licences which may only be used at certain times of day as prescribed by the licensing authority? *(Page 197)*

_No_

**Provisional proposal 41**

Private hire operators should no longer be restricted to accepting or inviting bookings only within a particular locality; nor to only using drivers or vehicles licensed by a particular licensing authority. *(Page 198)*

_Agree_

**Provisional proposal 42**

We do not propose to introduce a “return to area” requirement in respect of out-of-area drop offs. *(Page 199)*

_Agree_

**Provisional proposal 43**

Licensing authorities should retain the ability to regulate maximum taxi fares. Licensing authorities should not have the power to regulate private hire fares. *(Page 200)*

*Keep it as it is, but require PHVs to operate a meter, if we are keeping PHVs.*

**Question 44**

Should taxis be allowed to charge a fare that is higher than the metered fare for pre-booked journeys? *(Page 200)*

*Keep it as it is. Negotiable outside of the district.*

**CHAPTER 16 – REFORM OF DRIVER, VEHICLE AND OPERATOR LICENSING**

**Question 45**

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? *(Page 203)*

*In (a)*
Provisional proposal 46

Vehicle owners should not be subject to “fit and proper” tests and the criteria applied would relate solely to the vehicle itself. (Page 204)

*It should apply to vehicle owners.*

Question 47

Should national vehicle safety standards 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? (Page 205)

In (a)

Provisional proposal 48

Operator licensing should be retained as mandatory in respect of private hire vehicles. (Page 207)

Yes in all cases

Question 49

Should operator licensing be extended to cover taxi radio circuits and if so on what basis? (Page 208)

Yes

Provisional proposal 50

The definition of operators should not be extended in order to include intermediaries. (Page 209)

No

Question 51

Should “fit and proper” criteria in respect of operators be retained? (Page 210)

yes

Provisional proposal 52

Operators should be expressly permitted to sub-contract services. (Page 210)
Question 53

Where a taxi driver takes a pre-booking directly, should record-keeping requirements apply? (Page 210)

yes

CHAPTER 17 – REFORMING QUANTITY CONTROLS

Provisional proposal 54

Licensing authorities should no longer have the power to restrict taxi numbers. (Page 213)

They should not have that power.

Question 55

What problems (temporary or permanent) might arise if licensing authorities lost the ability to restrict numbers? (Page 213)

There would be a swing in numbers from PH to HC, and over ranking until the trade settled down, they would soon operate in the same way as they use to ie from being dispatched from a radio link, but having the advantage of being able to respond to a flag down or joining a rank.

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? (Page 215)

no

CHAPTER 18 – TAXI AND PRIVATE HIRE REFORM AND EQUALITY

Question 57

Should there be a separate licence category for wheelchair accessible vehicles? This could involve:

(1) a duty on the licensee to give priority to disabled passengers; and

(2) a duty on the licensing authority to make adequate provision at ranks for wheelchair accessible vehicles. (Page 217)

No, but only WAVs type 1 & 2 vehicles should be allowed on the rank

Question 58
Should licensing authorities offer lower licence fees for vehicles which meet certain accessibility standards? (Page 217)

no

**Question 59**

Do you have any other suggestions for increasing the availability of accessible vehicles, and catering for the different needs of disabled passengers? (Page 217)

See answer for ques, 57

**Provisional proposal 60**

We do not propose to introduce national quotas of wheelchair accessible vehicles. (Page 218)

SEE ANSWER FOR QUES 57

**Provisional proposal 61**

National standards for drivers of both taxis and private hire vehicles should include recognised disability awareness training. (Page 219)

yes

**Provisional proposal 62**

In order to better address concerns about discrimination, taxis and private hire vehicles should be required to display information about how to complain to the licensing authority. (Page 219)

yes

**Question 63**

What would be the best way of addressing the problem of taxis ignoring disabled passengers seeking to hail them? Could an obligation to stop, if reasonable and safe to do so, in specified circumstances, help? (Page 220)

Difficult to enforce, but yes

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**CHAPTER 19 – REFORMING ENFORCEMENT**

**Question 64**

Should authorised licensing officers have the power to stop licensed vehicles? (Page 222)

no

**Question 65**
What more could be done to address touting? Touting refers to the offence “in a public place, to solicit persons to hire vehicles to carry them as passengers”. (Page 223)

Employ more enforcement officers, get the police interested.

Question 66

Would it be desirable and practicable to introduce powers to impound vehicles acting in breach of taxi and private hire licensing rules? (Page 223)

Yes where appropriate.

Question 67

Should licensing authorities make greater use of fixed penalty schemes and if so how? (Page 225)

Yes, authorise them to issue fixed penalty notices

Provisional proposal 68

Enforcement officers should have the powers to enforce against vehicles, drivers and operators licensed in other licensing areas. (Page 225)

yes

Question 69

Should cross-border enforcement powers extend to suspensions and revocation of licences? If so what would be the best way of achieving this? (Page 226)

Yes, the provision to revoke in that instance should lay with the courts, and the LA where the offence took place would make the compliant to the courts, not the licensing authority.

CHAPTER 20 – REFORM OF HEARINGS AND APPEALS

Provisional proposal 70

The right to appeal against decisions to refuse to grant or renew, suspend or revoke a taxi or private hire licence should be limited to the applicant or, as appropriate, holder of the relevant licence. (Page 230)

Yes

Provisional proposal 71

The first stage in the appeal process throughout England and Wales, in respect of refusals, suspensions or revocations should be to require the local licensing authority to reconsider its decision. (Page 231)

No

Provisional proposal 72
Appeals should continue to be heard in the magistrates’ court. (Page 232)

yes

Question 73
Should there be an onward right of appeal to the Crown Court? (Page 233)

yes
1.1 TfGM are responsible for implementing the policies and decisions of the elected body; the Greater Manchester Combined Authority, a strategic regional authority with functions relating to economic development and regeneration, regional planning, transport, skills and training, and air quality.

1.2 TfGM are not the Taxi licensing Authority for Greater Manchester and are aware of the other consultation submissions coming from within the region. TfGM acknowledge these differences within the submissions with the TfGM input being influenced by its duties.
LIST OF PROVISIONAL PROPOSALS AND QUESTIONS
OVERVIEW OF PROVISIONAL REFORM PROPOSALS

Provisional proposal 1
Regulation should continue to distinguish between taxis, which can accept pre-booked fares, be hailed on the street and wait at ranks, and private hire vehicles, which can only accept pre-booked fares. (Page 160)

| Agree: This preserves operational flexibility and precludes the re-emergence of un-licensed pre-booked only vehicles such as existed prior to pre-booked only Private Hire being regulated. A one tier system would likely retain the benefits of hailing and ranking currently offered by taxis. This combined with the proposed relaxation of quantity controls would lead to most current private hire operators obtaining licenses which would allow their vehicles to hail and rank, with potential traffic management issues at ranks and transport hubs. Further, As stated in the consultation document a one tier system would lead to either the naturally competitive private hire market being standardised and over-regulated for fares and quality or the hail and rank market, which requires more regulation (since unlike current private hire passengers cannot choose their preferred operator) would be under-regulated. |

REFORM OF DEFINITIONS AND SCOPE
Provisional proposal 2
London should be included, with appropriate modifications, within the scope of reform. (Page 162)

| Agree: Including London will help to standardise regulation across England and Wales. |

Provisional proposal 3
The regulation of taxi and private hire vehicles should not be restricted to any particular type of vehicle but should rather focus on road transport services provided for hire with the services of a driver. (Page 164)

| Agree: Powers to apply to, for example, pedicabs would allow flexibility to impose wherever required. |

Question 4
Would there be (and if so what) advantages to restricting licensing to motor vehicles that require a driving licence? (Page 164)

| Not compelling hence response to Proposal 3. However advantages could be reducing bureaucracy by avoiding possible frivolous licensing of relatively small non-motorised market. |

Provisional proposal 5
Public service vehicles should be expressly excluded from the definition of taxi and private hire vehicles; and taxi and private hire vehicles should only cover
vehicles adapted to seat eight or fewer passengers. *(Page 165)*

**Provisional proposal 6**

References to stage coaches charging separate fares should no-longer feature as an exclusion from the definition of taxis. *(Page 166)*

**Agree:** However this should not preclude the continued ability of Taxis to charge separate fares under the provisions of S11 of the 1985 Transport Act (see Paragraph 11.57 of the Consultation). TfGM uses this provision to contract taxi operators to provide demand responsive services to provide transport for areas, links and/or at times where bus services are unsustainable.

**Provisional proposal 7**

The Secretary of State should consider issuing statutory guidance to the Senior Traffic Commissioner about the licensing of limousines and other novelty vehicles to assist consistency. *(Page 167)*

**Agree:** This is currently a grey area. If the Limousine is more than 8 seats it should be covered by PCV licensing regime; if less than 8 seats it should be covered by taxi legislation.

**Provisional proposal 8**

The concept of “in the course of a business of carrying passengers” should be used to limit the scope of taxi and private hire licensing so as to exclude genuine volunteers as well as activities where transport is ancillary to the overall service. *(Page 168)*

**Agree in principle, but adding ‘for profit’ to the definition would be clearer in its intent to exclude Community Transport providers and their trading arms**

**Question 9**

How, if at all, should the regulation of taxis and private hire deal with:
(a) carpooling; and
(b) members clubs? *(Page 170)*

**Provisional proposal 10**

The power of the Secretary of State and Welsh Ministers to set national
standards should be flexible enough to allow them to make exclusions from the
taxi and private hire licensing regimes. *(Page 171)*

**Agree:** (This relates to the proposal for national standards for private hire and taxi with
additional local standards for taxi only). Flexibility will allow Ministers to make changes
without the need to amend primary legislation.

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**Provisional proposal 11**

Weddings and funerals should no-longer be expressly excluded from private hire
licensing through primary legislation. *(Page 172)*

**Agree:** As stated in the consultation this area requires further consideration. Flexibility will
allow Ministers to make changes without the need to amend primary legislation.

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**Question 12**

Would there be merits in reintroducing the contract exemption, by means of the
Secretary of State and Welsh Ministers’ exercise of the power to set national
standards? If so, what modifications could be made to help avoid abuse? *(Page 174)*

**Agree:** This exemption, where services are provided for 7 days or more, was justified on the
basis that contract terms effectively replace licensing requirements. This would reduce
administration and increase operational flexibility. However, to avoid abuse the exemption
should only apply where the customer is a public sector organisation.

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**Provisional proposal 13**

Regulation of the ways taxis and private hire vehicles can engage with the public
should not be limited to “streets”. *(Page 175)*

**Agree:** Public safety is imperative regardless of whether services to the public are being
provided on public or private land.

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**Question 14**

Is there a case for making special provision in respect of taxi and private hire
regulation at airports? In particular, where concessionary agreements are in
place should airports be obliged to allow a shuttle service for passengers who
have pre-booked with other providers, or to the closest taxi rank? *(Page 177)*

**Agree:** This follows from Proposal 13. Such provisions may need to cover:-

- provision of clearly marked taxi ranks at airports and stations with agreed maximum
  number of taxis parking on the rank;
- operation of shuttle services;
- limits on permits issued by stations or airports since this can lead to knock-on
  congestion in surrounding areas.
**Provisional proposal 15**
The defining feature of taxis, the concept of “plying for hire”, should be placed on a statutory footing and include:
(a) references to ranking and hailing;
(b) a non-exhaustive list of factors indicating plying for hire; and
(c) appropriate accommodation of the legitimate activities of private hire vehicles. (*Page 181*)

**Agree:** As discussed this would also facilitate a clear statutory distinction between Taxi and Private Hire.

**Provisional proposal 16**
The concepts of hailing and ranking should not cover technological means of engaging taxi services. (*Page 181*)

**Agree:** For simplicity and clarity the method of engaging taxis should remain the principal differentiating factor between plying for hire and pre-booking.

**Question 17**
Would there be advantages to adopting the Scottish approach to defining taxis in respect of “arrangements made in a public place” instead of “plying for hire”? (*Page 182*)

**Disagree – This would not apply if Proposal 15 is adopted**

**Provisional proposal 18**
The concept of compellability, which applies exclusively to taxis, should be retained. (*Page 182*)

**Agree:** Abolishing compellability would render ranking pointless. However the methodology and responsibility for its enforcement needs clarifying.

**Provisional proposal 19**
Pre-booking would continue to be the only way of engaging a private hire vehicle and cover all technological modes of engaging cars. This is without prejudice to the continued ability of taxis to be pre-booked. (*Page 183*)

**Agree:** This maintains a clear distinction between taxis and private hire.

**Provisional proposal 20**
Leisure and non-professional use of taxis and private hire vehicles should be permitted. There would however be a presumption that the vehicle is being used for professional purposes at any time unless the contrary can be proved. (*Page 184*)

**Agree:** Subject to the necessary insurance cover. This will reduce barriers to entry for owner
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. (Page 185)

Agree: Guidance would help licensing authorities and judges to decide cases and improve consistency across different licensing areas.

Provisional proposal 22
Reformed legislation should refer to “taxis” and “private hire vehicles” respectively. References to “hackney carriages” should be abandoned. (Page 185)

Agree: Hackney Carriage is an outdated and no longer required terminology.

Question 23
Should private hire vehicles be able to use terms such as “taxi” or “cab” in advertising provided they are only used in combination with terms like “prebooked” and did not otherwise lead to customer confusion? (Page 186)

Disagree with use of taxi and cab: To minimise confusion advertising commissioned by the operator should follow legal terminology not contradict it. Taxis should only use ‘Taxi’ and Private Hires should only use the term ‘Private Hire’.

A REFORMED REGULATORY FRAMEWORK

Provisional proposal 24
Taxi and private hire services should each be subject to national safety requirements. (Page 188)

Agree: National minimum safety standards will provide clarity and aid understanding. This also accords with the ability of both Taxis and Private Hires to undertake pre-booked work in any licensing area.

Provisional proposal 25
National safety standards, as applied to taxi services, should only be minimum standards. (Page 189)

This proposal requires further consideration. It links to allowing Licensing Authorities to also impose other higher quality standards. In this scenario, there is a possibility of unfair competition for pre-booked work from lower standard out of area vehicles, undermining vehicles locally licensed to higher required standards.
Provisional proposal 26
National safety standards, as applied to private hire services, should be mandatory standards. (Page 189)

Agree: This accords with the proposals to de-restrict out of area provision.

Provisional proposal 27
Private hire services would not be subject to standards except those related to safety. Requirements such as topographical knowledge would no-longer apply to private hire drivers. (Page 190)

Agree – However, it would also be beneficial to consider standards to maximise competition (e.g. a requirement to display fares) and signage – see Q28 below.

Question 28
Should local standard-setting for private hire services be specifically retained in respect of vehicle signage? Are there other areas where local standards for private hire vehicles are valuable? (Page 190)

Yes but: see Q23. If terminology is to be controlled this aspect of signage would be better set nationally.

Question 29
What practical obstacles might there be to setting common national safety standards for both taxis and private hire vehicles? (Page 191)

Bottom line standards as suggested in the text should be simple to implement. Objections may be received from local licensing bodies, drivers or operators arguing for a higher local safety standard for Private Hire. This may especially occur where operators have already invested to achieve higher local standards.

Question 30
Should national conditions in respect of driver safety be different for taxi services compared with private hire services? (Page 192)

No: There is insufficient difference in the service offered to justify this and it facilitates drivers driving both. Minimum standards should be the same for both trades but Licensing Authorities should be able to improve on these in response to local issues.

Provisional proposal 31
The powers of the Secretary of State and Welsh Ministers to set standards for taxis and private hire vehicles should only cover conditions relating to safety. (Page 192)
Agree in principle, however this conflicts with proposals to use these powers related to 12 (contract exemption) and 21 (statutory licensing guidance).

Provisional proposal 32
The powers of the Secretary of State and Welsh Ministers to set national safety standards should be subject to a statutory consultation requirement. (Page 193)

Agree: There is a clear need for minimum national safety standards and these should be subject to consultation with licensing authorities and the taxi trade.

Question 33
What would be the best approach for determining the content of national safety standards? In particular should the statutory requirement to consult refer to a technical advisory panel? (Page 193)

A technical advisory panel could review proposals from Licensing Authorities, operators and other interested parties, consider improvements in vehicle design and technology, relevant data on accidents, incidences of violence against drivers etc. and advise the Minister on appropriate actions.

Provisional proposal 34
Licensing authorities should retain the power to set standards locally for taxis provided above the minimum national standards. (Page 193)

Agree: However, they should consider the potential for competition for local pre-booked trips from taxis licensed in adjoining out of area locations requiring lower standards. We would also request that, for areas such as Greater Manchester with Local Transport Authorities, provision should be made for the LTA, subject to local determination, to set such additional local safety and quality standards as part of its wider transport policy role, albeit with the Licensing Authority retaining the regulatory function.

Question 35
Should there be statutory limits to licensing authorities’ ability to set local taxi standards? (Page 194)

Yes: This would mitigate the effects of competition from lower standard out of area taxis and help to limit the differences in standards between Taxis and Private Hires and thus retain competitiveness between the two on pre-booked trips.

Question 36
Should licensing authorities retain the power to impose individual conditions on taxi and private hire drivers or operators? (Page 194)

Yes: There may be local factors that require individual conditions.
Question 37
Should the powers and duties of licensing authorities to cooperate be on a statutory footing or is it best left to local arrangements? (Page 195)

Yes: Locally there is already co-operation within the Association of Greater Manchester Authorities. However a statutory duty would further promote co-operation locally and elsewhere. A combined licensing authority could generate administrative efficiencies and improve enforcement and be aligned to other key multi-authority planning and management functions.

Provisional proposal 38
Neighbouring licensing authorities should have the option of combining areas for the purposes of taxi standard setting. (Page 196)

Agree: In areas such as Greater Manchester with Integrated Local Transport Authorities, provision could be made for the LTA, subject to local determination, to set local safety and quality standards as part of its wider strategic role, thus raising the generally low policy profile of the taxi mode. In this scenario, we would recommend that the Licensing Authority retain the regulatory function.

Provisional proposal 39
Licensing authorities should have the option to create, or remove, taxi zones within their area. (Page 196)

Agree: Licensing Authorities should have powers to regulate taxi zones within their areas. Under a GM County-wide system, this would be a valuable tool in ensuring an even spread of taxis across the whole of the Metropolitan area.

Question 40
Would it be useful for licensing authorities to have the power to issue peak time licences which may only be used at certain times of day as prescribed by the licensing authority? (Page 197)

Agree: This could be helpful. However, in the absence of quantity controls these would have to be priced considerably lower than full-time licences to be attractive to operators.

Provisional proposal 41
Private hire operators should no longer be restricted to accepting or inviting bookings only within a particular locality; nor to only using drivers or vehicles licensed by a particular licensing authority. (Page 198)

Agree: This does however cast doubt on the justification for retaining local licensing for Private Hire where, if as proposed, common standards are enforced nationally.
Provisional proposal 42
We do not propose to introduce a “return to area” requirement in respect of out-of-area drop offs. (Page 199)

Agree: This would be wasteful of resources.

Provisional proposal 43
Licensing authorities should retain the ability to regulate maximum taxi fares. Licensing authorities should not have the power to regulate private hire fares. (Page 200)

Agree: However, there should be a national requirement for both Taxis and Private Hires to clearly display fares and to be fitted with a meter.

Question 44
Should taxis be allowed to charge a fare that is higher than the metered fare for pre-booked journeys? (Page 200)

No: Passengers should be able to clearly see what they are paying. In addition, fares information should be available at the time of booking or boarding the vehicle

REFORM OF DRIVER, VEHICLE AND OPERATOR LICENSING

Question 45
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? (Page 203)

(a) No; (b) Yes: (b) is more flexible in light of changing circumstances over time.

Provisional proposal 46
Vehicle owners should not be subject to “fit and proper” tests and the criteria applied would relate solely to the vehicle itself. (Page 204)

Agree: This is the case at present.

Question 47
Should national vehicle safety standards 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? (Page 205)

b) retains flexibility.
Provisional proposal 48
Operator licensing should be retained as mandatory in respect of private hire vehicles. (Page 206)

Agree: operators licensing should be retained for both Taxi and Private Hire operators since they are the point of contact at booking.

Question 49
Should operator licensing be extended to cover taxi radio circuits and if so on what basis? (Page 208)

Agree: The radio circuit provider is the point of contact with the customer. The definition of operator should be extended to cover taxi radio circuits.

Provisional proposal 50
The definition of operators should not be extended in order to include intermediaries. (Page 209)

Disagree: If any person accepting a booking for a Private Hire trip is defined as an operator, then the same should apply to Taxis. Hence the definition of Taxi Operator should also be extended to cover any intermediaries.

Question 51
Should “fit and proper” criteria in respect of operators be retained? (Page 209)

Agree – In addition this should be extended to also cover Taxi owner drivers.

Provisional proposal 52
Operators should be expressly permitted to sub-contract services. (Page 210)

Agree: Further development of scheduling software will allow operators to pool trips thereby increasing efficiency and reducing costs.

Question 53
Where a taxi driver takes a pre-booking directly, should record-keeping requirements apply? (Page 210)

Yes, any pre-booked journey record should be kept either through the booking centre.

REFORMING QUANTITY CONTROLS
Provisional proposal 54
Licensing authorities should no longer have the power to restrict taxi numbers. (Page 213)

Agree: Restrictions should be abolished providing quality can be maintained via regulation. However, if a one tier licensing system were adopted the issues highlighted in our response to Question 1 would require consideration.
**Question 55**
What problems (temporary or permanent) might arise if licensing authorities lost the ability to restrict numbers? *(Page 213)*

Congestion, lower income due to over-provision, lower quality standards. However, the effect may be temporary since the market will be likely to re-adjust. In addition, it may be necessary to exclude taxis (Hackney Carriages) from bus lanes. The ability to control the number of Hackney licences and hence the impact upon bus performance has been a strong argument used to exclude private hire vehicles who regularly lobby for access into Greater Manchester’s bus lanes.

**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? *(Page 215)*

Agree: This seems to be a sensible approach. A minimum 3 year period is likely to be necessary.

**TAXI AND PRIVATE HIRE REFORM AND EQUALITY**

**Question 57**
Should there be a separate licence category for wheelchair accessible vehicles? This could involve:
(1) a duty on the licensee to give priority to disabled passengers; and
(2) a duty on the licensing authority to make adequate provision at ranks for wheelchair accessible vehicles. *(Page 217)*

Yes: However (1) would be very hard to enforce.

**Question 58**
Should licensing authorities offer lower licence fees for vehicles which meet certain accessibility standards? *(Page 217)*

Yes: This will incentivise those operators whose vehicles meet this accessibility standard.

**Question 59**
Do you have any other suggestions for increasing the availability of accessible vehicles, and catering for the different needs of disabled passengers? *(Page 217)*

Drivers badge fees could also be lowered for drivers who have completed an accredited disability awareness training course.

**Provisional proposal 60**
We do not propose to introduce national quotas of wheelchair accessible vehicles. *(Page 218)*
Agree, but there is a need for local licensing authorities to incentivise the trade to ensure there is sufficient taxi provision for disabled people in their areas.

Provisional proposal 61
National standards for drivers of both taxis and private hire vehicles should include recognised disability awareness training. (Page 219)

Agree: National standards will help to promote such training.

Provisional proposal 62
In order to better address concerns about discrimination, taxis and private hire vehicles should be required to display information about how to complain to the licensing authority. (Page 219)

Agree: This approach will also help with other complaints – fares, driving standards, vehicle issues etc.

Question 63
What would be the best way of addressing the problem of taxis ignoring disabled passengers seeking to hail them? Could an obligation to stop, if reasonable and safe to do so, in specified circumstances, help? (Page 220)

Agree: However, we believe that they already have an obligation to stop for any passenger.

REFORMING ENFORCEMENT

Question 64
Should authorised licensing officers have the power to stop licensed vehicles? (Page 222)

Agree: Licensing officers should have similar powers to the Vehicle and Operator Services Agency.

Question 65
What more could be done to address touting? Touting refers to the offence “in a public place, to solicit persons to hire vehicles to carry them as passengers”. (Page 223)

Clearly marked taxi ranks at locations where taxi demand is high would limit touting outside clubs. Issuing a fixed penalty notice could be considered.

Question 66
Would it be desirable and practicable to introduce powers to impound vehicles acting in breach of taxi and private hire licensing rules? (Page 223)

No: The practical difficulties are explained in the consultation. Other remedies, for example fixed penalty notices, should be investigated.
Question 67
Should licensing authorities make greater use of fixed penalty schemes and if so how? (Page 225)

Agree: See Q66 and Q67; Fixed penalty powers should be extended to Licensing Officers.

Provisional proposal 68
Enforcement officers should have the powers to enforce against vehicles, drivers and operators licensed in other licensing areas. (Page 225)

Agree: This will reduce potential issues with cross-border operation.

Question 69
Should cross-border enforcement powers extend to suspensions and revocation of licences? If so what would be the best way of achieving this? (Page 226)

Disagree: The local Licensing Authority (LA) is better placed to consider this. The formal notice from the LA where the offence occurred to the local LA proposed in their consultation could facilitate this.

REFORM OF HEARINGS AND APPEALS
Provisional proposal 70
The right to appeal against decisions to refuse to grant or renew, suspend or revoke a taxi or private hire licence should be limited to the applicant or, as appropriate, holder of the relevant licence. (Page 230)

Agree

Provisional proposal 71
The first stage in the appeal process throughout England and Wales, in respect of refusals, suspensions or revocations should be to require the local licensing authority to reconsider its decision. (Page 231)

Agree

Provisional proposal 72
Appeals should continue to be heard in the magistrates’ court. (Page 232)

Disagree; The Transport Tribunal would be a more knowledgeable body.

Question 73
Should there be an onward right of appeal to the Crown Court? (Page 233)

Agree

Further Comment
We note that it is proposed that Licensing Authorities should continue to provide the regulatory function.

CONCLUSION
1.41 It is not possible in a summary of this length to introduce all of our provisional proposals. Consultees are therefore encouraged to refer to the full Consultation Paper available on our website. Please send responses by 10 August 2012.

How to respond
Send your responses either -
By email to: tph@lawcommission.gsi.gov.uk or
By post to: Public Law Team (Taxi and Private Hire), Law Commission, Steel House, 11 Tothill Street, London SW1H 9LJ
Tel: 020 3334 0266 / Fax: 020 3334 0201
If you send your comments by post, it would be helpful if, where possible, you also sent them to us electronically (in any commonly used format).
Recommendations:
The Executive Cabinet Member is requested to approve the procurement of a Framework Contract for Taxi Testing 2013/14 with an option to extend for a further two years 2015/16.

The Executive Cabinet Member is requested to approve the technical evaluation criteria and special requirements in relation to Category C vehicles as these would formulate part of the Council’s policy in relation to vehicle testing.

Decision:

Background Doc(s):

Executive Member for Corporate, Strategy & Finance 21 Mach 2007
Outsourcing The Testing of Taxis

Licensing and Environmental Regulation Committee 11 Sept 2007
Appointment of Taxi Testing Stations

Licensing and Environmental Regulation Committee 1 November 2007
Private Hire and Hackney Carriage Testing Stations – Revision to Policy

Signed: Leader / Executive Cabinet Member

Monitoring Officer

Date:
Summary:

A Framework Contract for Taxi Testing 2013/14 will run from February 2013 and run until January 2015 with the option to extend the contract up to December 2016 subject to satisfactory performance and Executive Cabinet Member approval.
Background information

1. The Council grants licences to use vehicles as:
   (a) private hire vehicles under the Local Government (Miscellaneous Provisions) Act 1976;
   (b) Hackney carriages under the Town Police Clauses Act 1847.

2. In accordance with section 50 of the Local Government (Miscellaneous Provisions) Act 1976, the Council requires the proprietor of any hackney carriage or of any private hire vehicle licensed by the Council to present such hackney carriage or private hire vehicle for inspection and testing at approved garages within the locality.

3. Outsourcing the testing of taxi’s and the principles to be applied were approved by the Executive Member for Corporate, Strategy and Finance in March 2007. Following the initial report, subsequent reports were considered by the Licensing and Environmental Regulation Committee (LERC) and in September 2007 a number of garages were appointed as testing stations. Subsequent to the original appointments additional garages were appointed and there are currently 6 approved taxi testing stations.

4. It is proposed to establish a Framework Contract for Taxi Testing (undertake combined inspections in accordance with the current VOSA MOT’s inspection requirements and the Local Government Miscellaneous Provisions Act 1976 Section 48 test criteria). The licence applicants will be liable for all testing costs, which must be direct to the garage carrying out the test.

5. The Contract Period will be for two years, with an option for the Council to extend it for up to a further two year period.

6. The proposed Timetable is as follows:

   - Meeting with the Current Garages – July 2012 (completed)
   - Incorporate Feedback from Current Garages (completed)
   - Draft Contract Documents and Evaluation Methods (drafts completed)
   - Environmental Services DMT 25.7.12 (completed)
   - Cllr Peel / Cllr Kay Informal Briefing 30.7.12 (completed)
   - Waste, Recycling, Highways and Transport PDG deadline 15.8.12
   - Waste, Recycling, Highways and Transport PDG meeting 22.8.12
   - Executive Cabinet Member Committee deadline 22.8.12
   - Executive Cabinet Member for Environment, Regulatory Services and Skills decision 6 September 2012
   - Tender Advertisement – September 2012
   - Issue Pre-Qualification Questionnaire – September 2012
   - Briefing for all garages – September 2012
   - Evaluation of Pre-Qualification Questionnaire – October 2012
   - Invitation to Tender - November 2012
   - Tender Evaluation – December 2012
   - Contract Award – January 2013
   - Contract Start Date – February 2013

7. The Framework Contract will be procured in accordance with Standing Orders relating to Contracts. We are advised by Corporate Procurement to follow a two stage process
incorporating a pre-qualification questionnaire to ensure the quality of service provision for the taxi trade and for the travelling public. An economically most advantageous model (Quality and Price) model will be used to determine the contract award.

Evaluation of Pre-Qualification Questionnaire

8. Evaluation of the Pre-Qualification Questionnaire will be based on the following criteria:
   - Company Information
   - Insurance & Public Liability
   - Technical & Experience
   - Equality
   - Financial Information
   - Health & Safety
   - Sustainability

9. The majority of these are criteria which are evaluated centrally. The service related criteria are contained within the Technical & Experience section and these are shown at Appendix A. Members are invited to comment on this section as the criteria will formulate part of the Council’s policy for taxi testing stations.

10. Both VOSA and the current garages have been given the opportunity to submit suggestions for both the tender evaluation criteria and testing methods to be employed during the contract period.

11. The Local Government (Miscellaneous Provisions) Act 1976 allows the authority to request the proprietor to present the vehicle for test at whatever place the council specify. The place of test must be ‘within the Council area’ and applications will therefore only be accepted from garages within Bolton.

Evaluation of the Tenders

12. Following evaluation of the Pre-Qualification Questionnaire, the successful garages will be invited to Tender. The evaluation of tenders will be largely based on price and verification of the facilities on site.

Notes

13. In order to ensure impartiality the evaluation of tenders will be managed by the Council’s Corporate Procurement team.

14. It is not guaranteed that each Framework Contractor will receive an equal portion of the work available. Individual proprietors will chose which garage(s) they wish to use to test their vehicles.

15. As with all procurement timetables, the timetable for this procurement is subject to change.

ID 150075
Accident Damaged Vehicles

16. A Category C vehicle is a vehicle which has been in an accident. The vehicle would be repairable, but the repair costs exceeded the vehicle value. The insurer would have chosen not to repair for economic reasons.

17. This marker is not an indication that a vehicle is un-roadworthy, but that the insurance company involved in the claim has made the decision not to repair it purely for economic reasons. The damage level varies greatly for a Category C vehicle.

18. If a vehicle is retained by the keeper it can be returned to the road following a DVLA Vehicle Identity Check (VIC) and suitable repair. It is recommended to have an independent inspection of the repairs.

Licensing of Category C Vehicles

19. It is possible to license a Category C vehicle but most Councils require an independent Engineers Report in addition to the normal test ‘pass certificate’. The additional ‘vehicle engineers’ inspection will ensure any accident damage has been repaired to the required standards and that the vehicle is safe and roadworthy.

20. The Policy Development Group is asked to comment on whether the Engineer’s report should be mandatory for Category C vehicles. This would apply following an accident to existing licensed vehicles or prior to renewing or issuing a vehicle license. The approximate cost of an Engineers report would be in the region of £100.

21. It is recommended that all Category C vehicles which are intended to be used as a private hire or hackney carriage are required to have passed a VIC (Vehicle Identity Check) and have a signed and dated certificate stating that it has passed an independent examination of the repairs to confirm its roadworthiness to the satisfaction of the Licensing Authority, such examination to be carried out by a suitably qualified and experienced vehicle examiner.

Operation of the Framework Agreement

22. It is intended that the Framework Contract would cover:

**COMBINED MOT AND SECTION 48 TEST FOR PRIVATE HIRE AND HACKNEY CARRIAGE TAXI’S**

To undertake combined inspections in accordance with the current VOSA MOT inspection requirements and the Local Government Miscellaneous Provisions Act 1976.

Quality Assurance

23. An inspection guidance manual and quality assurance process will be implemented by Licensing Enforcement Team and this will be agreed separately with Policy Development Group prior to the award of the tender. This will ensure that we have sufficient measures in
place to ensure testers conform to the technical, financial and policy requirements during the lifetime of the contract.

Current Issues

24. The Law Commission is currently carrying out a National Consultation on a whole scale Review of Taxi legislation, this may impact on the lifetime of the Framework Contract. Therefore, by letting the Framework Contract for an initial 2 year term and incorporating a right to extend for a further 2 years, the Council would have sufficient opportunity to decide whether it is necessary to extend the contract or commence a new procurement process incorporating new legislation. However, at all times the Garages will be required to meet National Standards and this will be made explicit in the contract documentation.

Equality Impact Assessment

25. This report formalises the current process and as such, the testing to which this report refers is set and administered by VOSA and the local procurement process has already been impact assessed. We do not anticipate that there would be any differential negative or positive impact on any equality groups, therefore.

26. The framework agreement will be reviewed when the Law Commission’s national consultation is completed and if required, an equality impact assessment will be carried out at that time.

Recommendation

27. The Executive Cabinet Member is requested to approve the procurement of a Framework Contract for Taxi Testing 2013/14 with an option to extend for a further two years 2015/16,

The Executive Cabinet Member is requested to approve the technical evaluation criteria and special requirements in relation to Category C vehicles as these would formulate part of the Council’s policy in relation to vehicle testing.
## Appendix One: Technical Questions

<table>
<thead>
<tr>
<th>Q</th>
<th>Evaluation</th>
<th>Technical Ability and Experience Section 7</th>
</tr>
</thead>
</table>
| 7.1 | Pass or Fail | **ADDRESS**  
Please provide the name and address of your VOSA Nominated test station(s). |
| 7.2 | Pass or Fail | **TEST STATION CERTIFICATE**  
Please supply a copy of the test station's VOSA MOT Authorisation Certificate (VT9 Document). |
| 7.3 | 3% | **OPENING HOURS**  
Please indicate your test station’s opening hours |
| 7.4 | Pass or Fail | **LOCATION**  
Please confirm that your testing station premises are within the boundary of the borough of Bolton. This will enable the Licensing Authority to comply with the legal requirements for testing vehicles within the Borough. |
| 7.5 | 10% | **CAPACITY**  
The Council requires a minimum of two bays available for MOT testing at your premises. Please confirm that you have two MOT testing bays. |
| 7.6 | 5% | **FUTURE CAPACITY**  
The Council is willing to consider applications from potential Contractors who are willing to undertake the necessary investment to provide two operational MOT testing bays by the contract award date. Please indicate if you are willing to undertake such investment by the required timescale. |
| 7.7 | 10% | **TEST SLOTS**  
Please indicate the annual number of test slots that you will have available to carry out the required tests. |
| 7.8 | 7% | **EQUIPMENT**  
Please confirm that you have the following essential calibrated equipment to carry out the required tests:  
- Brake Tester  
- Tapley / decelerometer  
- Suitable ramps or inspection pits  
- Headlight tester (2005 Spec)  
- Gas analyser  
- Diesel smoke meter  
- Security for Emergency test certificates |
| 7.9 | Pass or Fail | **NOMINATED TESTER DETAILS**  
Please provide a copy of the VT26 Document for the test station detailed at Q7.1 above. |
| 7.10 | 10% | **NOMINATED TESTERS**  
Please indicate, if you are successful in your tender, the number of VOSA-nominated testers you intend to employ at the test station detailed at Q7.1. |
| 7.11 | 5% | **TEST ASSISTANTS**  
Please give details below of your arrangements for the provision of sufficient
<table>
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<th>Test</th>
<th>Weightage</th>
<th>Category</th>
<th>Details</th>
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<tr>
<td>7.12</td>
<td>8%</td>
<td>STAFF ABSENCE COVER</td>
<td>Please give details below of your arrangements to cover staff absences, including holidays and sickness.</td>
</tr>
<tr>
<td>7.13</td>
<td>8%</td>
<td>TRAINING</td>
<td>Please give details below on how your VOSA nominated testers will be trained to carry out Hackney Carriage/ Private Hire vehicle tests.</td>
</tr>
<tr>
<td>7.14</td>
<td>8%</td>
<td>QUALITY CONTROL</td>
<td>Please give details below how you will ensure tests will be carried out to the required standards.</td>
</tr>
<tr>
<td>7.15</td>
<td>Pass or Fail</td>
<td>VOSA COMPLIANCE RISK SCORE</td>
<td>Please provide a copy of the current VOSA compliance risk score for the test station identified at Q7.1 above. A score of Red or Amber will be considered as a Fail.</td>
</tr>
<tr>
<td>7.16</td>
<td>5%</td>
<td>QUALITY ASSURANCE</td>
<td>Please provide a copy of your company’s quality assurance certificate or signed and dated quality policy.</td>
</tr>
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<td></td>
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<td>Please provide details of the person responsible for quality management in your organisation.</td>
</tr>
<tr>
<td>7.17</td>
<td>Pass or Fail</td>
<td>DATA SHARING AGREEMENT</td>
<td>Please confirm that you give permission for VOSA and Bolton Council to share data regarding your company. You will be required to sign a Data Sharing Agreement before the start of the contract.</td>
</tr>
<tr>
<td>7.18</td>
<td>2%</td>
<td>CUSTOMER COMPLAINTS POLICY</td>
<td>Please upload your Customer Complaints Policy document or, if you do not have one, give details below on how you manage customer complaints.</td>
</tr>
<tr>
<td>7.19</td>
<td>2%</td>
<td>CUSTOMER CAR PARKING</td>
<td>How many customer car-parking spaces do you have available at your test station premises? (This must NOT include on-street parking.)</td>
</tr>
<tr>
<td>7.20</td>
<td>3%</td>
<td>WASTE DISPOSAL</td>
<td>Please give details below on the procedures you have in place for the disposal of waste oil, car batteries, tyres and other vehicle parts.</td>
</tr>
<tr>
<td>7.21</td>
<td>14%</td>
<td>REFERENCES</td>
<td>Please submit 3 referees with direct knowledge of your organisation and its services during the last 3 years who can confirm your company’s experience and record of service delivery relevant to the Authority’s requirement. If you cannot provide three references, please explain why.</td>
</tr>
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</table>
Report to: Executive Cabinet Member for Environment Regeneratory Services and Skills

Date: 6th September 2012

Report of: Director of Environmental Services Report No: ECME/42/12

Contact Officer: Sarah Schofield Tele No: 336718

Report Title: Law Commission Consultation - Reforming the Law of Taxi and Private Hire Services

Non Confidential: This report does not contain information which warrants its consideration in the absence of the press or members of the public

Purpose: To invite the Executive Member to consider PDG’s recommendations and approve the Council’s response to the Law Commission consultation on the reform of the law on taxi and private hire services.

Recommendations: The Executive Member is asked to consider PDG’s recommendations which have taken account of the views of the Bolton Hackney and Private Hire Trade representatives and approve the Council’s response to the Law Commission consultation on the reform of the law on taxi and private hire services.

Decision:

Background Doc(s): The Law Commission: Reforming the law of taxi and private hire services
Bolton Private Hire and Hackney trade consultation summary [insert date]

(for use on Exec Rep)
Signed: 

Leader / Executive Member Monitoring Officer

Date: ___________________________ ___________________________
1. **BACKGROUND**

In July 2011, the Law Commission agreed to undertake a law reform project on the law of taxis and private hire vehicles. The project was proposed by the Department for Transport, the Law Commission is independent of the Government. This paper summarises the full consultation paper, which is available at http://www.lawcom.gov.uk (see A-Z of projects > Taxi and Private Hire Services). It reviews the law, and makes provisional proposals for reform. The Law Commission is now seeking comments and views on our provisional proposals and questions.

The summary is split into three main sections:

(1) an introduction and outline of key proposed changes;
(2) the case for reform and a brief discussion of the main themes and impact assessment; and
(3) a full list of our provisional proposals and questions.

The Law Commission summary document at **Appendix Two** outlines the Law Commission’s approach, outline of proposed key changes, the need for reform together with the themes for reform.

**Extract from the Law Commission Consultation**

It is of primary importance that the views expressed in the Law Commission consultation documents are only provisional, so that they can form the basis of a discussion on consultation. The Law Commission are not firmly wedded to any of these proposals. Indeed, experience suggests that the final report is likely to differ substantially from the provisional proposals now made.

The consultation period will be the Law Commissions main evidence-gathering exercise, and the only opportunity for the public to directly provide their views. After this consultation they will analyse responses and reconsider their proposals. The aim is to produce a report with final proposals and a draft Bill by November 2013.

2. **CONSULTATION RESPONSE**

Members are advised that a response to the consultation has been agreed across AGMA with local authorities and that the AGMA response was recently considered by the Waste, Recycling, Highways and Transport Policy Development Council (PDG) (22nd August 2012) for the purposes of developing a response for Bolton Council. The proposed Bolton Council response is broadly consistent with the responses agreed by AGMA.

Officers arranged a consultation meeting with the Bolton Hackney and Private Hire Trade representatives and a summary of responses from the trade is shown at **Appendix One**. Members of the PDG considered the views at the aforementioned PDG.

This report requests that the Executive Cabinet Member approves the Bolton Council response and the submission to the Law Commission in time for the 9th September 2012 deadline.
3. **BOLTON COUNCIL RESPONSE**

**LIST OF PROVISIONAL PROPOSALS AND QUESTIONS**

**CHAPTER 13 - OVERVIEW OF PROVISIONAL REFORM PROPOSALS**

**Provisional proposal 1**

Regulation should continue to distinguish between taxis, which can accept pre-booked fares, be hailed on the street and wait at ranks, and private hire vehicles, which can only accept pre-booked fares. (Page 160)

The Council recognise that a one tier system ‘may’ assist the public and enforcement by removing the confusion experienced with the two tier system. However, the Council feels there would need to be a great deal of consideration as to the public safety aspects. The current system of ‘flagging down’ a Hackney Carriage offers a high degree of security to the passenger through the knowledge that the Hackney is likely to be a genuine taxi. If a person were able to flag down a private hire car, then the risk of a vulnerable person, who may be under the influence of alcohol, getting into an unlicensed vehicle is greatly increased. Uniform livery would therefore be an essential criteria for a single tier system.

**CHAPTER 14 – REFORM OF DEFINITIONS AND SCOPE**

**Provisional proposal 2**

London should be included, with appropriate modifications, within the scope of reform. (Page 162)

The Council thinks London should be included within the reform, the circumstance and difficulties experienced with the industry are the same.

**Provisional proposal 3**

The regulation of taxi and private hire vehicles should not be restricted to any particular type of vehicle but should rather focus on road transport services provided for hire with the services of a driver. (Page 164)

The Council agree with this statement.

**Question 4**

Would there be (and if so what) advantages to restricting licensing to motor vehicles that require a driving licence? (Page 164)

The Council don’t agree to restrict the licence to motor vehicles only; there are other modes of transport that can be used for the carriage of passengers for hire and reward and theses need to be included within the licensing structure.

**Provisional proposal 5**

Public service vehicles should be expressly excluded from the definition of taxi and private hire vehicles; and taxi and private hire vehicles should only cover vehicles adapted to seat eight or fewer passengers. (Page 165)
The Council agree to the limit of eight passenger seat, however there are concerns regard the gap between current standard levels between PCV and private hire and hackney carriage.

**Provisional proposal 6**

References to stage coaches charging separate fares should no-longer feature as an exclusion from the definition of taxis. (Page 166)

The Council agree this should no-longer feature due to confusion.

**Provisional proposal 7**

The Secretary of State should consider issuing statutory guidance to the Senior Traffic Commissioner about the licensing of limousines and other novelty vehicles to assist consistency. (Page 167)

The Council agree and would welcome a quick resolution in this area.

**Provisional proposal 8**

The concept of “in the course of a business of carrying passengers” should be used to limit the scope of taxi and private hire licensing so as to exclude genuine volunteers as well as activities where transport is ancillary to the overall service. (Page 168)

The Council agree however there does need to be a very clear definition within the legislation. There are some concerns with individuals who transport the young and vulnerable where no CRB/background or medical checks are completed and statutory guidance is needed.

**Question 9**

How, if at all, should the regulation of taxis and private hire deal with:

(a) carpooling; and

a) the Council does not think this Council should be included

(b) members clubs? (Page 170)

b) the Council believes this Council should be included

**Provisional proposal 10**

The power of the Secretary of State and Welsh Ministers to set national standards should be flexible enough to allow them to make exclusions from the taxi and private hire licensing regimes. (Page 171)

The Council agree.

**Provisional proposal 11**

Weddings and funerals should no-longer be expressly excluded from private hire licensing through primary legislation. (Page 172)

The Council agree they should not be excluded.
Question 12

Would there be merits in reintroducing the contract exemption, by means of the Secretary of State and Welsh Ministers’ exercise of the power to set national standards? If so, what modifications could be made to help avoid abuse? (Page 174)

The Council does not agree that the contract exemption should be reintroduced.

Provisional proposal 13

Regulation of the ways taxis and private hire vehicles can engage with the public should not be limited to “streets”. (Page 175)

The Council agree.

Question 14

Is there a case for making special provision in respect of taxi and private hire regulation at airports? In particular, where concessionary agreements are in place should airports be obliged to allow a shuttle service for passengers who have pre-booked with other providers, or to the closest taxi rank? (Page 177)

The Council does not agree there is a case for special provisions.

Provisional proposal 15

The defining feature of taxis, the concept of “plying for hire”, should be placed on a statutory footing and include:

(a) references to ranking and hailing;

a) the Council agree but this is subject to the retention of a two tier system

(b) a non-exhaustive list of factors indicating plying for hire; and

b) the Council agree

(c) appropriate accommodation of the legitimate activities of private hire vehicles. (Page 181)

c) the Council agree

Provisional proposal 16

The concepts of hailing and ranking should not cover technological means of engaging taxi services. (Page 181)

This question is unclear

Question 17

Would there be advantages to adopting the Scottish approach to defining taxis in respect of “arrangements made in a public place” instead of “plying for hire”? (Page 182)
The Council believes that this would not be applicable if a one tier system is introduced, however if a two tier system is retained then for private hire the change in definition from “plying for hire” to “arrangements made in a public place” would assist with clarifying and understanding the offence.

Provisional proposal 18

The concept of compellability, which applies exclusively to taxis, should be retained. (Page 182)

The Council agree with the current definition, but would like to add only if the passenger can be conveyed safely.

Provisional proposal 19

Pre-booking would continue to be the only way of engaging a private hire vehicle and cover all technological modes of engaging cars. This is without prejudice to the continued ability of taxis to be pre-booked. (Page 183)

The Council agree if the two tier system is retained, but there is a real need to ensure up to date guidance and regulations are regularly provided to cover advances in technology.

Provisional proposal 20

Leisure and non-professional use of taxis and private hire vehicles should be permitted. There would however be a presumption that the vehicle is being used for professional purposes at any time unless the contrary can be proved. (Page 184)

The Council agree but add that the vehicle must only be driven by a licensed private hire or hackney carriage driver.

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. (Page 185)

The Council agree.

Provisional proposal 22

Reformed legislation should refer to “taxis” and “private hire vehicles” respectively. References to “hackney carriages” should be abandoned. (Page 185)

The Council doesn’t agree. The general public regard a taxi as both a hackney carriage and a private hire vehicle.

Question 23

Should private hire vehicles be able to use terms such as “taxi” or “cab” in advertising provided they are only used in combination with terms like “pre-booked” and did not otherwise lead to customer confusion? (Page 186)

The Council don’t agree that private hire should be able to use the terms taxi or cab.
CHAPTER 15 – A REFORMED REGULATORY FRAMEWORK

Provisional proposal 24

Taxi and private hire services should each be subject to national safety requirements. (Page 188)

The Council agree.

Provisional proposal 25

National safety standards, as applied to taxi services, should only be minimum standards. (Page 189)

The Council agree.

Provisional proposal 26

National safety standards, as applied to private hire services, should be mandatory standards. (Page 189)

The Council agree.

Provisional proposal 27

Private hire services would not be subject to standards except those related to safety. Requirements such as topographical knowledge would no-longer apply to private hire drivers. (Page 190)

The Council disagree; there is a need for local input both in training and in the knowledge base for both private hire and hackney carriage.

Question 28

Should local standard-setting for private hire services be specifically retained in respect of vehicle signage? Are there other areas where local standards for private hire vehicles are valuable? (Page 190)

The Council agree.

Question 29

What practical obstacles might there be to setting common national safety standards for both taxis and private hire vehicles? (Page 191)

The Council does not feel there would be any obstacles.

Question 30

Should national conditions in respect of driver safety be different for taxi services compared with private hire services? (Page 192)

The Council doesn’t agree that there should be different standards for hackney carriage and private hire service.
Provisional proposal 31

The powers of the Secretary of State and Welsh Ministers to set standards for taxis and private hire vehicles should only cover conditions relating to safety. (Page 192)

The Council does not agree, the powers should cover all aspects of the industry.

Provisional proposal 32

The powers of the Secretary of State and Welsh Ministers to set national safety standards should be subject to a statutory consultation requirement. (Page 193)

The Council agree.

Question 33

What would be the best approach for determining the content of national safety standards? In particular should the statutory requirement to consult refer to a technical advisory panel? (Page 193)

The Council agree and suggests advisory/technical groups would have a useful input.

Provisional proposal 34

Licensing authorities should retain the power to set standards locally for taxis provided above the minimum national standards. (Page 193)

The Council agree that LA should retain power to set local standards.

Question 35

Should there be statutory limits to licensing authorities’ ability to set local taxi standards? (Page 194)

Yes.

Question 36

Should licensing authorities retain the power to impose individual conditions on taxi and private hire drivers or operators? (Page 194)

Yes.

Question 37

Should the powers and duties of licensing authorities to cooperate be on a statutory footing or is it best left to local arrangements? (Page 195)

The Council agree that the LA powers should be on a statutory footing.

Provisional proposal 38

Neighbouring licensing authorities should have the option of combining areas for the purposes of taxi standard setting. (Page 196)
The Council agree on the option of combing areas.

Provisional proposal 39

Licensing authorities should have the option to create, or remove, taxi zones within their area. (Page 196)

The Council agree this may have benefits but unlikely to be appropriate for this area.

Question 40

Would it be useful for licensing authorities to have the power to issue peak time licences which may only be used at certain times of day as prescribed by the licensing authority? (Page 197)

The Council disagree LA should not have powers to issue peak time licences.

Provisional proposal 41

Private hire operators should no longer be restricted to accepting or inviting bookings only within a particular locality;

The Council agree PHO’s should be allowed to accept/invite bookings outside their locality.

nor to only using drivers or vehicles licensed by a particular licensing authority. (Page 198)

The Council disagree the PHO should only use drivers and vehicles from the same LA.

Provisional proposal 42

We do not propose to introduce a “return to area” requirement in respect of out-of-area drop offs. (Page 199)

The Council agree.

Provisional proposal 43

Licensing authorities should retain the ability to regulate maximum taxi fares.

The Council disagree.

Licensing authorities should not have the power to regulate private hire fares. (Page 200)

The Council agree; however the fares must be transparent and clear to customers, setting out what the fares are and all vehicles have calibrated meters.

Question 44

Should taxis be allowed to charge a fare that is higher than the metered fare for pre-booked journeys? (Page 200)

The Council agree; but only if the terms are made very clear to the customer at the time of booking.
CHAPTER 16 – REFORM OF DRIVER, VEHICLE AND OPERATOR LICENSING

Question 45

Should national driver safety standards such as clear to customer 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? (Page 203)

b) the Council agree this should be included in general powers.

Provisional proposal 46

Vehicle owners should not be subject to “fit and proper” tests and the criteria applied would relate solely to the vehicle itself. (Page 204)

The Council agree that the test should apply to the driver and vehicle

Question 47

Should national vehicle safety standards 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? (Page 205)

b) the Council agree this should be included in general powers.

Provisional proposal 48

Operator licensing should be retained as mandatory in respect of private hire vehicles. (Page 207)

The Council agree; however this is subject to the retention of the two tier system.

Question 49

Should operator licensing be extended to cover taxi radio circuits and if so on what basis? (Page 208)

The Council agree that hackney carriage radio circuits should be licensed to enable accountability for pre-booked journeys inline with that of private hire.

Provisional proposal 50

The definition of operators should not be extended in order to include intermediaries. (Page 209)

The Council agree.

Question 51

Should “fit and proper” criteria in respect of operators be retained? (Page 210)
Provisional proposal 52

Operators should be expressly permitted to sub-contract services. (Page 210)

The Council agree PHO's should be permitted to sub-contract.

Question 53

Where a taxi driver takes a pre-booking directly, should record-keeping requirements apply? (Page 210)

The Council agree that record-keeping should apply.

CHAPTER 17 – REFORMING QUANTITY CONTROLS

Provisional proposal 54

Licensing authorities should no longer have the power to restrict taxi numbers. (Page 213)

The Council has reservations about this proposal.

Question 55

What problems (temporary or permanent) might arise if licensing authorities lost the ability to restrict numbers? (Page 213)

Impact on ranking provisions; bus lane enforcement, road/traffic infrastructure problem with potential increase in numbers.

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? (Page 215)

This would allow LA to assess.

CHAPTER 18 – TAXI AND PRIVATE HIRE REFORM AND EQUALITY

Question 57

Should there be a separate licence category for wheelchair accessible vehicles? This could involve:

(1) a duty on the licensee to give priority to disabled passengers; and

(2) a duty on the licensing authority to make adequate provision at ranks for wheelchair accessible vehicles. (Page 217)

The Council agree; but the provision should exist within the private hire and hackney carriage legislation.

Question 58

Should licensing authorities offer lower licence fees for vehicles which meet certain accessibility standards? (Page 217)
The Council disagrees that this would be effective.

**Question 59**

Do you have any other suggestions for increasing the availability of accessible vehicles, and catering for the different needs of disabled passengers? (Page 217)

The Council has no further suggestions.

**Provisional proposal 60**

We do not propose to introduce national quotas of wheelchair accessible vehicles. (Page 218)

The Council note this statement; however would ask that local discretion for quotas on wheelchair accessibility apply in consultation with appropriate groups.

**Provisional proposal 61**

National standards for drivers of both taxis and private hire vehicles should include recognised disability awareness training. (Page 219)

The Council agree; there is a real need to provide this type of training and that some training e.g. customer care should be mandatory.

**Provisional proposal 62**

In order to better address concerns about discrimination, taxis and private hire vehicles should be required to display information about how to complain to the licensing authority. (Page 219)

The Council agree; and many vehicles within the AGMA area already provide contact details within the vehicle on the vehicle identification.

**Question 63**

What would be the best way of addressing the problem of taxis ignoring disabled passengers seeking to hail them? Could an obligation to stop, if reasonable and safe to do so, in specified circumstances, help? (Page 220)

The Council are unable to provide a resolution; this is a very difficult matter to prove and provides real enforcement issues.

**CHAPTER 19 – REFORMING ENFORCEMENT**

**Question 64**

Should authorised licensing officers have the power to stop licensed vehicles? (Page 222)

The Council agree AO’s should have the powers.

**Question 65**

What more could be done to address touting? Touting refers to the offence “in a public place, to solicit persons to hire vehicles to carry them as passengers”. (Page 223)

The Council suggest there are a range of offences where fixed penalties could be issued this includes touting.
Question 66
Would it be desirable and practicable to introduce powers to impound vehicles acting in breach of taxi and private hire licensing rules? (Page 223)

The Council agree provided that specific guidance is given and cost could be recovered.

Question 67
Should licensing authorities make greater use of fixed penalty schemes and if so how? (Page 225)

The Council agree and suggest fixed penalties could be used for breach of conditions, offences under private hire and hackney carriage legislation and some road traffic act offences.

Provisional proposal 68
Enforcement officers should have the powers to enforce against vehicles, drivers and operators licensed in other licensing areas. (Page 225)

The Council agree that EO’s (AO’s) should have the power to enforce, in particular when dealing with vehicles and the suspension of vehicle licences.

Question 69
Should cross-border enforcement powers extend to suspensions and revocation of licences? If so what would be the best way of achieving this? (Page 226)

The Council agree and this could be achieved with inter-authority authorisations/authorised officer by primary legislation.

CHAPTER 20 – REFORM OF HEARINGS AND APPEALS

Provisional proposal 70
The right to appeal against decisions to refuse to grant or renew, suspend or revoke a taxi or private hire licence should be limited to the applicant or, as appropriate, holder of the relevant licence. (Page 230)

The Council agree.

Provisional proposal 71
The first stage in the appeal process throughout England and Wales, in respect of refusals, suspensions or revocations should be to require the local licensing authority to reconsider its decision. (Page 231)

The Council disagree.

Provisional proposal 72
Appeals should continue to be heard in the magistrates’ court. (Page 232)

The Council agree.
Question 73

Should there be an onward right of appeal to the Crown Court? (Page 233)

The Council disagree.

4. **RECOMMENDATION**

   The Executive Member is asked to consider PDG's recommendations which have taken account of the views of the Bolton Hackney and Private Hire Trade representatives and approve the Council's response to the Law Commission consultation on the reform of the law on taxi and private hire services.
APPENDIX 1

TAXI TRADE REPRESENTATIVES’ RESPONSE

LIST OF PROVISIONAL PROPOSALS AND QUESTIONS

Please note all responses are to the proposals / questions in the consultation document, not to the response made by another body.

Comments in red were initial comments obtained at a meeting. The proposals were then circulated for further response. Responses from Bolton Private Hire Association were submitted jointly in writing by two reps, and responses from the Hackney carriage rep were taken over the phone.

CHAPTER 13 - OVERVIEW OF PROVISIONAL REFORM PROPOSALS

Provisional proposal 1

Regulation should continue to distinguish between taxis, which can accept pre-booked fares, be hailed on the street and wait at ranks, and private hire vehicles, which can only accept pre-booked fares. (Page 160)

Bolton Private Hire Association - In our opinion the regulations should not distinguish between The Private hire and Taxis (Hackney Carriage) as both provide same level of public service.

Hackney carriage rep – regulation should be kept, need to keep the differences

CHAPTER 14 – REFORM OF DEFINITIONS AND SCOPE

Provisional proposal 2

London should be included, with appropriate modifications, within the scope of reform. (Page 162)

Bolton Private Hire Association - Yes we think London should be included.

Hackney carriage rep – yes

Provisional proposal 3

The regulation of taxi and private hire vehicles should not be restricted to any particular type of vehicle but should rather focus on road transport services provided for hire with the services of a driver. (Page 164)

Bolton Private Hire Association - Yes the regulation should not be restricted

Question 4

Would there be (and if so what) advantages to restricting licensing to motor vehicles that require a driving licence? (Page 164)
Provisional proposal 5

Public service vehicles should be expressly excluded from the definition of taxi and private hire vehicles; and taxi and private hire vehicles should only cover vehicles adapted to seat eight or fewer passengers. (Page 165)

Bolton Private Hire Association - We also think public service vehicles should be expressly excluded from the definition of taxi and private hire vehicles.

Provisional proposal 6

References to stage coaches charging separate fares should no-longer feature as an exclusion from the definition of taxis. (Page 166)

Bolton Private Hire Association - We think references to stage coaches charging separate fares should be included in the definition of taxis

Provisional proposal 7

The Secretary of State should consider issuing statutory guidance to the Senior Traffic Commissioner about the licensing of limousines and other novelty vehicles to assist consistency. (Page 167)

Bolton Private Hire Association - Yes we agree with this

Provisional proposal 8

The concept of “in the course of a business of carrying passengers” should be used to limit the scope of taxi and private hire licensing so as to exclude genuine volunteers as well as activities where transport is ancillary to the overall service. (Page 168)

Question 9

How, if at all, should the regulation of taxis and private hire deal with:

(a) carpooling; and

(b) members clubs? (Page 170)

Provisional proposal 10

The power of the Secretary of State and Welsh Ministers to set national standards should be flexible enough to allow them to make exclusions from the taxi and private hire licensing regimes. (Page 171)

Provisional proposal 11
Weddings and funerals should no-longer be expressly excluded from private hire licensing through primary legislation. (Page 172)

Both Private Hire and Hackney representatives think weddings and funeral vehicles should be included.

Hackney carriage rep – weddings and funeral - should be regulated and restricted.

Bolton Private Hire Association - Weddings and funerals should not be expressly excluded from private hire licensing through primary legislation.

Question 12

Would there be merits in reintroducing the contract exemption, by means of the Secretary of State and Welsh Ministers’ exercise of the power to set national standards? If so, what modifications could be made to help avoid abuse?     (Page 174)

Provisional proposal 13

Regulation of the ways taxis and private hire vehicles can engage with the public should not be limited to “streets”. (Page 175)

Hackney carriage rep – Private hire should continue to be pre-booked.

Bolton Private Hire Association - Yes it should not be limited

Question 14

Is there a case for making special provision in respect of taxi and private hire regulation at airports? In particular, where concessionary agreements are in place should airports be obliged to allow a shuttle service for passengers who have pre-booked with other providers, or to the closest taxi rank? (Page 177)

Bolton Private Hire Association - No

Provisional proposal 15

The defining feature of taxis, the concept of “plying for hire”, should be placed on a statutory footing and include:

(a) references to ranking and hailing;

(b) a non-exhaustive list of factors indicating plying for hire; and

(c) appropriate accommodation of the legitimate activities of private hire vehicles. (Page 181)

Provisional proposal 16

The concepts of hailing and ranking should not cover technological means of engaging taxi services. (Page 181)
Question 17

Would there be advantages to adopting the Scottish approach to defining taxis in respect of “arrangements made in a public place” instead of “plying for hire”? (Page 182)

Both Private Hire and Hackney representatives think the law needs to be clearer.

Provisional proposal 18

The concept of compellability, which applies exclusively to taxis, should be retained. (Page 182)

Provisional proposal 19

Pre-booking would continue to be the only way of engaging a private hire vehicle and cover all technological modes of engaging cars. This is without prejudice to the continued ability of taxis to be pre-booked. (Page 183)

Bolton Private Hire Association - We agree with the above statement

Provisional proposal 20

Leisure and non-professional use of taxis and private hire vehicles should be permitted. There would however be a presumption that the vehicle is being used for professional purposes at any time unless the contrary can be proved. (Page 184)

Hackney carriage rep – Should be permitted.

Bolton Private Hire Association - We agree with the above statement

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. (Page 185)

Hackney carriage rep – yes

Bolton Private Hire Association - We agree with the above statement

Provisional proposal 22

Reformed legislation should refer to “taxis” and “private hire vehicles” respectively. References to “hackney carriages” should be abandoned. (Page 185)

Hackney carriage rep – no

Bolton Private Hire Association - We think it should be reformed
Question 23

Should private hire vehicles be able to use terms such as “taxi” or “cab” in advertising provided they are only used in combination with terms like “pre-booked” and did not otherwise lead to customer confusion? (Page 186)

Hackney carriage rep – shouldn’t be called taxi or cab – use a different term.

Bolton Private Hire Association - We agree with the above statement

CHAPTER 15 – A REFORMED REGULATORY FRAMEWORK

Provisional proposal 24

Taxi and private hire services should each be subject to national safety requirements. (Page 188)

Both Private Hire and Hackney representatives agreed in principle – but it is difficult to agree when don’t actually know what the standards are.

Bolton Private Hire Association - We agree with the above statement

Hackney carriage rep – yes should do something

Provisional proposal 25

National safety standards, as applied to taxi services, should only be minimum standards. (Page 189)

Bolton Private Hire Association - National safety standards, as applied to taxi services, should be mandatory standards

Hackney carriage rep – concerned about what is proposed – needs to be clarified before opinion can be given.

Provisional proposal 26

National safety standards, as applied to private hire services, should be mandatory standards. (Page 189)

Bolton Private Hire Association - We agree with the above statement

Provisional proposal 27

Private hire services would not be subject to standards except those related to safety. Requirements such as topographical knowledge would no-longer apply to private hire drivers. (Page 190)

Bolton Private Hire Association - We agree with the above statement

Question 28
Should local standard-setting for private hire services be specifically retained in respect of vehicle signage? Are there other areas where local standards for private hire vehicles are valuable? (Page 190)

Bolton Private Hire Association - Local standard-setting for private hire services should not be retained in respect of vehicle signage.

Hackney carriage rep - size and positioning of signs is important – ensure no confusion between hackney and private cabs

Question 29

What practical obstacles might there be to setting common national safety standards for both taxis and private hire vehicles? (Page 191)

Bolton Private Hire Association - We don't see practical obstacles to setting common national safety standards for both taxis and private hire vehicles. National safety standards for both taxis and private hire vehicles should be paramount.

Question 30

Should national conditions in respect of driver safety be different for taxi services compared with private hire services? (Page 192)

Bolton Private Hire Association - Conditions in respect of driver safety should not be different for taxi services compared with private hire services and there should be more consideration given to driver safety for private hire services.

Hackney carriage rep - stay same

Provisional proposal 31

The powers of the Secretary of State and Welsh Ministers to set standards for taxis and private hire vehicles should only cover conditions relating to safety. (Page 192)

Hackney carriage rep - okay

Provisional proposal 32

The powers of the Secretary of State and Welsh Ministers to set national safety standards should be subject to a statutory consultation requirement. (Page 193)

Bolton Private Hire Association - We agree with the above statement

Hack
ney carriage rep – needs to be done in consultation with cab representatives

Question 33

What would be the best approach for determining the content of national safety standards? In particular should the statutory requirement to consult refer to a technical advisory panel? (Page 193)

Bolton Private Hire Association - We agree with the above statement

Provisional proposal 34

Licensing authorities should retain the power to set standards locally for taxis provided above the minimum national standards. (Page 193)

Hackney carriage rep – depends what standards are.

Question 35

Should there be statutory limits to licensing authorities’ ability to set local taxi standards? (Page 194)

Hackney carriage rep – yes

Question 36

Should licensing authorities retain the power to impose individual conditions on taxi and private hire drivers or operators? (Page 194)

Bolton Private Hire Association - We do not agree with the above statement

Question 37

Should the powers and duties of licensing authorities to cooperate be on a statutory footing or is it best left to local arrangements? (Page 195)

Bolton Private Hire Association - The powers and duties of licensing authorities to cooperate be on a statutory footing.

Provisional proposal 38

Neighbouring licensing authorities should have the option of combining areas for the purposes of taxi standard setting. (Page 196)
Provisional proposal 39
Licensing authorities should have the option to create, or remove, taxi zones within their area. (Page 196)

Hackney carriage rep – if zones means ranks, need to do this is consultation with cab reps as they know what is needed and where ranks work.

Question 40
Would it be useful for licensing authorities to have the power to issue peak time licences which may only be used at certain times of day as prescribed by the licensing authority? (Page 197)

Hackney carriage rep – No – can’t pick and choose times, otherwise firms / drivers could choose busy times [most profitable] and leave other times either not covered by cab service or leave other drivers having to cover less profitable times

Provisional proposal 41
Private hire operators should no longer be restricted to accepting or inviting bookings only within a particular locality;

nor to only using drivers or vehicles licensed by a particular licensing authority. (Page 198)

Bolton Private Hire Association - We agree with the above statement

Provisional proposal 42
We do not propose to introduce a “return to area” requirement in respect of out-of-area drop offs. (Page 199)

Bolton Private Hire Association - We agree with the above statement

Provisional proposal 43
Licensing authorities should retain the ability to regulate maximum taxi fares.

Licensing authorities should not have the power to regulate private hire fares. (Page 200)

Bolton Private Hire Association - Licensing authorities should have the power to regulate private hire fares as well.

Hackney carriage rep – yes, agree with regulating max fares, but should also regulate private cabs fares – at the moment there are about 15 different fares, should be one fare for all.

Question 44
Should taxis be allowed to charge a fare that is higher than the metered fare for pre-booked journeys? (Page 200)
CHAPTER 16 – REFORM OF DRIVER, VEHICLE AND OPERATOR LICENSING

Question 45

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? (Page 203)

Bolton Private Hire Association - We agree with the above statement

Hackney carriage rep – this question is confusing – needs clarification.

Provisional proposal 46

Vehicle owners should not be subject to “fit and proper” tests and the criteria applied would relate solely to the vehicle itself. (Page 204)

Bolton Private Hire Association - We agree with the above statement

Hackney carriage rep – Yes

Question 47

Should national vehicle safety standards 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? (Page 205)

Bolton Private Hire Association - National vehicle safety standards be set out in primary legislation

Provisional proposal 48

Operator licensing should be retained as mandatory in respect of private hire vehicles. (Page 207)

Bolton Private Hire Association - We agree with the above statement

Question 49

Should operator licensing be extended to cover taxi radio circuits and if so on what basis? (Page 208)

Hackney carriage rep – no
Provisional proposal 50

The definition of operators should not be extended in order to include intermediaries. (Page 209)

Bolton Private Hire Association - The requirement for operators should be retained

Question 51

Should “fit and proper” criteria in respect of operators be retained? (Page 210)

Bolton Private Hire Association - We agree with the above statement

Hackney carriage rep – Yes and should extend to telephone operators for private cab firms.

Provisional proposal 52

Operators should be expressly permitted to sub-contract services. (Page 210)

Bolton Private Hire Association - We agree with the above statement

Hackney carriage rep – yes

Question 53

Where a taxi driver takes a pre-booking directly, should record-keeping requirements apply? (Page 210)

Hackney carriage rep – no

CHAPTER 17 – REFORMING QUANTITY CONTROLS

Provisional proposal 54

Licensing authorities should no longer have the power to restrict taxi numbers. (Page 213)

Both Private Hire and Hackney representatives think that the Licensing authority should restrict both the number of hackney carriages and private hire vehicles.

Hackney carriage rep – should retain power to restrict

Question 55

What problems (temporary or permanent) might arise if licensing authorities lost the ability to restrict numbers? (Page 213)

Hackney carriage rep – would have a flood of people – need to restrict
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? (Page 215)

CHAPTER 18 – TAXI AND PRIVATE HIRE REFORM AND EQUALITY

Question 57
Should there be a separate licence category for wheelchair accessible vehicles? This could involve:

(1) a duty on the licensee to give priority to disabled passengers; and

(2) a duty on the licensing authority to make adequate provision at ranks for wheelchair accessible vehicles. (Page 217)

Bolton Private Hire Association - We agree with the above statement

Hackney carriage rep –Yes.

Question 58
Should licensing authorities offer lower licence fees for vehicles which meet certain accessibility standards? (Page 217)

Bolton Private Hire Association - We agree with the above statement

Hackney carriage rep –Yes.

Question 59
Do you have any other suggestions for increasing the availability of accessible vehicles, and catering for the different needs of disabled passengers? (Page 217)

Hackney carriage rep – This is confusing.

Provisional proposal 60
We do not propose to introduce national quotas of wheelchair accessible vehicles. (Page 218)

Provisional proposal 61
National standards for drivers of both taxis and private hire vehicles should include recognised disability awareness training. (Page 219)
Both Private Hire and Hackney representatives agreed with this but had concerns over the cost of training, who would provide it and who would pay for it.

Bolton Private Hire Association - We agree with the above statement

Hackney carriage rep – agree, but only if council funded, no if the driver has to pay for the training themselves.

Provisional proposal 62

In order to better address concerns about discrimination, taxis and private hire vehicles should be required to display information about how to complain to the licensing authority. (Page 219)

Bolton Private Hire Association - We agree with the above statement as its already in practice

Question 63

What would be the best way of addressing the problem of taxis ignoring disabled passengers seeking to hail them? Could an obligation to stop, if reasonable and safe to do so, in specified circumstances, help? (Page 220)

CHAPTER 19 – REFORMING ENFORCEMENT

Question 64

Should authorised licensing officers have the power to stop licensed vehicles? (Page 222)

Bolton Private Hire Association - The powers should be restricted and specified

Hackney carriage rep – yes

Question 65

What more could be done to address touting? Touting refers to the offence “in a public place, to solicit persons to hire vehicles to carry them as passengers”. (Page 223)

Bolton Private Hire Association - During the peak time at the week ends the private Hire vehicles should be treated as Taxis which will provide the high availability of service to public and reduce the numbers of crime in the town centres

Hackney carriage rep – needs to be more guidance around this.

Question 66

Would it be desirable and practicable to introduce powers to impound vehicles acting in breach of taxi and private hire licensing rules? (Page 223)
Bolton Private Hire Association - We do not agree with the above statement

Question 67
Should licensing authorities make greater use of fixed penalty schemes and if so how? (Page 225)

Provisional proposal 68
Enforcement officers should have the powers to enforce against vehicles, drivers and operators licensed in other licensing areas. (Page 225)

Bolton Private Hire Association - We do not agree with the above statement

Question 69
Should cross-border enforcement powers extend to suspensions and revocation of licences? If so what would be the best way of achieving this? (Page 226)

Bolton Private Hire Association - We do not agree with the above statement

CHAPTER 20 – REFORM OF HEARINGS AND APPEALS

Provisional proposal 70
The right to appeal against decisions to refuse to grant or renew, suspend or revoke a taxi or private hire licence should be limited to the applicant or, as appropriate, holder of the relevant licence. (Page 230)

Bolton Private Hire Association - We do not agree with the above statement as it will not be fair with the applicant.

Provisional proposal 71
The first stage in the appeal process throughout England and Wales, in respect of refusals, suspensions or revocations should be to require the local licensing authority to reconsider its decision. (Page 231)

Bolton Private Hire Association - We agree with the above statement

Provisional proposal 72
Appeals should continue to be heard in the magistrates’ court. (Page 232)

Bolton Private Hire Association - We agree with the above statement

Question 73
Should there be an onward right of appeal to the Crown Court? (Page 233)

Bolton Private Hire Association - We agree with the above statement
Dear Sir/Madam

I would like to place on record my concerns over the proposed changes to taxi and private hire laws.

Of particular concern regarding the proposals is the nationalisation of private hire licenses allowing the free movement of private hire vehicles and drivers anywhere in the country, and the very serious issues this raises to public safety. In the proposed reforms a national minimum standard for vehicles and the empowering of enforcement officers to be able to police any licensed vehicle, means these vehicles can be effectively monitored wherever they work. Unfortunately there is an absence of the same effective measures for policing the drivers of these vehicles.

Allowing the free movement of drivers anywhere on a national basis means the potential for risk to public safety is totally unacceptable. In order to counter balance this danger having an immediately accessible database for legal authorities to check driver details and offence records would provide an equally effective way of policing the driver as well as his vehicle. In your current plans if a driver is driving a safe vehicle even if stopped and checked he could pass on false information to an officer and no one would be able to follow this data up before he/she could have moved on from the area.

There have been many instances of drivers having committed offences serious enough to have their licenses revoked, and then relocating to another district to obtain a license there to continue working.

I like you agree these laws are in dire need of reform, but to avoid the accusation that public safety was not given the priority and consideration it deserves in the decision making process, I trust you will give the matter serious attention and ensure the appropriate safety measures are in place before any nationalisation laws could proceed.

Yours sincerely

Luke McIlvaney
Vice Chairman Dacorum Taxi Association
# IOL Member survey re Law Commission Consultation on reforming law on Taxis and Private Hire Services

## 1. Contact information

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</table>

*answered question: 90, skipped question: 0*

## 2. What type of IoL membership do you hold?

<table>
<thead>
<tr>
<th></th>
<th>Response Percent</th>
<th>Response Count</th>
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</thead>
<tbody>
<tr>
<td>Associate</td>
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<tr>
<td>Individual</td>
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<tr>
<td>Fellow</td>
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<tr>
<td>Companion</td>
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<tr>
<td>Named Contact within a Member Organisation</td>
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*answered question: 89, skipped question: 1*
### 3. Which Region are you located in?

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<tr>
<td>Home Counties</td>
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<td>12</td>
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<tr>
<td>London</td>
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<tr>
<td>Northern Ireland</td>
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<td>0</td>
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<tr>
<td>North East</td>
<td>5.6%</td>
<td>5</td>
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<tr>
<td>North West</td>
<td>9.0%</td>
<td>8</td>
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<tr>
<td>Scotland</td>
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<td>South East</td>
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<td>South West</td>
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<tr>
<td>Wales</td>
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</tr>
<tr>
<td>West Midlands</td>
<td>11.2%</td>
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- Answered question: 89
- Skipped question: 1
4. What is your role within licensing? Please tick all that apply.

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<thead>
<tr>
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<th>Response Percent</th>
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<tbody>
<tr>
<td>Local authority (licensing)</td>
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<td>87</td>
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<tr>
<td>Local authority (legal)</td>
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</tr>
<tr>
<td>Local authority (other)</td>
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<td>0</td>
</tr>
<tr>
<td>Councillor</td>
<td>1.1%</td>
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<tr>
<td>Police</td>
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<tr>
<td>Private legal practitioner</td>
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<tr>
<td>Lawyer</td>
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<tr>
<td>Licensing consultant</td>
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</tr>
<tr>
<td>Trade / industry representative</td>
<td>0.0%</td>
<td>0</td>
</tr>
<tr>
<td>Trade / industry practitioner</td>
<td>0.0%</td>
<td>0</td>
</tr>
<tr>
<td>Other</td>
<td>0.0%</td>
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</table>

Comment: 7 answered question 90 skipped question 0

5. Please indicate if you are responding as an individual or representing the views of your organisation.

<table>
<thead>
<tr>
<th>Role</th>
<th>Response Percent</th>
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</thead>
<tbody>
<tr>
<td>Individual views</td>
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<td>Organisation views</td>
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Comment: 3 answered question 90 skipped question 0
6. Provisional proposal 1 Regulation should continue to distinguish between taxis, which can accept pre-booked fares, be hailed on the street and wait at ranks, and private hire vehicles, which can only accept pre-booked fares. (Page 160) What are your views on this proposal?

<table>
<thead>
<tr>
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<th>Count</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>64</td>
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</table>

answered question 64

skipped question 26

7. Provisional proposal 2 London should be included, with appropriate modifications, within the scope of reform. (Page 162) What are your views on this proposal?

<table>
<thead>
<tr>
<th>Agreement</th>
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<th>Response Percent</th>
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</thead>
<tbody>
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<td>32</td>
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<tr>
<td>Disagree</td>
<td>3</td>
<td>6.7%</td>
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<tr>
<td>Don't know</td>
<td>10</td>
<td>22.2%</td>
</tr>
</tbody>
</table>

Comment 18

answered question 45

skipped question 45
8. Provisional proposal 3 The regulation of taxi and private hire vehicles should not be restricted to any particular type of vehicle but should rather focus on road transport services provided for hire with the services of a driver. (Page 164) What are your views on this proposal?

<table>
<thead>
<tr>
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<th>Count</th>
</tr>
</thead>
<tbody>
<tr>
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<td>Disagree</td>
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<tr>
<td>Don't know</td>
<td>6.5%</td>
<td>3</td>
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</tbody>
</table>

Comments 24 answered question 46 skipped question 44

9. Question 4 Would there be (and if so what) advantages to restricting licensing to motor vehicles that require a driving licence? (Page 164)

<table>
<thead>
<tr>
<th>Response</th>
<th>Percent</th>
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</thead>
<tbody>
<tr>
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<tr>
<td>Don't know</td>
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</tbody>
</table>

If you answered 'yes' please detail advantages here: 20 answered question 46 skipped question 44
10. **Provisional proposal 5** Public service vehicles should be expressly excluded from the definition of taxi and private hire vehicles; and taxi and private hire vehicles should only cover vehicles adapted to seat eight or fewer passengers. (Page 165) What are your views on this proposal?

<table>
<thead>
<tr>
<th></th>
<th>Response Percent</th>
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</tr>
</thead>
<tbody>
<tr>
<td>Agree</td>
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<tr>
<td>Disagree</td>
<td>10.9%</td>
<td>5</td>
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<tr>
<td>Don't know</td>
<td>2.2%</td>
<td>1</td>
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</table>

**Comments** 15

*answered question 46
skipped question 44*

11. **Provisional proposal 6** References to stage coaches charging separate fares should no-longer feature as an exclusion from the definition of taxis. (Page 166) What are your views on this proposal?

<table>
<thead>
<tr>
<th></th>
<th>Response Percent</th>
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</thead>
<tbody>
<tr>
<td>Agree</td>
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<tr>
<td>Don't know</td>
<td>15.9%</td>
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</table>

**Comments** 15

*answered question 44
skipped question 46*
12. Provisional proposal 7 The Secretary of State should consider issuing statutory guidance to the Senior Traffic Commissioner about the licensing of limousines and other novelty vehicles to assist consistency. (Page 167) What are your views on this proposal?

<table>
<thead>
<tr>
<th>Response</th>
<th>Percent</th>
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<td>4.4%</td>
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</table>

Comments 19 answered question 45 skipped question 44

13. Provisional proposal 8 The concept of “in the course of a business of carrying passengers” should be used to limit the scope of taxi and private hire licensing so as to exclude genuine volunteers as well as activities where transport is ancillary to the overall service. (Page 168) What are your views on this proposal?

<table>
<thead>
<tr>
<th>Response</th>
<th>Percent</th>
<th>Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agree</td>
<td>84.8%</td>
<td>39</td>
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<tr>
<td>Disagree</td>
<td>13.0%</td>
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</tr>
<tr>
<td>Don't know</td>
<td>2.2%</td>
<td>1</td>
</tr>
</tbody>
</table>

Comments 22 answered question 46 skipped question 44
14. Question 9 How, if at all, should the regulation of taxis and private hire deal with: (a) carpooling; and (b) members clubs? (Page 170)

<table>
<thead>
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<tbody>
<tr>
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<td>6.5% (3)</td>
<td>93.5% (43)</td>
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<tr>
<td>Members clubs</td>
<td>39.0% (16)</td>
<td>61.0% (25)</td>
</tr>
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</table>

If you think either of the above should be regulated, please give details on how this should be done

14 answered question 46

skipped question 44

15. Provisional proposal 10 The power of the Secretary of State and Welsh Ministers to set national standards should be flexible enough to allow them to make exclusions from the taxi and private hire licensing regimes. (Page 171) What are your views on this proposal?

<table>
<thead>
<tr>
<th>Response</th>
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<th>Response Count</th>
</tr>
</thead>
<tbody>
<tr>
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<tr>
<td>Disagree</td>
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<tr>
<td>Don't know</td>
<td>11.1%</td>
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</tbody>
</table>

Comments 10

answered question 45

skipped question 45
16. Provisional proposal 11 Weddings and funerals should no-longer be expressly excluded from private hire licensing through primary legislation. (Page 172) What are your views on this proposal?

<table>
<thead>
<tr>
<th>Response</th>
<th>Percent</th>
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</thead>
<tbody>
<tr>
<td>Agree</td>
<td>60.9%</td>
<td>28</td>
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<tr>
<td>Disagree</td>
<td>39.1%</td>
<td>18</td>
</tr>
<tr>
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</tbody>
</table>

Comments 22

answered question 46
skipped question 44

17. Question 12 Would there be merits in reintroducing the contract exemption, by means of the Secretary of State and Welsh Ministers’ exercise of the power to set national standards? If so, what modifications could be made to help avoid abuse? (Page 174)

<table>
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<tr>
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<tbody>
<tr>
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<tr>
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<td>8.7%</td>
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</table>

Comments (including details of modifications which could be made to avoid abuse) 19

answered question 46
skipped question 44
18. Provisional proposal 13 Regulation of the ways taxis and private hire vehicles can engage with the public should not be limited to “streets”. (Page 175) What are your views on this proposal?

<table>
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<tr>
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<tbody>
<tr>
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<td>Disagree</td>
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<td>Don't know</td>
<td>8.9%</td>
<td>4</td>
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</table>

Comments 10

answered question 45

skipped question 45

19. Question 14 Is there a case for making special provision in respect of taxi and private hire regulation at airports? In particular, where concessionary agreements are in place should airports be obliged to allow a shuttle service for passengers who have pre-booked with other providers, or to the closest taxi rank? (Page 177)

<table>
<thead>
<tr>
<th>Response</th>
<th>Percent</th>
<th>Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>38.6%</td>
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<tr>
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<td>38.6%</td>
<td>17</td>
</tr>
<tr>
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<td>22.7%</td>
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Comments 17

answered question 44

skipped question 46
20. Provisional proposal 15 The defining feature of taxis, the concept of “plying for hire”, should be placed on a statutory footing and include: (a) references to ranking and hailing; (b) a non-exhaustive list of factors indicating plying for hire; and (c) appropriate accommodation of the legitimate activities of private hire vehicles. (Page 181) What are your views on this proposal?

<table>
<thead>
<tr>
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<tbody>
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</table>

Comments 10

answered question 43

skipped question 47

21. Provisional proposal 16 The concepts of hailing and ranking should not cover technological means of engaging taxi services. (Page 181) What are your views on this proposal?

<table>
<thead>
<tr>
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<th>Count</th>
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<tbody>
<tr>
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<tr>
<td>Disagree</td>
<td>37.8%</td>
<td>17</td>
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<td>Don't know</td>
<td>13.3%</td>
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Comments 11

answered question 45

skipped question 45
22. Question 17 Would there be advantages to adopting the Scottish approach to defining taxis in respect of “arrangements made in a public place” instead of “plying for hire”? (Page 182)

<table>
<thead>
<tr>
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<th>Percent</th>
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<tbody>
<tr>
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<td>13</td>
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</table>

Comments 10 answered question 44 skipped question 46

23. Provisional proposal 18 The concept of compellability, which applies exclusively to taxis, should be retained. (Page 182) What are your views on this proposal?

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<tr>
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</tr>
</thead>
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<tr>
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<td>13.3%</td>
<td>6</td>
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</tbody>
</table>

Comments 9 answered question 45 skipped question 45
24. Provisional proposal 19 Pre-booking would continue to be the only way of engaging a private hire vehicle and cover all technological modes of engaging cars. This is without prejudice to the continued ability of taxis to be pre-booked. (Page 183) What are your views on this proposal?

<table>
<thead>
<tr>
<th>Response</th>
<th>Percent</th>
<th>Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agree</td>
<td>79.5%</td>
<td>35</td>
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<tr>
<td>Disagree</td>
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<tr>
<td>Don't know</td>
<td>2.3%</td>
<td>1</td>
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</table>

Comments: 17

answered question: 44
skipped question: 46

25. Provisional proposal 20 Leisure and non-professional use of taxis and private hire vehicles should be permitted. There would however be a presumption that the vehicle is being used for professional purposes at any time unless the contrary can be proved. (Page 184) What are your views on this proposal?

<table>
<thead>
<tr>
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</thead>
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Comments: 19

answered question: 43
skipped question: 47
26. 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. (Page 185) What are your views on this proposal?

<table>
<thead>
<tr>
<th>Response</th>
<th>Percent</th>
<th>Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agree</td>
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<tr>
<td>Disagree</td>
<td>4.4%</td>
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<tr>
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<td>11.1%</td>
<td>5</td>
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</table>

Comments 10

answered question 45
skipped question 45

27. Provisional proposal 22 Reformed legislation should refer to “taxis” and “private hire vehicles” respectively. References to “hackney carriages” should be abandoned. (Page 185) What are your views on this proposal?

<table>
<thead>
<tr>
<th>Response</th>
<th>Percent</th>
<th>Count</th>
</tr>
</thead>
<tbody>
<tr>
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<td>8</td>
</tr>
<tr>
<td>Don't know</td>
<td>11.4%</td>
<td>5</td>
</tr>
</tbody>
</table>

Comments 23

answered question 44
skipped question 46
28. Question 23 Should private hire vehicles be able to use terms such as “taxi” or “cab” in advertising provided they are only used in combination with terms like “pre-booked” and did not otherwise lead to customer confusion? (Page 186)

<table>
<thead>
<tr>
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<th>Count</th>
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</thead>
<tbody>
<tr>
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<td>2</td>
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</table>

Comments 20 answered question 45 skipped question 45

29. Provisional proposal 24 Taxi and private hire services should each be subject to national safety requirements. (Page 188) What are your views on this proposal?

<table>
<thead>
<tr>
<th>Response</th>
<th>Percent</th>
<th>Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agree</td>
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</table>

Comment 8 answered question 41 skipped question 49
30. Provisional proposal 25 National safety standards, as applied to taxi services, should only be minimum standards. (Page 189) What are your views on this proposal?

<table>
<thead>
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</table>

Comment 14

answered question 41
skipped question 49

31. Provisional proposal 26 National safety standards, as applied to private hire services, should be mandatory standards. (Page 189) What are your views on this proposal?

<table>
<thead>
<tr>
<th>Response</th>
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</tr>
</thead>
<tbody>
<tr>
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<tr>
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Comment 13

answered question 40
skipped question 50
32. Provisional proposal 27 Private hire services would not be subject to standards except those related to safety. Requirements such as topographical knowledge would no-longer apply to private hire drivers. (Page 190) What are your views on this proposal?

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Comment 19

answered question 41
skipped question 49

33. Question 28 Should local standard-setting for private hire services be specifically retained in respect of vehicle signage? Are there other areas where local standards for private hire vehicles are valuable? (Page 190)

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Comment 15

answered question 42
skipped question 48
34. Question 29 What practical obstacles might there be to setting common national safety standards for both taxis and private hire vehicles? (Page 191)

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35. Question 30 Should national conditions in respect of driver safety be different for taxi services compared with private hire services? (Page 192)

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Comment

| answered question | 13    |
| skipped question | 48    |
36. Provisional proposal 31 The powers of the Secretary of State and Welsh Ministers to set standards for taxis and private hire vehicles should only cover conditions relating to safety. (Page 192) What are your views on this proposal?

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Comment: 12

answered question 39

skipped question 51

37. Provisional proposal 32 The powers of the Secretary of State and Welsh Ministers to set national safety standards should be subject to a statutory consultation requirement. (Page 193) What are your views on this proposal?

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Comment: 4

answered question 39

skipped question 51
38. Question 33 What would be the best approach for determining the content of national safety standards? In particular should the statutory requirement to consult refer to a technical advisory panel? (Page 193)

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Comment
5

answered question 41
skipped question 49

39. Provisional proposal 34 Licensing authorities should retain the power to set standards locally for taxis provided above the minimum national standards. (Page 193) What are your views on this proposal?

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Comment
15

answered question 40
skipped question 50
### 40. Question 35 Should there be statutory limits to licensing authorities’ ability to set local taxi standards? (Page 194)

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Comment: 10 answered question 41 skipped question

### 41. Question 36 Should licensing authorities retain the power to impose individual conditions on taxi and private hire drivers or operators? (Page 194)

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Comment: 11 answered question 42 skipped question
### 42. Question 37 Should the powers and duties of licensing authorities to cooperate be on a statutory footing or is it best left to local arrangements? (Page 195)

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Comment: 19

- answered question: 40
- skipped question: 50

### 43. Provisional proposal 38 Neighbouring licensing authorities should have the option of combining areas for the purposes of taxi standard setting. (Page 196) What are your views on this proposal?

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Comment: 12

- answered question: 42
- skipped question: 48
### 44. Provisional proposal 39 Licensing authorities should have the option to create, or remove, taxi zones within their area. (Page 196) What are your views on this proposal?

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Comment: 13 answered question 41 skipped question 49

### 45. Question 40 Would it be useful for licensing authorities to have the power to issue peak time licences which may only be used at certain times of day as prescribed by the licensing authority? (Page 197)

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Comment: 21 answered question 41 skipped question 49
46. Provisional proposal 41 Private hire operators should no longer be restricted to accepting or inviting bookings only within a particular locality; nor to only using drivers or vehicles licensed by a particular licensing authority. (Page 198) What are your views on this proposal?

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Comment: 19 answered question, 40 skipped question

47. Provisional proposal 42 We do not propose to introduce a “return to area” requirement in respect of out of area drop offs. (Page 199) What are your views on this proposal?

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Comment: 14 answered question, 41 skipped question
48. Provisional proposal 43 Licensing authorities should retain the ability to regulate maximum taxi fares. Licensing authorities should not have the power to regulate private hire fares. (Page 200) What are your views on this proposal?

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Comment 13

answered question 41
skipped question 49

49. Question 44 Should taxis be allowed to charge a fare that is higher than the metered fare for pre-booked journeys? (Page 200)

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Comment 11

answered question 41
skipped question 49
50. Question 45 Should national driver safety standards such as the requirement to be a “fit and proper person” be either:

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Comment

answered question 36
skipped question 54

51. Provisional proposal 46 Vehicle owners should not be subject to “fit and proper” tests and the criteria applied would relate solely to the vehicle itself. (Page 204) What are your views on this proposal?

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Comment

answered question 39
skipped question 51
52. Question 47 Should national vehicle safety standards be either:

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Comment | 9

answered question | 36
skipped question | 54

53. Provisional proposal 48 Operator licensing should be retained as mandatory in respect of private hire vehicles. (Page 207) What are your views on this proposal?

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Comment | 6

answered question | 39
skipped question | 51
54. Question 49 Should operator licensing be extended to cover taxi radio circuits and if so on what basis? (Page 208)

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Comment

12 answered question
39 skipped question

55. Provisional proposal 50 The definition of operators should not be extended in order to include intermediaries. (Page 209) What are your views on this proposal?

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Comment

5 answered question
39 answered question
51 skipped question
### 56. Question 51 Should “fit and proper” criteria in respect of operators be retained? (Page 210)

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Comment: 9 answered question, 38 skipped question.

### 57. Provisional proposal 52 Operators should be expressly permitted to sub-contract services. (Page 210) What are your views on this proposal?

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Comment: 10 answered question, 39 skipped question.
58. Question 53 Where a taxi driver takes a pre-booking directly, should record-keeping requirements apply? (Page 210)

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Comment: 9 answered question

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59. Provisional proposal 54 Licensing authorities should no longer have the power to restrict taxi numbers. (Page 213) What are your views on this proposal?

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60. Question 55 What problems (temporary or permanent) might arise if licensing authorities lost the ability to restrict numbers? (Page 213)

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61. 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? (Page 215)

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Comment: 9 answered question 38 skipped question

62. Question 57 Should there be a separate licence category for wheelchair accessible vehicles? This could involve: (1) a duty on the licensee to give priority to disabled passengers; and (2) a duty on the licensing authority to make adequate provision at ranks for wheelchair accessible vehicles. (Page 217)

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Comment: 16 answered question 38 skipped question
### 63. Question 58
Should licensing authorities offer lower licence fees for vehicles which meet certain accessibility standards? (Page 217)

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#### Comment
13

- answered question 38
- skipped question 52

### 64. Question 59
Do you have any other suggestions for increasing the availability of accessible vehicles, and catering for the different needs of disabled passengers? (Page 217)

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- answered question 22
- skipped question 68
65. Provisional proposal 60 We do not propose to introduce national quotas of wheelchair accessible vehicles. (Page 218) What are your views on this proposal?

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<td>10.3%</td>
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</tbody>
</table>

Comment

12 answered question 39 skipped question

66. Provisional proposal 61 National standards for drivers of both taxis and private hire vehicles should include recognised disability awareness training. (Page 219) What are your views on this proposal?

<table>
<thead>
<tr>
<th>Response</th>
<th>Percent</th>
<th>Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agree</td>
<td>100.0%</td>
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</tr>
<tr>
<td>Disagree</td>
<td>0.0%</td>
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<tr>
<td>Don't know</td>
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Comment

10 answered question 39 skipped question
67. Provisional proposal 62 In order to better address concerns about discrimination, taxis and private hire vehicles should be required to display information about how to complain to the licensing authority. (Page 219) What are your views on this proposal?

<table>
<thead>
<tr>
<th>Response</th>
<th>Percent</th>
<th>Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agree</td>
<td>92.3%</td>
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</tr>
<tr>
<td>Disagree</td>
<td>7.7%</td>
<td>3</td>
</tr>
<tr>
<td>Don't know</td>
<td>0.0%</td>
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Comment 11

answered question 39
skipped question 51

68. Question 63 What would be the best way of addressing the problem of taxis ignoring disabled passengers seeking to hail them? Could an obligation to stop, if reasonable and safe to do so, in specified circumstances, help? (Page 220)

<table>
<thead>
<tr>
<th>Response</th>
<th>Percent</th>
<th>Count</th>
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<tbody>
<tr>
<td>Yes</td>
<td>70.3%</td>
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<td>No</td>
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Comment 17

answered question 37
skipped question 53
### 69. Question 64 Should authorised licensing officers have the power to stop licensed vehicles? (Page 222)

<table>
<thead>
<tr>
<th>Response</th>
<th>Percent</th>
<th>Count</th>
</tr>
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<tbody>
<tr>
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<tr>
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<tr>
<td>Don't know</td>
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</tr>
</tbody>
</table>

**Comment**

8 answered question  
38 skipped question

---

### 70. Question 65 What more could be done to address touting? Touting refers to the offence “in a public place, to solicit persons to hire vehicles to carry them as passengers”. (Page 223)

<table>
<thead>
<tr>
<th>Response Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>26</td>
</tr>
</tbody>
</table>

**Answered question**

26 answered question  
64 skipped question
71. Question 66 Would it be desirable and practicable to introduce powers to impound vehicles acting in breach of taxi and private hire licensing rules? (Page 223)

<table>
<thead>
<tr>
<th>Response</th>
<th>Percent</th>
<th>Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>73.7%</td>
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<tr>
<td>Don't know</td>
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<td>2</td>
</tr>
</tbody>
</table>

Comment 15 answered question 38 skipped question 52

72. Question 67 Should licensing authorities make greater use of fixed penalty schemes and if so how? (Page 225)

<table>
<thead>
<tr>
<th>Response</th>
<th>Percent</th>
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<tr>
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<td>84.2%</td>
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<tr>
<td>No</td>
<td>7.9%</td>
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<tr>
<td>Don't know</td>
<td>7.9%</td>
<td>3</td>
</tr>
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</table>

Comment 23 answered question 38 skipped question 52
73. **Provisional proposal 68** Enforcement officers should have the powers to enforce against vehicles, drivers and operators licensed in other licensing areas. (Page 225)

What are your views on this proposal?

<table>
<thead>
<tr>
<th></th>
<th>Response Percent</th>
<th>Response Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agree</td>
<td>94.7%</td>
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<td>2.6%</td>
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</tr>
<tr>
<td>Don't know</td>
<td>2.6%</td>
<td>1</td>
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</table>

Comment

14

answered question 38

skipped question 52

---

74. **Question 69** Should cross-border enforcement powers extend to suspensions and revocation of licences? If so what would be the best way of achieving this? (Page 226)

<table>
<thead>
<tr>
<th></th>
<th>Response Percent</th>
<th>Response Count</th>
</tr>
</thead>
<tbody>
<tr>
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<td>13.2%</td>
<td>5</td>
</tr>
</tbody>
</table>

Comment

20

answered question 38

skipped question 52
75. Provisional proposal 70 The right to appeal against decisions to refuse to grant or renew, suspend or revoke a taxi or private hire licence should be limited to the applicant or, as appropriate, holder of the relevant licence. (Page 230) What are your views on this proposal?

<table>
<thead>
<tr>
<th>Response</th>
<th>Percent</th>
<th>Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agree</td>
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<tr>
<td>Disagree</td>
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<tr>
<td>Don't know</td>
<td>0.0%</td>
<td>0</td>
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</tbody>
</table>

Comment

2 answered question
38 skipped question

76. Provisional proposal 71 The first stage in the appeal process throughout England and Wales, in respect of refusals, suspensions or revocations should be to require the local licensing authority to reconsider its decision. (Page 231) What are your views on this proposal?

<table>
<thead>
<tr>
<th>Response</th>
<th>Percent</th>
<th>Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agree</td>
<td>36.8%</td>
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<tr>
<td>Disagree</td>
<td>57.9%</td>
<td>22</td>
</tr>
<tr>
<td>Don't know</td>
<td>5.3%</td>
<td>2</td>
</tr>
</tbody>
</table>

Comment

17 answered question
38 skipped question
77. Provisional proposal 72 Appeals should continue to be heard in the magistrates’ court. (Page 232) What are your views on this proposal?

<table>
<thead>
<tr>
<th>Response</th>
<th>Percent</th>
<th>Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agree</td>
<td>91.9%</td>
<td>34</td>
</tr>
<tr>
<td>Disagree</td>
<td>5.4%</td>
<td>2</td>
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<tr>
<td>Don't know</td>
<td>2.7%</td>
<td>1</td>
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</tbody>
</table>

Comment 11

answered question 37
skipped question 53

78. Question 73 Should there be an onward right of appeal to the Crown Court? (Page 233)

<table>
<thead>
<tr>
<th>Response</th>
<th>Percent</th>
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</thead>
<tbody>
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<tr>
<td>Don't know</td>
<td>10.5%</td>
<td>4</td>
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</table>

Comment 6

answered question 38
skipped question 52
### Page 2, Q4. What is your role within licensing? Please tick all that apply.

<table>
<thead>
<tr>
<th>No.</th>
<th>Role</th>
<th>Date and Time</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Enforcement Officer</td>
<td>Aug 20, 2012 1:12 PM</td>
</tr>
<tr>
<td>2</td>
<td>Duties also include enforcement</td>
<td>Jul 24, 2012 2:55 PM</td>
</tr>
<tr>
<td>3</td>
<td>Environmental Licensing Officer</td>
<td>Jul 11, 2012 8:30 AM</td>
</tr>
<tr>
<td>4</td>
<td>Environmental Licensing Officer</td>
<td>Jul 11, 2012 7:43 AM</td>
</tr>
<tr>
<td>5</td>
<td>Environmental Licensing Officer</td>
<td>Jul 11, 2012 7:34 AM</td>
</tr>
<tr>
<td>6</td>
<td>Licensing and Enforcement Officer</td>
<td>Jun 7, 2012 8:34 AM</td>
</tr>
<tr>
<td>7</td>
<td>Licensing Manager</td>
<td>Jun 7, 2012 8:30 AM</td>
</tr>
</tbody>
</table>

### Page 2, Q5. Please indicate if you are responding as an individual or representing the views of your organisation.

<table>
<thead>
<tr>
<th>No.</th>
<th>Response</th>
<th>Date and Time</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>My comments would be endorsed by the Council</td>
<td>Jul 23, 2012 3:30 PM</td>
</tr>
<tr>
<td>2</td>
<td>Representing the views of Licensing Team and local Councillors Council</td>
<td>Jul 11, 2012 1:42 PM</td>
</tr>
<tr>
<td>3</td>
<td>The views to this survey are of the department not necessarily the organisation.</td>
<td>May 25, 2012 11:25 AM</td>
</tr>
</tbody>
</table>
**Page 4, Q1. Provisional proposal 1**

Regulation should continue to distinguish between taxis, which can accept pre-booked fares, be hailed on the street and wait at ranks, and private hire vehicles, which can only accept pre-booked fares. (Page 160)

What are your views on this proposal?

<table>
<thead>
<tr>
<th></th>
<th>Views</th>
<th>Date/Time</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>We understand the Commission’s thinking on this issue but we feel this is a missed opportunity for radical reform of the industry. With the advent of new technology (e.g. mobile phone, internet), the distinction between taxis and private hire vehicles has become increasingly blurred. The differences between the two sectors of the trade are not well understood by the public and we feel that the there would be merit in introducing a single class of ‘hire car’ which could be booked in advance and ply for hire.</td>
<td>Aug 30, 2012 8:32 AM</td>
</tr>
<tr>
<td>2</td>
<td>The average person on the street will not appreciate the distinction. I see no reason why (when the regimes, especially in rural areas, run almost identically) to maintain both licence types.</td>
<td>Aug 28, 2012 1:52 PM</td>
</tr>
<tr>
<td>3</td>
<td>No, there should be single tier licensing</td>
<td>Aug 21, 2012 10:49 AM</td>
</tr>
<tr>
<td>4</td>
<td>I think regulation should make a change to a one tier system following the same lines as Hackney Carriages but more strict requirements on maintenance of booking details. Hackney Carriages should work under Operators which should be licensed as Private Hire Operators are now.</td>
<td>Aug 20, 2012 1:18 PM</td>
</tr>
<tr>
<td>5</td>
<td>I agree, moving to a one tier system would have too much collateral damage.</td>
<td>Aug 16, 2012 2:04 PM</td>
</tr>
<tr>
<td>6</td>
<td>Yes, unfortunately. I would love to see one type of taxi and one system but think the process involved in doing this would be too difficult to achieve.</td>
<td>Aug 16, 2012 7:20 AM</td>
</tr>
<tr>
<td>7</td>
<td>This is a sensible proposal, given the nature of different usage, especially in urban areas, where taxi ranks provide a useful service. The downside is the blurring of the legal distinctions which allow the unrestricted use of taxis to perform private hire work in ‘foreign’ authorities. This unfortunate consequence causes much ill feeling in rural districts whose private hire operators see their work being ‘poached’ by taxis from other authorities</td>
<td>Aug 15, 2012 2:26 PM</td>
</tr>
<tr>
<td>8</td>
<td>I don't agree, I feel there should be one regime, they both do the same job afterall. Must be a higher standard of vehicle eg all black cabs.</td>
<td>Aug 15, 2012 10:52 AM</td>
</tr>
<tr>
<td>9</td>
<td>I no longer think that this is necessary, a single tier system would be of benefit to all, especially the public, who do not understand the distinctions anyway.</td>
<td>Aug 15, 2012 9:26 AM</td>
</tr>
<tr>
<td>10</td>
<td>The distinction is wasted on the public and in the interests of transparency there should just be one class od vehicle.</td>
<td>Aug 15, 2012 8:41 AM</td>
</tr>
<tr>
<td>11</td>
<td>No, there should be single tier licensing</td>
<td>Aug 13, 2012 2:34 PM</td>
</tr>
<tr>
<td>12</td>
<td>yes, the distinction should continue.</td>
<td>Aug 1, 2012 7:37 AM</td>
</tr>
<tr>
<td>13</td>
<td>I agree with this proposal</td>
<td>Jul 30, 2012 1:29 PM</td>
</tr>
<tr>
<td>14</td>
<td>Agree</td>
<td>Jul 24, 2012 2:56 PM</td>
</tr>
<tr>
<td>15</td>
<td>The removal of the ‘two tier system' of taxi licensing would lead to a more straightforward and understandable taxi service for the public. This would certainly help to ensure that there was a properly licensed service available to transport the public at all times. There would be no need for the more 'targeted regulation' as suggested by the Law Commission in their reasoning</td>
<td>Jul 24, 2012 12:08 PM</td>
</tr>
</tbody>
</table>
Page 4, Q1. Provisional proposal 1
Regulation should continue to distinguish between taxis, which can accept pre-booked fares, be hailed on the street and wait at ranks, and private hire vehicles, which can only accept pre-booked fares. (Page 160)

What are your views on this proposal?

for retaining the current system, as the unnecessary distinction between the two systems would be removed and a single set of standards could be introduced.

16 The Forest of Dean is a very rural area and has only two ranks which are rarely if ever actually used as most journeys are prebooked. However I can see that in more urban areas it is essential for a distinction. Jul 23, 2012 2:53 PM

17 Given the changes in technology and the fact that both types of vehicle can be pre booked then the definition between the two types of vehicle appears to be false. LAs spend an inordinate amount of time enforcing the issues of plying for hire which is the major difference between the two licence types Jul 23, 2012 2:41 PM

18 To conduct such a major review and maintain the distinction, which no member of public recognises and understands seems like a wasted opportunity to move to a unitary system Jul 11, 2012 5:28 PM

19 Public do not appreciate differences between a taxi and a PHV. Rank congestion concern if not distinction between HC and PHV. Jul 11, 2012 1:44 PM

20 I cannot think of a reason for maintaining the two tier system of licensing. One licence would suffice for each vehicle for hire. Either working the ranks or prebooked hire as is the case currently for hackney carriages. Jul 11, 2012 1:04 PM

21 I feel it should still distinguish between hackney and private hire. Some of the public have more confidence in pre-booking vehicles and the ability to have a regular driver. There is also an issue surrounding the use of taxi ranks and the shortage of ranking. Jul 11, 2012 8:36 AM

22 Agreed but booking records should be retained for all journeys Jul 11, 2012 7:58 AM

23 I see no reason to continue the separate regimes. Jul 10, 2012 1:41 PM

24 I disagrees very strongly with this proposal. The biggest issue to public safety is that the public does not know the difference between a hackney carriage and private hire vehicle. We have had decades with this system and if it isn’t understood now, it never will be. The public just wants to be able to hire a vehicle and go, whether it be booked in advance, picked up at a rank or hailed in the street. All licensed vehicles should be able to do all of this. Plying for hire by private hire is a very serious safety issue that will remain for as long as the law distinguishes between hackney and private hire. This is the opportunity to get rid of the complicated and unnecessary two tier system and created a simplified and understandable single tier system. Other countries don’t see a need for a two tier system and there is nothing significantly different in this country to require continuation with a two tier system. Jul 10, 2012 1:11 PM

25 My understanding was that the consultation would be about a root and branch reform, it would appear that the law commission have already made their minds up about retaining a 2 tier system Jul 10, 2012 12:54 PM

26 I agree Jul 10, 2012 11:44 AM

27 I agree with this proposal otherwise the taxi ranks would not able to cope Jul 10, 2012 11:37 AM
### Page 4, Q1. Provisional proposal 1

Regulation should continue to distinguish between taxis, which can accept pre-booked fares, be hailed on the street and wait at ranks, and private hire vehicles, which can only accept pre-booked fares. (Page 160)

**What are your views on this proposal?**

<table>
<thead>
<tr>
<th>Comment序号</th>
<th>Response</th>
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</thead>
<tbody>
<tr>
<td>28</td>
<td>There should be no distinction although booking records should be kept for all journeys.</td>
</tr>
<tr>
<td>29</td>
<td>I think a one tier system would be more effective, the public are only really aware of taxis and they do not know the difference between the two types of licensed vehicle.</td>
</tr>
<tr>
<td>30</td>
<td>Generally agree with this.</td>
</tr>
<tr>
<td>31</td>
<td>I think that it should be a 1 tier system. The public do not know the difference between the two systems. Licensing and enforcement would be simpler.</td>
</tr>
<tr>
<td>32</td>
<td>No, we should move toward a single taxi that is able to ply for hire and rank on any road where the RTO permits stopping/ parking. Exception could be given to plate exempt vehicles, eg limos, who would be licensed under the same provisions but the ability to rank and ply for hire would be suspended by virtue of the plate exemption.</td>
</tr>
<tr>
<td>33</td>
<td>So long as the legislation is re-formed to accommodate a two tier system then I have no objections to this. The current system needs the overhaul.</td>
</tr>
<tr>
<td>34</td>
<td>I disagree, a one tier system would be far better. It would reduce enforcement costs, would be easier for the general public and would also reduce legal costs and court time associated with illegal plying for hire.</td>
</tr>
<tr>
<td>35</td>
<td>Disagree - members of the public are not aware of the two tiers and all vehicles should be subject to the same safety standards and conditions.</td>
</tr>
<tr>
<td>36</td>
<td>There should be a one-tier system. It will be easier for the public with no confusion. Standing at ranks was introduced through regulation before the motor vehicle was invented when there was no demand for pre-booking fares. The public on the whole are unaware of the difference between hackney carriages and private hire vehicles and do not care about the difference. They do care about being able to get from A to B. Across towns at night there is unmet demand for hackneys to get people home. People will jump into private hire vehicles and the police, in their desire to clear streets, will put members of the public into unbooked private hire vehicles. The public and the trade would both benefit form a single system. There would be a variety of vehicles for both to choose from and there would be a level playing field for the trade who could choose how to operate dependent upon market demands.</td>
</tr>
<tr>
<td>37</td>
<td>I think it will be a missed opportunity if the two tier system remains. Public safety should be the overriding factor and as such a one tier system. The public are clearly not aware of the difference between HC and PH. Licensed taxis drivers and vehicles only would resolve plying for hire leaving enforcement to deal with unlicensed activities. Conditions could then be attached to the HC licenses to restrict their use i.e.Executive/Limousine work. HC wishing to operate from ranks should be wheelchair accessible only permitting taxis that wish to work through an operator to be saloon cars. Further to this, restrictions on the use of ranks could be through payment and a sticker in the window to permit use of ranks in any given an area. This</td>
</tr>
</tbody>
</table>
Page 4, Q1. Provisional proposal 1
Regulation should continue to distinguish between taxis, which can accept pre-booked fares, be hailed on the street and wait at ranks, and private hire vehicles, which can only accept pre-booked fares. (Page 160)

What are your views on this proposal?

would prevent taxis migrating to busy ranks only. Local authorities would then be responsible for managing ratio of taxis to rank spaces (legislation could set this).

38 I would prefer to see a one tier system, with the best bits from each standard applied, i.e everyone must use an operate, book through jobs when picking up of the street, meters etc. Jul 6, 2012 10:52 AM

39 Agree Jul 6, 2012 10:44 AM

40 I think there should be one category of licensed vehicles. It will make it easier for the public. Jul 6, 2012 10:43 AM

41 I believe that the public is confused by the two-tier system and that this is an opportunity to clear up the confusion by moving to a single tier system. Jul 6, 2012 10:37 AM

42 There should be a single tier. Far easier for regulation and enforcement purposes. Jul 6, 2012 10:24 AM

43 A one tier system, although more difficult to implement, will be a much easier to administer and enforce. Jul 3, 2012 7:58 AM

44 Agreed Jul 2, 2012 1:04 PM

45 Agreed Jun 20, 2012 8:31 AM

46 Disagree. There is no need for a two tier system. All vehicles should be able to cater for both types of work Jun 15, 2012 8:30 AM

47 Agree Jun 13, 2012 9:25 AM

48 Members of the public do not understand the differences of having a two tier system and would therefore simplify the current system by having just one tier which covers all types of vehicles. Jun 12, 2012 12:56 PM

49 Agree Jun 8, 2012 1:40 PM

50 No, It would simplify matters to now remove the two tier system and have one system. The public for the most part do not know the difference between hackneys and private hire and probably dont care either. Jun 7, 2012 9:19 AM

51 Agree. Jun 7, 2012 8:35 AM

52 LC make a persuasive case for retaining current 2 tier system, but have avoided grasping the nettle ofrott and branch reform. Consequently, the rest of the document is weighted against single-tier. However, if single tier is to work it would have to have so many exeptions, to cater for different business types, we might as well retain 2-tier. Jun 1, 2012 12:40 PM

53 It would be far easier to have a one tier system. May 30, 2012 1:37 PM

54 I believe that this is sensible as having two options creates business opportunity and diversity but this must be balanced by the fact that the general public do not understand the difference. If the two tier system May 27, 2012 8:55 AM
Page 4, Q1. Provisional proposal 1
Regulation should continue to distinguish between taxis, which can accept pre-booked fares, be hailed on the street and wait at ranks, and private hire vehicles, which can only accept pre-booked fares. (Page 160)

What are your views on this proposal?

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>55</td>
<td>I would agree with this proposal.</td>
</tr>
<tr>
<td>56</td>
<td>Disagree, I don't think there is a need to distinguish, and present system over-regulates. The vehicle licensing is to the same standards, so is knowledge ad fit and proper person. Linked with LAs limiting the number of taxis- should not do it as it is arbitrary.</td>
</tr>
<tr>
<td>57</td>
<td>Agree A one tier system would be unworkable and probably lead to a surge in unlicensed / unchecked drivers/ vehicles just earning a few pounds t weekknnds when no one is about</td>
</tr>
<tr>
<td>58</td>
<td>There should be one type of vehicle able for immediate hire and pre-booking. The public do not understand the difference, it is restrictive to trade, and causes inefficiencies/other problems in regulation.</td>
</tr>
<tr>
<td>59</td>
<td>I AGREE, THIS SHOULD CONTINUE.</td>
</tr>
<tr>
<td>60</td>
<td>The retention of a two-tier system is sensible. Regulation of taxis through a metered fare system for local journeys ensures transparency in charging but gives the individual the ability to charge a lower fee thus enabling a competitive element to charging. Pre-booked private hire for longer journeys at a set price is a useful service to the public rather than having to undertake a metered fare with an unknown final charge for the journey.</td>
</tr>
<tr>
<td>61</td>
<td>I disagree. I believe there should be a one tier simplified system. Members of the public do not know the difference between a hackney carriage and a private hire vehicle. The 2 regimes only serve to complicate matters and encourage private hire drivers to break the law, and carry out possibly uninsured journeys.</td>
</tr>
<tr>
<td>62</td>
<td>From a licensing view it would be easier to have all vehicles under one status, however the trade would probably oppose such a concept</td>
</tr>
<tr>
<td>63</td>
<td>I agree with this but there needs to be a specified approved vehicle type that differs from the private hire regime that the public can easily identify for their safety.</td>
</tr>
<tr>
<td>64</td>
<td>Regulation should be for a single tier, all Hackney Carriage.</td>
</tr>
<tr>
<td></td>
<td>Comment</td>
</tr>
<tr>
<td>---</td>
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</tr>
<tr>
<td>1</td>
<td>Agreed. It makes sense to have a national system of regulation.</td>
</tr>
<tr>
<td>2</td>
<td>If the geographical boundaries for vehicle licensing and enforcement is going to be relaxed then all Enforcement should be the same country wide.</td>
</tr>
<tr>
<td>3</td>
<td>As someone who has no knowledge of the situation in London I can say that my Authority can see no reason why it should be treated any differently to the rest of the Country.</td>
</tr>
<tr>
<td>4</td>
<td>I see no clear justification for a different set of rules for London other than size/scale? If we have one set of rules countrywide then there is far more transparency.</td>
</tr>
<tr>
<td>5</td>
<td>We already have a number of operators who have a considerable amount of business in london. The bigger the differences, the harder it is going to be to achieve any sort of consistency nationally.</td>
</tr>
<tr>
<td>6</td>
<td>Easier if all the same but no real opinion.</td>
</tr>
<tr>
<td>7</td>
<td>I see no reason why London should have their own legislation. This makes no sense to me. Legislation applies throughout England and Wales normally and I can't think of a reason why London should be an exception.</td>
</tr>
<tr>
<td>8</td>
<td>If you are going to introduce a more uniformed set of rules then it would make little sense to leave London out of this as it has the largest market in the country, we all need to be adhering to the same rules</td>
</tr>
<tr>
<td>9</td>
<td>It would seem appropriate to have a national standard.</td>
</tr>
<tr>
<td>10</td>
<td>Why should London be any different to the rest of the UK</td>
</tr>
<tr>
<td>11</td>
<td>I agree with this proposal. Everywhere should have the same system. People do travel between as well as within local authorities.</td>
</tr>
<tr>
<td>12</td>
<td>All areas of the country should operate under the same legislation</td>
</tr>
<tr>
<td>13</td>
<td>There should be consistency in legislation across England and Wales.</td>
</tr>
<tr>
<td>14</td>
<td>We suppose if it is uniform throughout then London should be included but again it runs well seperately at the minute, I dont think this is something that would affect us or our drivers.</td>
</tr>
<tr>
<td>15</td>
<td>I agree that they should be included however i am aware of the historic nature of London black cabs</td>
</tr>
<tr>
<td>16</td>
<td>London is a bigger area which would use zoned areas that small local authorities would not. There is more competition in London and it's worked having them seperate. This applies to Hackneys as London does not appear to regulate private hire in the way that local authorities do.</td>
</tr>
<tr>
<td>17</td>
<td>London is no different from any other large city, and if the system is to cater for cities to rural and back, it can cope with London. One system of legislation will make life simpler, especially for those on the border, and especially of a national sytem of standardds and cross-border ops is enabled.</td>
</tr>
</tbody>
</table>
Page 5, Q1. Provisional proposal 2
London should be included, with appropriate modifications, within the scope of reform. (Page 162)

What are your views on this proposal?

<p>| | | |</p>
<table>
<thead>
<tr>
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</thead>
<tbody>
<tr>
<td>18</td>
<td>London’s needs are very different to most other parts of the Country. Consistency would be beneficial but depending on the detail of modifications to cater for London specific issues.</td>
<td>May 18, 2012 8:21 AM</td>
</tr>
</tbody>
</table>
The regulation of taxi and private hire vehicles should not be restricted to any particular type of vehicle but should rather focus on road transport services provided for hire with the services of a driver. (Page 164)

What are your views on this proposal?

1. Agreed. However, there are certain types of vehicle which are unsuitable for licensing. Licensing authorities should be able to retain power to refuse licences for vehicles they deem unsuitable for public use. Aug 30, 2012 8:43 AM

2. I think a balance needs to be maintained between the two Aug 20, 2012 1:30 PM

3. The emphasis should be on suitability and safety, suitability judged for the proposed use in each case. Aug 16, 2012 2:22 PM

4. We think the emphasis should be on suitability for the specific role, reliability and an overriding requirement for safety. There should be a maximum size of vehicle, restricted to commercially available cars and people carriers. Larger vehicles have inherently more complex design and maintenance requirements. The difficulty will be, as always, that if any new legislation is drawn too loosely then it will require individual licensing authority's to introduce their own policies and so no progress will be made. Aug 15, 2012 3:20 PM

5. There should be a clear principle that transporting people for profit requires legitimising (where the carrying capacity is less than 8 passengers [to avoid PSV regs]). This would include rickshaws, bycycles tuc-tucs and the like and close the loopholes visible at present. Aug 15, 2012 9:08 AM

6. It makes more sense to approach it this way, as it could then include any vehicle used for that function unless specifically exempted (e.g. either due to the nature of the service - funeral, or a particular type of vehicle, e.g. motorbikes) Jul 11, 2012 5:27 PM

7. If the proposal is to accept any road vehicle then guidelines in the form of - perhaps - secondary legislation should be forthcoming to cover licensing of for example novelty vehicles, limo's etc. What really needs to be considered more than any other factor is that the Licensing of vehicles as HC or PHV's is that 1. This is a regulatory service; 2. The predominant factor to be considered is SAFETY both of the vehicle and the travelling and paying public. Jul 11, 2012 1:05 PM

8. I agree in part, however there still needs to be guidance regarding this to avoid unsuitable vehicles being used. I feel as in that all hackney carriage should be wheelchair accessible but a variety of vehicles can be used as private hire as having the ability to pre-book can give the opportunity to request vehicles with certain criteria for individual needs. I do not think there is a place for motorcycles to be used as private hire vehicles when public safety is the uppermost concern as I dont think there is a place for tuk-tuks etc. Jul 11, 2012 10:52 AM

9. include all vehicle upto 8 passengers Jul 10, 2012 1:21 PM

10. As long as the vehicles are fit for purpose and meet the needs of the community. Jul 9, 2012 3:00 PM


12. Public safety is the key issue. There must be assurances that drivers/riders taking passengers and the vehicles they travel are as safe as possible. Jul 9, 2012 7:48 AM
Page 5, Q2. Provisional proposal 3

The regulation of taxi and private hire vehicles should not be restricted to any particular type of vehicle but should rather focus on road transport services provided for hire with the services of a driver. (Page 164)

What are your views on this proposal?

<table>
<thead>
<tr>
<th>ID</th>
<th>Comment</th>
<th>Date: Time</th>
</tr>
</thead>
<tbody>
<tr>
<td>13</td>
<td>Very grey</td>
<td>Jul 6, 2012 12:13 PM</td>
</tr>
<tr>
<td>14</td>
<td>Let market forces dictate. Allow the trade to make decisions based upon their business models.</td>
<td>Jul 6, 2012 11:35 AM</td>
</tr>
<tr>
<td>15</td>
<td>I think there needs to be some restrictions as otherwise there would be the cheapest vehicles being licensed which may not fulfill the transportation needs</td>
<td>Jul 6, 2012 10:54 AM</td>
</tr>
<tr>
<td>16</td>
<td>We need to bring legislation into the 21st century in which peoples needs are more diverse.</td>
<td>Jun 12, 2012 1:11 PM</td>
</tr>
<tr>
<td>17</td>
<td>Agree for private hire but worry that the Black Cab symbolises the Taxi trade for the UK and this would be lost. We also believe that having different styles of vehicles differentiates between the trades.</td>
<td>Jun 8, 2012 1:40 PM</td>
</tr>
<tr>
<td>18</td>
<td>Easier for the public to understand the need for licensing related to the function rather than the vehicle. Regulation must be able to cope with all types of vehicle.</td>
<td>Jun 1, 2012 1:18 PM</td>
</tr>
<tr>
<td>19</td>
<td>It seems sensible to restrict to certain types of vehicles to ensure the safety of the public at all times.</td>
<td>May 23, 2012 2:13 PM</td>
</tr>
<tr>
<td>20</td>
<td>Must exclude volunteer community transport schemes if drivers are CRB checked etc under separate regime</td>
<td>May 21, 2012 10:41 AM</td>
</tr>
<tr>
<td>21</td>
<td>I think there does need to be minimum national standards on safety, suitability and comfort of vehicles. The current 8 seater limit should remain.</td>
<td>May 18, 2012 8:21 AM</td>
</tr>
<tr>
<td>22</td>
<td>On the grounds of public safety, all vehicles providing for hire with a driver should be controlled.</td>
<td>May 17, 2012 10:27 AM</td>
</tr>
<tr>
<td>23</td>
<td>The public should be able to easily distinguish between the two types for their safety. If taxis are to remain public hire vehicles then surely they should have to come in line with other modes of public transport where practicably possible.</td>
<td>May 17, 2012 7:44 AM</td>
</tr>
<tr>
<td>24</td>
<td>Vehicle standards need to be maintained, and specification of type vehicles.</td>
<td>May 17, 2012 6:43 AM</td>
</tr>
<tr>
<td>Question</td>
<td>Response</td>
<td></td>
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<td>----------</td>
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</tr>
<tr>
<td>1</td>
<td>No. This would exclude, for example, horse-drawn vehicles and pedicabs</td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>To ensure safe operation of the vehicle, it is essential that a driving licence is presented at application stage. Should 'other' vehicle types be included within scope of legislation, which currently are not subject to national licensing standards, then local authorities will need guidance on roadworthiness and specifications etc. Also, I would assume local authorities would also put in place a local inspection test, which is burdensome.</td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>Vehicles, drivers and operators all need to be vetted and approved for public safety, irrespective of the motive power employed.</td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>The main advantage would be that it at least requires the 'driver' to have passed a nationally recognised test.</td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>It will, at least, make sure that the driver has passed a nationally recognised test of competence to drive.</td>
<td></td>
</tr>
<tr>
<td>6</td>
<td>see above. What safety standards are available to protect passengers on a tandem bike operated in a Town Centre?</td>
<td></td>
</tr>
<tr>
<td>7</td>
<td>This would exclude horse drawn vehicles, peddle powered cycle arrangements etc, which are still attractive to customers and have safety issues.</td>
<td></td>
</tr>
<tr>
<td>8</td>
<td>Recognised safety standards but what about horse drawn vehicles? No concern about pedicabs etc being excluded from Licensing.</td>
<td></td>
</tr>
<tr>
<td>9</td>
<td>There would still be applications for trishaws, rickshaws, horse &amp; carriages etc which would require interpretation and could result in national discrepancies with licensing vehicles. Unless the idea is to exclude all of these categories from the licensing requirements?</td>
<td></td>
</tr>
<tr>
<td>10</td>
<td>I do not think there is a place for motorcycles to be used as private hire vehicles when public safety is the uppermost concern. There are numerous issued surrounding safety equipment helmets, CE approved protective clothing and the correct sizes of such equipment. There is strong evidence that motorcycles are more likely to result in serious injury/fatality to riders and passengers. The owner would need to carry out individual risk assessments and instruction to passengers. There is also an issue about carriage of luggage, passengers who ahve been drinking. There are numerous issues surrounding the licensing of these and I dont think any licensing area would have a market that could financially support such a business (Supply and demand)</td>
<td></td>
</tr>
<tr>
<td>11</td>
<td>need to take a local view on this as some LA's have horse drawn carriages, pedicabs etc</td>
<td></td>
</tr>
<tr>
<td>12</td>
<td>Clearer national standards, and other vehicles could have their own laws</td>
<td></td>
</tr>
<tr>
<td>13</td>
<td>Clearer and more definitive description required. If unmotorised vehicles require licensing should be a separate category with its own safety conditions.</td>
<td></td>
</tr>
<tr>
<td>14</td>
<td>Passenger safety. the driver is in a position of trust with lone passengers</td>
<td></td>
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</tbody>
</table>
**Page 5, Q3. Question 4**
Would there be (and if so what) advantages to restricting licensing to motor vehicles that require a driving licence? (Page 164)

<p>| | |</p>
<table>
<thead>
<tr>
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<tbody>
<tr>
<td>15</td>
<td>Clearer and more definitive description. If unmotorised vehicles require licensing it should be a separate category</td>
</tr>
<tr>
<td>16</td>
<td>Pedicabs/horse drawn vehicles etc, which carry members of the public for hire and reward in our towns and cities should also be regulated to ensure the protection of the public.</td>
</tr>
<tr>
<td>17</td>
<td>There needs to be some kind of qualification for driving passengers around</td>
</tr>
<tr>
<td>18</td>
<td>Are there motor vehicles which do not require a licence? As for pedicars and bycycles we do not see a problem as long as they are regulated.</td>
</tr>
<tr>
<td>19</td>
<td>Depends on whether or not you believe that pedicabs and horse-drawn vehicles need to be in the licensing system. If excluded it would certainly make the job of the LO easier.</td>
</tr>
<tr>
<td>20</td>
<td>This would simplify the system. If there is no requirement for vehicles to be licensed on a public safety ground (e.g. horse and carriage) they should be excluded from the licensing regime.</td>
</tr>
</tbody>
</table>
**Page 5, Q4. Provisional proposal 5**

Public service vehicles should be expressly excluded from the definition of taxi and private hire vehicles; and taxi and private hire vehicles should only cover vehicles adapted to seat eight or fewer passengers. (Page 165)

What are your views on this proposal?

<p>| | |</p>
<table>
<thead>
<tr>
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</thead>
<tbody>
<tr>
<td>1</td>
<td>For authorities such as ours that have a separate passenger transport unit I can appreciate the benefits of a nominated service area dealing with enquiries for the larger vehicles.</td>
</tr>
<tr>
<td>2</td>
<td>This is a straightforward approach and less prone to manipulation or misinterpretation.</td>
</tr>
<tr>
<td>3</td>
<td>I refer to my answer to proposal 3. From a licensing authority point of view the requirement is for vehicles that can be managed, inspected and examined by locally available resources.</td>
</tr>
<tr>
<td>4</td>
<td>The problem is really with the stretch limos, which are usually adapted to seat between 8 and 12 passengers, but are often not subject to any form of regulation unless treated as private hire, when they are then limited to 8 passengers.</td>
</tr>
<tr>
<td>5</td>
<td>Works fine as is presently.</td>
</tr>
<tr>
<td>6</td>
<td>This would make sense and enable us to have a definition of the types of vehicle to be licensed.</td>
</tr>
<tr>
<td>7</td>
<td>I think that local authorities should remain licensing only vehicles with 8 seats or less. This is very much a specialist area which is best controlled/regulated by a separate body.</td>
</tr>
<tr>
<td>8</td>
<td>Local Authorities should license all vehicles up to and including 16 seats</td>
</tr>
<tr>
<td>9</td>
<td>However care should be taken with vehicle adaptations. There are vehicles originaly designed to carry more than 8 passengers with seats removed and some shoddy brackets put in for wheelchair users. Some Authorities are licensing these vehicles without requiring re-testing certification.</td>
</tr>
<tr>
<td>10</td>
<td>Vehicles up to 16 seats should fall within taxi and private hire vehicle regulation. A minibus which has 8, 12 or 16 seats do the same job with the same customers. All customers should have the same level of public protection and this level should not depend on wether their party includes 8 or 16 people.</td>
</tr>
<tr>
<td>11</td>
<td>This would make sense and then everyone would know the definition of taxis and PHs.</td>
</tr>
<tr>
<td>12</td>
<td>Although Stretched Limousines and other similar &quot;novelty&quot; vehicles will continue to present challenges where they seat more than 8 passengers. These vehicles often fall into the cracks between the PHV and PSV licensing schemes.</td>
</tr>
<tr>
<td>13</td>
<td>Seat numbers is not really the issue, surely it is the service offered which is important, ie the difference is between public service and hiring. For practical purposes perhaps the primary role of the vehicle/driver could be the consideration</td>
</tr>
<tr>
<td>14</td>
<td>Public service vehicles are already adequately covered by current legislation</td>
</tr>
</tbody>
</table>
**Page 5, Q4. Provisional proposal 5**
Public service vehicles should be expressly excluded from the definition of taxi and private hire vehicles; and taxi and private hire vehicles should only cover vehicles adapted to seat eight or fewer passengers. (Page 165)

What are your views on this proposal?

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<table>
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<tbody>
<tr>
<td>15</td>
<td>The definitions should be clear for public safety reasons.</td>
</tr>
</tbody>
</table>
Page 5, Q5. Provisional proposal 6
References to stage coaches charging separate fares should no-longer feature as an exclusion from the definition of taxis. (Page 166)

What are your views on this proposal?

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<table>
<thead>
<tr>
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</thead>
<tbody>
<tr>
<td>1</td>
<td>Agreed. This is an anachronism which needs to be removed.</td>
<td>Aug 30, 2012 8:43 AM</td>
</tr>
<tr>
<td>2</td>
<td>I think that if vehicles are to perform dual functions, i.e taxi services and 'bus' services then they should require to have 2 individual licences</td>
<td>Aug 16, 2012 2:22 PM</td>
</tr>
<tr>
<td>3</td>
<td>I find that the law around such subjects is arcane, unnecessarily complex and convoluted. I firmly believe that there should be clearly defined 'taxi' vehicles and 'private hire' vehicles and that should be it. Vehicles which are operated as part of a bus service should do that and only that. If a 'bus' wants to operate as a taxi then it ought to get another taxi licence, or they should be exempted and allowed a free rein, provided they are licensed for their core role. It's the legal distinctions and loopholes that cause problems.</td>
<td>Aug 15, 2012 3:20 PM</td>
</tr>
<tr>
<td>4</td>
<td>What impact would this proposal have for community bus services?;</td>
<td>Aug 15, 2012 9:08 AM</td>
</tr>
<tr>
<td>5</td>
<td>but not sure how this would fit with metres</td>
<td>Jul 11, 2012 5:27 PM</td>
</tr>
<tr>
<td>6</td>
<td>It would be a simpler licensing regime where all vehicles are licensed under one piece of legislation. It may preclude some vehicles from making application so could be viewed as a restriction on trade.</td>
<td>Jul 11, 2012 1:05 PM</td>
</tr>
<tr>
<td>7</td>
<td>I dont think stage coaches charging separate fares could fall within the area of hackney carriage licensing.</td>
<td>Jul 11, 2012 10:52 AM</td>
</tr>
<tr>
<td>8</td>
<td>With the consent of the hirers</td>
<td>Jul 11, 2012 8:04 AM</td>
</tr>
<tr>
<td>9</td>
<td>Clarity is required</td>
<td>Jul 9, 2012 7:48 AM</td>
</tr>
<tr>
<td>10</td>
<td>This was implemented by archaic legislation which is no longer relevant in the modern world. We now have public transport buses and coaches which do the job of stage coaches.</td>
<td>Jul 6, 2012 11:35 AM</td>
</tr>
<tr>
<td>11</td>
<td>If they are under 8 passengers then they should be taxis/PHs.</td>
<td>Jul 6, 2012 11:14 AM</td>
</tr>
<tr>
<td>12</td>
<td>What about Taxi- and PHV- buses?? I need to think about this some more.</td>
<td>Jun 1, 2012 1:18 PM</td>
</tr>
<tr>
<td>13</td>
<td>See above.</td>
<td>May 21, 2012 10:41 AM</td>
</tr>
<tr>
<td>14</td>
<td>This could provide a loophole for unscrupulous proprietors</td>
<td>May 17, 2012 10:27 AM</td>
</tr>
<tr>
<td>15</td>
<td>Definitions should be clear</td>
<td>May 17, 2012 7:44 AM</td>
</tr>
</tbody>
</table>
### Page 5, Q6. Provisional proposal 7

The Secretary of State should consider issuing statutory guidance to the Senior Traffic Commissioner about the licensing of limousines and other novelty vehicles to assist consistency. (Page 167)

**What are your views on this proposal?**

<p>| | |</p>
<table>
<thead>
<tr>
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<tbody>
<tr>
<td>1</td>
<td>We would welcome statutory guidance on limousines. However, there is such a diversity of novelty vehicles that we believe it would be difficult to issue statutory guidance. This is an area which may best controlled by local licensing policy.</td>
</tr>
<tr>
<td>2</td>
<td>But only for vehicles over 8 passenger seats.</td>
</tr>
<tr>
<td>3</td>
<td>I agree, such vehicles should be dealt with as a separate licence system entirely. They are a legal and technical nightmare at present.</td>
</tr>
<tr>
<td>4</td>
<td>Certain novelty vehicles (perhaps defined by age) should be excluded from licensing regime completely. For example, I would not want to have to licence original pre-war vintage vehicles as there use is restricted by their age.</td>
</tr>
<tr>
<td>5</td>
<td>Yes, but the Secretary of State should go further. All such vehicles should, by law, have to meet a set of National minimum requirements and should, throughout their licensed period be examined by VOSA, in the same way that HGV and PCV are. Local authority could then issue local licences subsequent to the vehicles passing the National standards. These standards and mandatory examinations should apply to all of these vehicles, including those already licensed.</td>
</tr>
<tr>
<td>6</td>
<td>Limousine licensing should fall to VOSA, many authorities choose to ignore the limousine issue as they do not have the facilities to test them. If licensing was to fall to VOSA at least this would ensure that all of these particular types of vehicle were licensed.</td>
</tr>
<tr>
<td>7</td>
<td>Does this mean that they would then fall outside the taxi/private hire system entirely?</td>
</tr>
<tr>
<td>8</td>
<td>Guidance is helpful.</td>
</tr>
<tr>
<td>9</td>
<td>Significant guidance should be produced in order to address some of these issues. Many authorities are challenged through Magistrates, High Court and Court of Appeal over decisions made in good faith. Where there are discrepancies between licensing authorities, this in itself can be reason for challenge to the courts. This is an extremely costly process and is beyond the remit of many authorities who simply choose to disregard their better judgement and allow the functions that they were trying to prevent.</td>
</tr>
<tr>
<td>10</td>
<td>I strongly believe that all limousines and novelty vehicle should be licensed via the traffic commissioners. This is a very specialised area which requires specialist testing via VOSA etc and a lot of small licensing authorities do not have faqility to test such vehicles. By traffic commissioners having sole responsibility for this area would raise the standard and safety of the vehicles as most of them fall within the definition of PSV's anyway and if adapted to fall within the realms of PHV licensing have poor conversions to enable them to fall within this area of licensing.</td>
</tr>
<tr>
<td>11</td>
<td>The rules vary all over the Country and this should be tidied up.</td>
</tr>
<tr>
<td>12</td>
<td>Without doubt.</td>
</tr>
</tbody>
</table>
**Page 5, Q6. Provisional proposal 7**
The Secretary of State should consider issuing statutory guidance to the Senior Traffic Commissioner about the licensing of limousines and other novelty vehicles to assist consistency. (Page 167)

What are your views on this proposal?

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<table>
<thead>
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</thead>
<tbody>
<tr>
<td>13</td>
<td>There should be consistency. These vehicles carry people for hire and reward and should be regulated under HC/PH legislation.</td>
<td>Jul 6, 2012 11:35 AM</td>
</tr>
<tr>
<td>14</td>
<td>Every Authority currently treats these very differently, we licence them, but lots dont.</td>
<td>Jul 6, 2012 11:14 AM</td>
</tr>
<tr>
<td>15</td>
<td>This proposal will only work if the guidance places a statutory duty on the traffic commissioner to have regard to the guidance. Difference in legislation will ultimately lead to inconsistent decision making unless the guidance is binding.</td>
<td>Jul 3, 2012 8:07 AM</td>
</tr>
<tr>
<td>16</td>
<td>Guidance is only that, guidance.</td>
<td>Jun 20, 2012 8:41 AM</td>
</tr>
<tr>
<td>17</td>
<td>Consistency.</td>
<td>Jun 1, 2012 1:18 PM</td>
</tr>
<tr>
<td>18</td>
<td>Absolutely agree. The current system is seriously flawed, full of loopholes and needs sorting out to safeguard the public and help operators.</td>
<td>May 18, 2012 8:21 AM</td>
</tr>
<tr>
<td>19</td>
<td>There is much confusion and many different standards across the country in relation to these vehicles. A National standard would simplify the process for applicants and Local Authorities, and prevent vehicles remaining unlicensed because LA's are unsure how to deal with them.</td>
<td>May 17, 2012 10:27 AM</td>
</tr>
</tbody>
</table>
The concept of “in the course of a business of carrying passengers” should be used to limit the scope of taxi and private hire licensing so as to exclude genuine volunteers as well as activities where transport is ancillary to the overall service. (Page 168)

What are yo...

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<table>
<thead>
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<tbody>
<tr>
<td>1</td>
<td>Volunteers also need to be vetted, as do the vehicles. Aug 21, 2012 11:01 AM</td>
</tr>
<tr>
<td>2</td>
<td>It needs a precise definition. We are aware of volunteer groups providing local services that operate at prices in excess of the HMRC limit for mileage claims, the guidance they are given says that they can make a profit, this cannot be legal, unless a new definition is promulgated. We're also aware of at least one group that has bid to run school transport services on behalf of a council. Aug 16, 2012 2:22 PM</td>
</tr>
<tr>
<td>3</td>
<td>There is a need to address the issue of volunteer activities particularly in rural areas because we have knowledge that some of them charge more than the standard HMRC mileage rate and the guidance allows them to make a profit. Profit is a business term and the exact nature of such exclusions must be strictly defined. We're aware of at least one volunteer car scheme that has bid for contracts to deliver rural school transport. This causes much ill feeling amongst the properly licensed trade Aug 15, 2012 3:20 PM</td>
</tr>
<tr>
<td>4</td>
<td>Without teh liomitations many volunteer schemes would collapse. Aug 15, 2012 9:08 AM</td>
</tr>
<tr>
<td>5</td>
<td>much better definition Jul 11, 2012 5:27 PM</td>
</tr>
<tr>
<td>6</td>
<td>Agree but very clear expectations. What is a genuine volunteer? Definition needed. Definition of amateur level hiring's required and detail of how many times per year etc. Jul 11, 2012 2:00 PM</td>
</tr>
<tr>
<td>7</td>
<td>The legislation is clearly intended for those businesses who purposefully set out to provide such a service. I find that licensing hospital volunteers is ridiculous and clearly not what the legislation was intended for. The legislation therefore needs to be clear about it's intentions and should be updated and amended as changes dictate. For too long we have tried to work with legislation which is approaching 200 years old and trying to make circumstances fit for the present day. Jul 11, 2012 1:05 PM</td>
</tr>
<tr>
<td>8</td>
<td>The area of Hire/reward should be considered. I do not feel that volunteers and businesses such as child minding should fall withing the area of HC and PH licensing. Also ambulances should have a seperate permit to carry out business and should never fall within this ara of licensing Jul 11, 2012 10:52 AM</td>
</tr>
<tr>
<td>9</td>
<td>So long as sufficient loop-hole protection is in place! Jul 11, 2012 8:04 AM</td>
</tr>
<tr>
<td>10</td>
<td>But it still leaves too much to local interpretation Jul 9, 2012 10:53 AM</td>
</tr>
<tr>
<td>11</td>
<td>We must be careful however of opening more loop holes. &quot;If the tax man is happy&quot; appraoch may help Jul 9, 2012 7:48 AM</td>
</tr>
<tr>
<td>12</td>
<td>Still leaves to much to local interpretation - would need to be made more definitive Jul 6, 2012 12:13 PM</td>
</tr>
<tr>
<td>13</td>
<td>Genuine volunteers have a valuable role to play in specific circumstances. This is different to HC/PH drivers who pick up members of the public in the course of a business. Where transport is ancillary to the overall service, again the circumstances are different to those of the business of HC/PH, e.g. child minders (who have their own vetting system. Jul 6, 2012 11:35 AM</td>
</tr>
</tbody>
</table>
### Page 5, Q7. Provisional proposal 8
The concept of “in the course of a business of carrying passengers” should be used to limit the scope of taxi and private hire licensing so as to exclude genuine volunteers as well as activities where transport is ancillary to the overall service. (Page 168)

**What are yo...**

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<tr>
<td>14</td>
<td>We think a lot of the charities etc that use volunteer transport might struggle with the extra burden of licensing.</td>
<td>Jul 6, 2012 11:14 AM</td>
</tr>
<tr>
<td>15</td>
<td>The current position included the element of hire without the need for reward again because the potential risk to public protection does not diminish if a vehicle undertakes work for reward or hire. For this reason, any limitation is scope must be sufficiently wide to ensure the purpose of the licensing regime is not compromised by “grey” areas. If the Government is minded to limit the scope as per the provisional proposal above, it must ensure it clearly defines what it means by “in the course of a business” i.e. does business only include for financial gain or a wider definition.</td>
<td>Jul 3, 2012 8:07 AM</td>
</tr>
<tr>
<td>16</td>
<td>As long as there is very clear criteria on what can be excluded and not left to interpretation.</td>
<td>Jun 8, 2012 1:40 PM</td>
</tr>
<tr>
<td>17</td>
<td>Agree with reservations about ensuring that the &quot;ancillary&quot; market uses vehicles that are safe and insured for whatever they are used for.</td>
<td>Jun 1, 2012 1:18 PM</td>
</tr>
<tr>
<td>18</td>
<td>There seems to a lot of people covering vast mileages in a year as volunteers. they should all be under licensing</td>
<td>May 30, 2012 1:45 PM</td>
</tr>
<tr>
<td>19</td>
<td>There needs to be much clearer guidance surrounding this as the current system / guidance is ambiguous and gives rise to consternation amongst the licensed trade.</td>
<td>May 27, 2012 9:00 AM</td>
</tr>
<tr>
<td>20</td>
<td>1) Agree regarding vetted volunteers 2) Disagree regarding ancillary transport. What if a charge is made for transport? What about fit and proper person on drivers? Surely it still applies.</td>
<td>May 21, 2012 10:41 AM</td>
</tr>
<tr>
<td>21</td>
<td>Provided that there is clear guidance covering the types of excluded activities and those activities are satisfactorily regulated elsewhere (e.g. drivers are CRB-checked)</td>
<td>May 17, 2012 11:01 AM</td>
</tr>
<tr>
<td>22</td>
<td>There should be no loop holes when considering public safety</td>
<td>May 17, 2012 7:44 AM</td>
</tr>
</tbody>
</table>
## Page 5, Q8. Question 9
How, if at all, should the regulation of taxis and private hire deal with:
(a) carpooling; and
(b) members clubs? (Page 170)

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<table>
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<tbody>
<tr>
<td>1</td>
<td>Via private hire licensing regime.</td>
</tr>
<tr>
<td>2</td>
<td>Provided they are genuine schemes. If they are in the course of a business they need to be regulated.</td>
</tr>
<tr>
<td>3</td>
<td>It is surely a business venture, carrying the public, albeit a section only.</td>
</tr>
<tr>
<td>4</td>
<td>Guidance needs to be clear about what they can/can't do</td>
</tr>
<tr>
<td>5</td>
<td>As Private Hire vehicles</td>
</tr>
<tr>
<td>6</td>
<td>provided the &quot;in the course of a business of carrying passengers&quot; was born in mind.</td>
</tr>
<tr>
<td>7</td>
<td>But perhaps car pooling should be regulated where they advertise or join websites where they are matched and receive renumeration?</td>
</tr>
<tr>
<td>8</td>
<td>The government are supposed to encourage car sharing or carpooling in order to reduce a) emmissions b) congestion it therefore seems ridiculous to regulate this area. If payment is made for fuel/running costs then it isn't hire/reward. Members clubs should be regulated with a separate licence which restricts the carriage to just members.</td>
</tr>
<tr>
<td>9</td>
<td>carpooling not a commercial venture, however members clubs have the potential to be commercial</td>
</tr>
<tr>
<td>10</td>
<td>There needs to be a legal definition of carpooling. It can then be determined whether something is carpooling and therefore outside of the scope of hackney carriage/private hire legislation. If the club exists for the purposes of carrying passengers for hire or reward then it should come under the hackney carriage/private hire legislation.</td>
</tr>
<tr>
<td>11</td>
<td>If expressly excluded from licensing I can see private hire firms all over the land becoming clubs with free membership included with each booking?</td>
</tr>
<tr>
<td>12</td>
<td>Re Members clubs, if this is for the benefic of the club, to attend activities etc then this should not be regulated.</td>
</tr>
<tr>
<td>13</td>
<td>A group of people who regulary use each others vehicles on a set journey have a private arrangement which need not be regulated. A &quot;members' club&quot; can too easily be a front for illegal cabbing.</td>
</tr>
<tr>
<td>14</td>
<td>To not regulate members clubs could lead to abuse, a loophole in the regime. Same principle applies, is it a business? Club membership fees could be considered fare</td>
</tr>
</tbody>
</table>
**Page 5, Q9. Provisional proposal 10**
The power of the Secretary of State and Welsh Ministers to set national standards should be flexible enough to allow them to make exclusions from the taxi and private hire licensing regimes. (Page 171)

**What are your views on this proposal?**

<table>
<thead>
<tr>
<th></th>
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<th>Date</th>
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<tbody>
<tr>
<td>1</td>
<td>Agreed. There should be sufficient flexibility to take account of local circumstances.</td>
<td>Aug 30, 2012 8:43 AM</td>
</tr>
<tr>
<td>2</td>
<td>Provided the exclusions are clear and public safety as the paramount requirement is protected.</td>
<td>Aug 21, 2012 11:01 AM</td>
</tr>
<tr>
<td>3</td>
<td>Would allow new modes of transport (or fads) to be dealt with quickly</td>
<td>Jul 11, 2012 5:27 PM</td>
</tr>
<tr>
<td>4</td>
<td>I have no view on this area although we do not want to start complication a licensing system which should be clear to all</td>
<td>Jul 11, 2012 10:52 AM</td>
</tr>
<tr>
<td>5</td>
<td>the whole idea of the consultation is to make things easier and consistent in its approach</td>
<td>Jul 10, 2012 1:21 PM</td>
</tr>
<tr>
<td>6</td>
<td>If the standards are national then it makes sense for exclusions to be national.</td>
<td>Jul 10, 2012 1:19 PM</td>
</tr>
<tr>
<td>7</td>
<td>At least licensing officers would have clarity. Careful of loopholes.</td>
<td>Jul 9, 2012 7:48 AM</td>
</tr>
<tr>
<td>8</td>
<td>Assurance of quality for the fare paying passenger and consistency across England and Wales is needed. There would be a level playing field for the trade who would not be advantaged or disadvantaged according to geographical area.</td>
<td>Jul 6, 2012 11:35 AM</td>
</tr>
<tr>
<td>9</td>
<td>Why have standards if they can be flexible.</td>
<td>Jun 8, 2012 1:40 PM</td>
</tr>
<tr>
<td>10</td>
<td>Ph regimes only</td>
<td>May 17, 2012 10:27 AM</td>
</tr>
</tbody>
</table>
Weddings and funerals should no-longer be expressly excluded from private hire licensing through primary legislation. (Page 172)

What are your views on this proposal?

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<table>
<thead>
<tr>
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<tbody>
<tr>
<td>1</td>
<td>We believe that this would place an unnecessary regulatory burden on such businesses which have traditionally operated without the need for a licence. We are not aware of any problems or risks to the public which would require such vehicles to be regulated. Aug 30, 2012 8:43 AM</td>
</tr>
<tr>
<td>2</td>
<td>These are not taxis or PHV's; perhaps needs other regulatory control if there are problems. Aug 16, 2012 7:31 AM</td>
</tr>
<tr>
<td>3</td>
<td>only Funerals should be excluded - weddings should not the exclusion is in any case too vague for clarity in most peoples minds. Aug 15, 2012 9:08 AM</td>
</tr>
<tr>
<td>4</td>
<td>I agree that the funeral cars (at the very least the hearse) should be excluded, but consider wedding cars to be really made available as part of a business (even where only occasional - if they are hiring out it is unlikely to be from the goodness of their hearts) Jul 11, 2012 5:27 PM</td>
</tr>
<tr>
<td>5</td>
<td>I don't feel that funeral licensing should ever be a consideration. This is NOT a taxi service and should be distinct and separate. I think that wedding vehicles should be included in the legislation and not exempted. These vehicles are often used for parties, proms, hen nights and are specifically designated as part of the transport system. Jul 11, 2012 1:05 PM</td>
</tr>
<tr>
<td>6</td>
<td>I feel that this area should be regulated by private hire licensing but with quite clear restriction on use Jul 11, 2012 10:52 AM</td>
</tr>
<tr>
<td>7</td>
<td>both weedings and funerals are for commercial gain Jul 10, 2012 1:21 PM</td>
</tr>
<tr>
<td>8</td>
<td>This hasn't been an issue with this authority and the costs of licensing maybe excessive for a company (eg funeral directors) where the transport is only a part of the business rather than the business itself. Jul 10, 2012 1:19 PM</td>
</tr>
<tr>
<td>9</td>
<td>I am not aware that the exclusion of these vehicles has caused any major issues. Jul 9, 2012 3:00 PM</td>
</tr>
<tr>
<td>10</td>
<td>The vehicles still carry passengers for hire and reward and should be subject to the same safety requirements with the exception of the hearse carrying the coffin Jul 9, 2012 10:53 AM</td>
</tr>
<tr>
<td>11</td>
<td>There are no reasons for them to be exempted. However national standards would have to reflect that some vehicles used may not automatically pass. Vintage cars for example. Jul 9, 2012 7:48 AM</td>
</tr>
<tr>
<td>12</td>
<td>I agree that regulation should apply to passenger vehicles used in connection as they are no difference to private hire vehicles. Jul 6, 2012 2:13 PM</td>
</tr>
<tr>
<td>13</td>
<td>They are still carrying passengers. I don't think that the Hearse that is only used fo the carriage of the coffin needs to be licensed Jul 6, 2012 12:13 PM</td>
</tr>
<tr>
<td>14</td>
<td>Allow for businesses to diversify. However, a hearse, should remain exempt. Jul 6, 2012 11:35 AM</td>
</tr>
<tr>
<td>15</td>
<td>We think the exemption should still apply, we dont feel or see the need to get involved in the licensing of these. Jul 6, 2012 11:14 AM</td>
</tr>
<tr>
<td>16</td>
<td>Weddings couold be more restrictive. For example, bride and groom to and Jun 20, 2012 8:41 AM</td>
</tr>
</tbody>
</table>
Weddings and funerals should no-longer be expressly excluded from private hire licensing through primary legislation. (Page 172)

What are your views on this proposal?

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<tbody>
<tr>
<td>17</td>
<td>The wedding car classification needs to be more clearly defined that it applies only to the bridal party.</td>
<td>Jun 8, 2012 1:40 PM</td>
</tr>
<tr>
<td>18</td>
<td>There will always be circumstances which do not quite fit a set of Regulations. Sec of State should use this power carefully, after due thought in individual cases, and give reasons. Such decisions should be published.</td>
<td>Jun 1, 2012 1:18 PM</td>
</tr>
<tr>
<td>19</td>
<td>the wedding exemption should be lifted. The legislation is being ignored with regard to wedding cars. Funerals should remain exempt.</td>
<td>May 30, 2012 1:45 PM</td>
</tr>
<tr>
<td>20</td>
<td>They should be licenced, but not undergo the same knowledge tests as phv/hcv drivers. Perhaps there could be another classification of licence.</td>
<td>May 23, 2012 2:13 PM</td>
</tr>
<tr>
<td>21</td>
<td>Definitions need to be clearer but the nature of this service is very different to 'regular' hire or reward.</td>
<td>May 18, 2012 8:21 AM</td>
</tr>
<tr>
<td>22</td>
<td>on the grounds of public safety</td>
<td>May 17, 2012 10:27 AM</td>
</tr>
</tbody>
</table>
**Page 5, Q11. Question 12**
Would there be merits in reintroducing the contract exemption, by means of the Secretary of State and Welsh Ministers’ exercise of the power to set national standards? If so, what modifications could be made to help avoid abuse? (Page 174)

<table>
<thead>
<tr>
<th>No.</th>
<th>Comment</th>
<th>Date</th>
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<tbody>
<tr>
<td>1</td>
<td>No. This was always a ‘grey’ area and enforcement was consequently extremely difficult. We believe there would be little advantage in reintroducing the exemption.</td>
<td>Aug 30, 2012 8:43 AM</td>
</tr>
<tr>
<td>2</td>
<td>This is a recipe for confusion.</td>
<td>Aug 21, 2012 11:01 AM</td>
</tr>
<tr>
<td>3</td>
<td>I cannot see any reason, from my regulatory point of view, why there is any difference that can be justified just on the duration of the booking</td>
<td>Aug 16, 2012 2:22 PM</td>
</tr>
<tr>
<td>4</td>
<td>I have never understood the distinction to be made purely on the basis of the length of time a vehicle is used for. The regulatory issues are the same. I appreciate their may be commercial pressures, but once again I refer to the perceived inequalities of such 'hit and miss' distinctions.</td>
<td>Aug 15, 2012 3:20 PM</td>
</tr>
<tr>
<td>5</td>
<td>Should not reintroduce. (Extra guidance on 'benefit in kind' type use of vehicles would be good).</td>
<td>Jul 11, 2012 2:00 PM</td>
</tr>
<tr>
<td>6</td>
<td>If a vehicle is specific in its function as carrying passengers as part of their business, then it should be licensed.</td>
<td>Jul 11, 2012 1:05 PM</td>
</tr>
<tr>
<td>7</td>
<td>I think there is merit in reintroducing the contract exception however strict guidelines need issuing to operators of such businesses to avoid abuse of the system. I agree that the contract should show the start and end dates and a copy of that contract is carried in the vehicle for examination.</td>
<td>Jul 11, 2012 10:52 AM</td>
</tr>
<tr>
<td>8</td>
<td>I believe there is no merit to reintroduction of contract exemptions. It was a very abused exemption and such abuse is a public safety risk.</td>
<td>Jul 10, 2012 1:19 PM</td>
</tr>
<tr>
<td>9</td>
<td>See definition in Council Vehicle Application Pack: Criteria: The work undertaken must not be conventional Private Hire work but regarded as specific ‘chauffeur-driven’ work, and that the vehicle to be used for such work is an “executive and prestigious” type vehicle of a higher standard than that of a ‘normal’ vehicle used for private hire work. This must be proved through the procedures detailed below.</td>
<td>Jul 10, 2012 11:49 AM</td>
</tr>
<tr>
<td>10</td>
<td>This should be covered by proposal 8</td>
<td>Jul 9, 2012 7:48 AM</td>
</tr>
<tr>
<td>11</td>
<td>A passengers vehicle is a passenger vehicle no matter who they carry apart from ambulances used to carry patients to hospital.</td>
<td>Jul 6, 2012 2:13 PM</td>
</tr>
<tr>
<td>12</td>
<td>It would be difficult to avoid abuse. Reintroducing the contract exemption would be a backward step. People will always find a way to avoid regulation. It is hire and reward and the public should be protected.</td>
<td>Jul 6, 2012 11:35 AM</td>
</tr>
<tr>
<td>13</td>
<td>We think the exemption would just be abused again and make it more complicated to take enforcement action.</td>
<td>Jul 6, 2012 11:14 AM</td>
</tr>
<tr>
<td>14</td>
<td>Need to regulate this sector to to vulnerable adults/young persons being carried.</td>
<td>Jul 6, 2012 10:29 AM</td>
</tr>
<tr>
<td>15</td>
<td>I thought we had seen the back of this one. It was being abused by many until the repeal of section 75. Limiting exemptions to wedding and funeral cars. See comments in Q11 re wedding cars</td>
<td>Jun 20, 2012 8:41 AM</td>
</tr>
</tbody>
</table>
**Page 5, Q11. Question 12**  
Would there be merits in reintroducing the contract exemption, by means of the Secretary of State and Welsh Ministers’ exercise of the power to set national standards? If so, what modifications could be made to help avoid abuse? (Page 174)

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<tbody>
<tr>
<td>16</td>
<td>Register of interested parties that provide this sort of service. Register to include contact details and type of work undertaken</td>
<td>Jun 8, 2012 1:40 PM</td>
</tr>
<tr>
<td>17</td>
<td>I can see no advantage in effectively giving a segment of the trade an exemption from the regulations which apply to the rest.</td>
<td>Jun 1, 2012 1:18 PM</td>
</tr>
<tr>
<td>18</td>
<td>NO - it should definitely remain regulated. Education and social services contracts are awarded on the basis of district/borough checks and maintenance. It is vital drivers and vehicles are regulated.</td>
<td>May 18, 2012 8:21 AM</td>
</tr>
<tr>
<td>19</td>
<td>The exemption is too open to abuse with the complexity of enforcement proving to be a significant issue for local authorities.</td>
<td>May 17, 2012 11:01 AM</td>
</tr>
</tbody>
</table>
Page 5, Q12. Provisional proposal 13  
Regulation of the ways taxis and private hire vehicles can engage with the public should not be limited to ‘streets’. (Page 175)  

What are your views on this proposal?

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<tbody>
<tr>
<td>1</td>
<td>With confusion over supermarkets, airports, stations and whether areas are private or public and private agreements to favour one PH company over another, this would be beneficial</td>
<td>Aug 20, 2012 1:30 PM</td>
</tr>
<tr>
<td>2</td>
<td>Would assist with issues on private land (e.g. outside nightclubs, rail stations etc)</td>
<td>Jul 11, 2012 5:27 PM</td>
</tr>
<tr>
<td>3</td>
<td>Forecourts of airports etc just as streets should be included.</td>
<td>Jul 11, 2012 2:00 PM</td>
</tr>
<tr>
<td>4</td>
<td>All potential loopholes should be addressed where possible to be inclusive.</td>
<td>Jul 11, 2012 1:05 PM</td>
</tr>
<tr>
<td>5</td>
<td>I feel that this should be covered in the same way as the definition of public place under the public order act 1936, “Public place” includes any highway and any other premises or place to which at the material time the public have or are permitted to have access, whether on payment or otherwise</td>
<td>Jul 11, 2012 10:52 AM</td>
</tr>
<tr>
<td>6</td>
<td>Any hiring should be covered. It is ludicrous that vehicles at airports, country estates, horse racing venues etc should not be covered.</td>
<td>Jul 9, 2012 7:48 AM</td>
</tr>
<tr>
<td>7</td>
<td>It would be much better to regulate all of these sites to bring them in line with normal taxi ranks on streets.</td>
<td>Jul 6, 2012 2:13 PM</td>
</tr>
<tr>
<td>8</td>
<td>HC/PH already engage with people on private land, e.g. pub car parks, shopping centre car parks and the same regulation should apply there as it does on a street.</td>
<td>Jul 6, 2012 11:35 AM</td>
</tr>
<tr>
<td>9</td>
<td>We would hope this would then cover private land such as airports and stations.</td>
<td>Jul 6, 2012 11:14 AM</td>
</tr>
<tr>
<td>10</td>
<td>Remove an area which has given rise to much legal debate. It makes no difference to a passenger who is a victim of a driver/vehicle whether the hire took place in a street or a private area.</td>
<td>Jun 1, 2012 1:18 PM</td>
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<tr>
<td>---</td>
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</tr>
<tr>
<td>1</td>
<td>There are no airports in our Borough, so it is probably inappropriate for us to comment on this issue. However, we believe that there should be no barriers to the public having free choice of mode, class or operator of transportation.</td>
<td>Aug 30, 2012 8:43 AM</td>
</tr>
<tr>
<td>2</td>
<td>If airports are keen to provide a reputable reliable service then I don't see why they should not be able to enter into an exclusive business arrangement. I don't see what impact that ought to have on any regulatory regime intended to promote safety and reliability. It ought to be a business decision.</td>
<td>Aug 16, 2012 2:22 PM</td>
</tr>
<tr>
<td>3</td>
<td>I think the regulatory requirements should only concern the safe use and operation of vehicles and the fitness of drivers. Matters of business, competition, and operating concessions should be a matter for the landowners.</td>
<td>Aug 15, 2012 3:20 PM</td>
</tr>
<tr>
<td>4</td>
<td>Don't have sufficient experience of this to comment</td>
<td>Jul 11, 2012 5:27 PM</td>
</tr>
<tr>
<td>5</td>
<td>No case for special provision.</td>
<td>Jul 11, 2012 2:00 PM</td>
</tr>
<tr>
<td>6</td>
<td>It is important that we show our trade off at its best to visitors to this country in the same way that the first port of call to a town is the local railway station. It is important that both the airport and railways etc provide a good service to the public by a) providing a fast and efficient service and b) monitoring its value for money. Too often it is the case that unscrupulous drivers will take advantage of visitors who do not know the rules surrounding charges, I for one have been subject of this in Barcelona where rather than make a scene I have paid the inflated price. There should be facility for visitors to obtain the correct information to protect the public and this should be provided by the airport rather than passing costs to the trade.</td>
<td>Jul 11, 2012 10:52 AM</td>
</tr>
<tr>
<td>7</td>
<td>I do not believe there should be special provision with regard to the regulations at airports. The public at airports are often foreigners and tired and therefore vulnerable and should be afforded the same standards of public safety as if they were on a public street.</td>
<td>Jul 10, 2012 1:19 PM</td>
</tr>
<tr>
<td>8</td>
<td>Request that all airports should have provision for a taxi rank as well</td>
<td>Jul 9, 2012 10:53 AM</td>
</tr>
<tr>
<td>9</td>
<td>Shuttle buses would be more than 8 passenger seats. Leave it to the traffic commissioners.</td>
<td>Jul 9, 2012 7:48 AM</td>
</tr>
<tr>
<td>10</td>
<td>In the USA (Chicago) taxis have a permit to operate from the airport. Where a city taxi drops of the airport rather than returning empty he is given a temporary pass to take passengers back to the city. This is controlled by the taxi marshalls at the airport. There is no reason why this should work in the UK. I have used the system many times and it works well.</td>
<td>Jul 6, 2012 2:13 PM</td>
</tr>
<tr>
<td>11</td>
<td>If it went to a 1 tier system then airports would have to provide ranks therefore allowing open competition to the trade and a regulated cost to the customer</td>
<td>Jul 6, 2012 12:13 PM</td>
</tr>
<tr>
<td>12</td>
<td>We don't have a view as we do not have an airport in our Borough.</td>
<td>Jul 6, 2012 11:35 AM</td>
</tr>
<tr>
<td>13</td>
<td>If airports were subject to same regulations this wouldn't stop providers from offering discounts or a single fee.</td>
<td>Jul 6, 2012 11:14 AM</td>
</tr>
</tbody>
</table>
Page 5, Q13. Question 14
Is there a case for making special provision in respect of taxi and private hire regulation at airports? In particular, where concessionary agreements are in place should airports be obliged to allow a shuttle service for passengers who have pre-booked with other providers, or to the...

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<tbody>
<tr>
<td>14</td>
<td>People choose to pre-book with other providers as they are cheaper.</td>
</tr>
<tr>
<td>15</td>
<td>Apply same regs as everywhere else. If the airport applies a monopoly they should also assist the public to retain a choice.</td>
</tr>
<tr>
<td>16</td>
<td>we dont have any so cannot comment</td>
</tr>
<tr>
<td>17</td>
<td>Provided that the airports take responsibility for ensuring the safety of passengers using any transport provisions offered by the airport</td>
</tr>
</tbody>
</table>
### Page 5, Q14. Provisional proposal 15
The defining feature of taxis, the concept of “plying for hire”, should be placed on a statutory footing and include:
(a) references to ranking and hailing;
(b) a non-exhaustive list of factors indicating plying for hire; and
(c) appropriate accommodation of the legiti...

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<tbody>
<tr>
<td>1</td>
<td>a) Agreed (b) Agreed (c) Don’t know</td>
<td>Aug 30, 2012 8:43 AM</td>
</tr>
<tr>
<td>2</td>
<td>All vehicles should be taxis, able to ply for hire, use ranks and be pre-booked. However, if the two-tier system continues, then plying for hire should be statutorily defined.</td>
<td>Aug 21, 2012 11:01 AM</td>
</tr>
<tr>
<td>3</td>
<td>But I would like to see the difference between Hackney and Private Hire vehicle removed so that all vehicle could ply for hire.</td>
<td>Aug 15, 2012 9:08 AM</td>
</tr>
<tr>
<td>4</td>
<td>Yes, plus better reflect mobile bookings/internet etc.</td>
<td>Jul 11, 2012 2:00 PM</td>
</tr>
<tr>
<td>5</td>
<td>I do agree however, evidence surrounding a driver PH vehicle plying for hire would ultimately come down to teh evidence and interpretation of an enforcement officer as many factors may constitute this interpretation of this offence.</td>
<td>Jul 11, 2012 10:52 AM</td>
</tr>
<tr>
<td>6</td>
<td>Again if there was a 1 tier system question c would not be an issue</td>
<td>Jul 6, 2012 12:13 PM</td>
</tr>
<tr>
<td>7</td>
<td>It should be placed on a statutory footing to avoid confusion. However, a one-tier system would solve the problems that arise from the concept of &quot;plying for hire&quot;.</td>
<td>Jul 6, 2012 11:35 AM</td>
</tr>
<tr>
<td>8</td>
<td>We would prefer to see a single teir system which allowed this plying whilst still having controls in place. If this is not to happen then there should be a uniformed way of enforcing plying throughout the country.</td>
<td>Jul 6, 2012 11:14 AM</td>
</tr>
<tr>
<td>9</td>
<td>If you don't distinguish between the two then all this would become unnecessary.</td>
<td>May 21, 2012 10:41 AM</td>
</tr>
<tr>
<td>10</td>
<td>This would be necessary if the current 2 tier system remains in place, however I believe that there should be a one tier system with a fair and level playing field for all.</td>
<td>May 17, 2012 10:27 AM</td>
</tr>
</tbody>
</table>
Page 5, Q15. Provisional proposal 16
The concepts of hailing and ranking should not cover technological means of engaging taxi services. (Page 181)

What are your views on this proposal?

<table>
<thead>
<tr>
<th></th>
<th></th>
<th>Aug 30, 2012 8:43 AM</th>
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</thead>
<tbody>
<tr>
<td>1</td>
<td>Agreed – if the distinction between taxis and private hire vehicles is to be retained. Any hiring of a vehicle by mobile phone, internet etc. is effectively pre-booking.</td>
<td>Aug 30, 2012 8:43 AM</td>
</tr>
<tr>
<td>2</td>
<td>but this again indicates why single tier licensing makes sense</td>
<td>Aug 21, 2012 11:01 AM</td>
</tr>
<tr>
<td>3</td>
<td>I think the commonly accepted concept of hailing should be adopted, it should be a personal face to face interaction, with no remote machine involvement</td>
<td>Aug 16, 2012 2:22 PM</td>
</tr>
<tr>
<td>4</td>
<td>We see from other regulatory areas that the rapid progress of technology easily outpaces the snail pace of regulatory oversight. The concept of hailing and ranking should be, and remain, solely a simple human interaction.</td>
<td>Aug 15, 2012 3:20 PM</td>
</tr>
<tr>
<td>5</td>
<td>If using a technological device then you are pre-booking not ranking/hailing.</td>
<td>Jul 11, 2012 2:00 PM</td>
</tr>
<tr>
<td>6</td>
<td>We do discourage the booking of PH vehicles via mobile telephones in vehicles as this could mean they are booked whilst outside the district</td>
<td>Jul 11, 2012 10:52 AM</td>
</tr>
<tr>
<td>7</td>
<td>As above</td>
<td>Jul 6, 2012 12:13 PM</td>
</tr>
<tr>
<td>8</td>
<td>New legislation needs to cover all technological advancements. Current technological means amount to plying for hire. Taxi driver use &quot;Apps&quot; to let the public know they are available for hire - a &quot;virtual rank&quot;.</td>
<td>Jul 6, 2012 11:35 AM</td>
</tr>
<tr>
<td>9</td>
<td>booking via smart phone apps etc need to be considered including further technological advances as they happen.</td>
<td>Jul 6, 2012 11:14 AM</td>
</tr>
<tr>
<td>10</td>
<td>Communication systems have advanced enormously over the last 25 years and this should be recognised when dealing with how people book cabs in todays society</td>
<td>Jun 7, 2012 9:30 AM</td>
</tr>
<tr>
<td>11</td>
<td>&quot;Technological means&quot; means that the customer has made a choice, in advance of the hiring.</td>
<td>Jun 1, 2012 1:18 PM</td>
</tr>
</tbody>
</table>
**Page 5, Q16. Question 17**
Would there be advantages to adopting the Scottish approach to defining taxis in respect of “arrangements made in a public place” instead of “plying for hire”? (Page 182)

<table>
<thead>
<tr>
<th></th>
<th>Response</th>
<th>Date/Time</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Possibly – although ‘arrangements in a public place’ could include a mobile phone/internet booking. We believe the definition would need to be strengthened to clearly state that the hiring is made by direct verbal contact between the customer and the driver at the time of the hiring and not by any technological means (see proposal 16).</td>
<td>Aug 30, 2012 8:43 AM</td>
</tr>
<tr>
<td>2</td>
<td>HCV's also allowed to accept pre-booking and no reference to this in Scottish wording.</td>
<td>Jul 11, 2012 2:00 PM</td>
</tr>
<tr>
<td>3</td>
<td>No comment either way</td>
<td>Jul 11, 2012 10:52 AM</td>
</tr>
<tr>
<td>4</td>
<td>I agree with this proposal, as long as public place includes private places to which the public have access.</td>
<td>Jul 10, 2012 1:19 PM</td>
</tr>
<tr>
<td>5</td>
<td>As long as public place includes private land, eg airports, race courses etc</td>
<td>Jul 9, 2012 7:48 AM</td>
</tr>
<tr>
<td>6</td>
<td>Not familiar with the details of the Scottish approach.</td>
<td>Jul 6, 2012 11:35 AM</td>
</tr>
<tr>
<td>7</td>
<td>I know nothing about the scottish licensing system so cant comment</td>
<td>Jun 20, 2012 8:41 AM</td>
</tr>
<tr>
<td>8</td>
<td>Plying for hire works and is well understood. There is no need to change.</td>
<td>Jun 1, 2012 1:18 PM</td>
</tr>
<tr>
<td>9</td>
<td>I think this seems to be a clearer definition</td>
<td>May 23, 2012 2:13 PM</td>
</tr>
<tr>
<td>10</td>
<td>Case law has adequately defined ‘plying for hire’</td>
<td>May 17, 2012 11:01 AM</td>
</tr>
</tbody>
</table>
**Page 5, Q17. Provisional proposal 18**

The concept of compellability, which applies exclusively to taxis, should be retained. (Page 182)

**What are your views on this proposal?**

<table>
<thead>
<tr>
<th></th>
<th>Comment</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Agreed – provided the defence of 'reasonable excuse' is retained (Town Police Clauses Act 1847, s.53)</td>
<td>Aug 30, 2012 8:43 AM</td>
</tr>
<tr>
<td>2</td>
<td>In practice this concept is of little use and is effectively un-enforceable.</td>
<td>Aug 15, 2012 9:08 AM</td>
</tr>
<tr>
<td>3</td>
<td>Agree because if not they will turn down the short jobs and wait for long ones.</td>
<td>Jul 11, 2012 2:00 PM</td>
</tr>
<tr>
<td>4</td>
<td>I agree, it is often the case that a driver of a hackney will queue for some time on the rank and when he eventually reaches the head his fare may only be for a short distance. Unfortunately this part of the job and he should be obliged to take that fare rather than pass passengers around. The only exception to this should be where a driver can justify the reasons for refusal, that being for instance, a large buggy type vehicle that cannot be secured in the vehicle or an abusive passenger. Any refusal must be judged on its merits but generally if a passenger has engaged with the driver he must except that fare.</td>
<td>Jul 11, 2012 10:52 AM</td>
</tr>
<tr>
<td>5</td>
<td>But if a 1 tier system introduced should read the same on rank or hailed.</td>
<td>Jul 9, 2012 10:53 AM</td>
</tr>
<tr>
<td>6</td>
<td>If it were not retained, drivers might decline short journeys which they deem not to be &quot;worth their while&quot;.</td>
<td>Jun 6, 2012 11:35 AM</td>
</tr>
<tr>
<td>7</td>
<td>It would be a travesty if taxi drivers could refuse a fare at will because of either stertotypical views of a customers appearance or they dont belive the fare is economically viable to them.</td>
<td>Jun 7, 2012 9:30 AM</td>
</tr>
<tr>
<td>8</td>
<td>Taxi drivers should not be able to have their cake and eat it. If they ply for hire they should accept what they get. Exceptions cater for the potential hirers who can justifiably be refused.</td>
<td>Jun 1, 2012 1:18 PM</td>
</tr>
<tr>
<td>9</td>
<td>Why should it? A pub can refuse service, so can a shop etc</td>
<td>May 21, 2012 10:41 AM</td>
</tr>
</tbody>
</table>
**Page 5, Q18. Provisional proposal 19**

Pre-booking would continue to be the only way of engaging a private hire vehicle and cover all technological modes of engaging cars. This is without prejudice to the continued ability of taxis to be pre-booked. (Page 183)

**What are your views on this proposal?**

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<table>
<thead>
<tr>
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<tbody>
<tr>
<td>1</td>
<td>Agreed – if a two tier system is to be retained.</td>
<td>Aug 30, 2012 8:43 AM</td>
</tr>
<tr>
<td>2</td>
<td>Although this would not be necessary in a single tier scheme</td>
<td>Aug 15, 2012 9:34 AM</td>
</tr>
<tr>
<td>3</td>
<td>I would like to see the difference between Hackney and Private Hire vehicle removed so that all vehicle could ply for hire.</td>
<td>Aug 15, 2012 9:08 AM</td>
</tr>
<tr>
<td>4</td>
<td>Would agree if not going to get rid of distinction between HC/PHV.</td>
<td>Jul 11, 2012 2:00 PM</td>
</tr>
<tr>
<td>5</td>
<td>This would be reliant upon enforcement and being able to prove a case with so many different methods of engaging vehicles would be impossible. Records are already currently being 'doctored' to manufacture the 'existing pre-booking' as it stands without overcomplicating the legislation. A one tier system would prevent all such enforcement issues.</td>
<td>Jul 11, 2012 1:05 PM</td>
</tr>
<tr>
<td>6</td>
<td>Pre-booking should still be the only way of engaging a PH vehicle but should be to a fixed operator base rather than by mobile phone etc</td>
<td>Jul 11, 2012 10:52 AM</td>
</tr>
<tr>
<td>7</td>
<td>If the distinction is retained</td>
<td>Jul 11, 2012 8:04 AM</td>
</tr>
<tr>
<td>8</td>
<td>a single tier system would avoid this</td>
<td>Jul 10, 2012 1:21 PM</td>
</tr>
<tr>
<td>9</td>
<td>Yes if the two-tier system were kept. Legislation should accommodate all technological modes of engaging cars. But why allow taxis to have the best of both worlds? There should be a level playing field for all.</td>
<td>Jul 6, 2012 11:35 AM</td>
</tr>
<tr>
<td>10</td>
<td>See coments on single tier system.</td>
<td>Jul 6, 2012 11:14 AM</td>
</tr>
<tr>
<td>11</td>
<td>Agree unless all taxis and private hire vehicles become one regime</td>
<td>Jul 6, 2012 10:54 AM</td>
</tr>
<tr>
<td>12</td>
<td>Assuming a two-tier system is maintained.</td>
<td>Jul 3, 2012 8:07 AM</td>
</tr>
<tr>
<td>13</td>
<td>Communication systems have advanced enormously over the last 25 years and this should be recognised when dealing with how people book cabs in today's society</td>
<td>Jun 7, 2012 9:30 AM</td>
</tr>
<tr>
<td>14</td>
<td>Either hackneys should not be able to be pre-booked, (silly), or they should keep records of all their jobs in the interests of public safety.</td>
<td>Jun 1, 2012 1:18 PM</td>
</tr>
<tr>
<td>15</td>
<td>Lets all go to one tier</td>
<td>May 30, 2012 1:45 PM</td>
</tr>
<tr>
<td>16</td>
<td>Again, it is an arbitrary distinction between taxi and PH. It's just regulation for the sake of it.</td>
<td>May 21, 2012 10:41 AM</td>
</tr>
<tr>
<td>17</td>
<td>PH vehicle should be subject to the same regime as hackneys and we should be moving towards a one tier system</td>
<td>May 17, 2012 10:27 AM</td>
</tr>
</tbody>
</table>
Leisure and non-professional use of taxis and private hire vehicles should be permitted. There would however be a presumption that the vehicle is being used for professional purposes at any time unless the contrary can be proved. (Page 184)

What are your views on this ...

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<table>
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<tbody>
<tr>
<td>1</td>
<td>Disagree. This would be extremely difficult to police and open the system to potential abuse. Aug 30, 2012 8:43 AM</td>
</tr>
<tr>
<td>2</td>
<td>This would cause significant enforcement difficulties. Aug 21, 2012 11:01 AM</td>
</tr>
<tr>
<td>3</td>
<td>Would be very difficult to enforce Jul 11, 2012 5:27 PM</td>
</tr>
<tr>
<td>4</td>
<td>Enforcement would be very challenging. Jul 11, 2012 2:00 PM</td>
</tr>
<tr>
<td>5</td>
<td>Again reliant upon enforcement and something which would be difficult to prove. Jul 11, 2012 1:05 PM</td>
</tr>
<tr>
<td>6</td>
<td>It is very expensive to own both a PH vehicle and a private vehicle. There should be some way of displaying they are not for hire when used as a private hire vehicle. Jul 11, 2012 10:52 AM</td>
</tr>
<tr>
<td>7</td>
<td>I very strongly disagree with this proposal. This is a public safety issue. Human nature is not always what society would hope for. If it was there would be no need for any rules and regulations. This consultation should be driven by public safety when hiring vehicles with a driver. A non licensed driver, driving a licensed vehicle for leisure use could easily use it for hire and reward with no safety checks in place on that driver and hence put the public at unacceptable risk. Jul 10, 2012 1:19 PM</td>
</tr>
<tr>
<td>8</td>
<td>Licensed vehicles should always be driven by licensed drivers. Public Safety. Would be to easy for unlicensed drivers carry out work Jul 9, 2012 10:53 AM</td>
</tr>
<tr>
<td>9</td>
<td>I agree a private hire vehicle could be used in this way. You need to log on to the PH office, recieve a booking etc. It can be easily proved that the driver is using the vehicle for social, domestic or please. Taxis however are available for hire all the time. Jul 9, 2012 7:48 AM</td>
</tr>
<tr>
<td>10</td>
<td>It could leave it wide open to abuse by unlicensed drivers and who would monitor these vehicles. Licensing officers have not got the powers to stop vehicles. Jul 6, 2012 12:13 PM</td>
</tr>
<tr>
<td>11</td>
<td>This would lead to enforcement problems and confusion for members of the public. Jul 6, 2012 11:14 AM</td>
</tr>
<tr>
<td>12</td>
<td>Drivers committing offences would try and argue that they were not working at the time Jul 6, 2012 10:54 AM</td>
</tr>
<tr>
<td>13</td>
<td>This will create an enforcement nightmare. Jul 6, 2012 10:42 AM</td>
</tr>
<tr>
<td>14</td>
<td>open to abuse Jul 6, 2012 10:29 AM</td>
</tr>
<tr>
<td>15</td>
<td>Would make enforcement very difficult where the difference in use must be proved. Jul 3, 2012 8:07 AM</td>
</tr>
<tr>
<td>16</td>
<td>Taxis and PHVs are working vehicles before they are family transport. There is nothing to stop a licensed driver using his vehicle privately at any time. Allowing unlicensed drivers would lead to exploitation, which would be hard to disprove. Jun 1, 2012 1:18 PM</td>
</tr>
</tbody>
</table>
Leisure and non-professional use of taxis and private hire vehicles should be permitted. There would however be a presumption that the vehicle is being used for professional purposes at any time unless the contrary can be proved. (Page 184)

What are your views on this ...

17 To difficult to enforce May 30, 2012 1:45 PM
18 Again, it is an arbitrary distinction between taxi and PH. It's just regulation for the sake of it. May 21, 2012 10:41 AM
19 Proprietors would use this as a loophole to allow unlicensed people to drive their vehicles. May 17, 2012 10:27 AM

The Secretary of State and Welsh Ministers should have the power to issue statutory guidance in respect of taxi and private hire licensing requirements. (Page 185)

What are your views on this proposal?

1 Agreed. This would help to achieve consistency of regulation across England and Wales (cf. statutory guidance issued under the Licensing Act 2003 and the Gambling Act 2005) Aug 30, 2012 8:43 AM
2 The law should be clearly written; statutory guidance does not assist. Aug 21, 2012 11:01 AM
3 Common standards are essential Aug 15, 2012 9:08 AM
4 however, there is a concern that if the guidance is not well written, it could end up causing more dispute and contested decisions than now. Jul 11, 2012 5:27 PM
5 This would help to eradicate all of the discrepancies between authorities. Jul 11, 2012 1:05 PM
6 The big problem I find with the DFT's guidance is there is always a footnote that 'this is for guidance only and independent legal advice should be sought'. It needs a body to have the courage of thier convictions and give definitive guidance. Jul 11, 2012 10:52 AM
7 the law is never clear so will always be a need for guidance Jul 10, 2012 1:21 PM
8 The guidance would need appropriate adjustments Jul 9, 2012 7:48 AM
9 Consistency would benefit all. Jul 6, 2012 11:35 AM
10 Still thinking about this Jun 1, 2012 1:18 PM
**Page 5, Q21. Provisional proposal 22**
Reformed legislation should refer to “taxis” and “private hire vehicles” respectively. References to “hackney carriages” should be abandoned. (Page 185)

**What are your views on this proposal?**

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<tbody>
<tr>
<td>1</td>
<td>Agreed. The term is outdated.</td>
<td>Aug 30, 2012 8:43 AM</td>
</tr>
<tr>
<td>2</td>
<td>Suggest &quot;taxi&quot; and &quot;minicab&quot;</td>
<td>Aug 21, 2012 11:01 AM</td>
</tr>
<tr>
<td>3</td>
<td>The term Mini cabs cause similar confusion</td>
<td>Aug 20, 2012 1:30 PM</td>
</tr>
<tr>
<td>4</td>
<td>It is 2012</td>
<td>Aug 16, 2012 2:22 PM</td>
</tr>
<tr>
<td>5</td>
<td>It is 2012.</td>
<td>Aug 15, 2012 3:20 PM</td>
</tr>
<tr>
<td>6</td>
<td>A single tier approach should just refer to taxis</td>
<td>Aug 15, 2012 9:34 AM</td>
</tr>
<tr>
<td>7</td>
<td>Not sure about this one as most people refer to taxis and mean any vehicle which they can hire, whether from a rank, by hailing, or booking by phone, e-mail etc. I think taxis probably covers everything and private hire is clear. Perhaps cabs is a better description of hackney carriages, and probably used more frequently, particularly in London?</td>
<td>Jul 11, 2012 5:27 PM</td>
</tr>
<tr>
<td>8</td>
<td>Call them all TAXIS under a one tier system.</td>
<td>Jul 11, 2012 1:05 PM</td>
</tr>
<tr>
<td>9</td>
<td>It would stop private hire vehicles using the generic term of taxis</td>
<td>Jul 11, 2012 10:52 AM</td>
</tr>
<tr>
<td>10</td>
<td>however the general public tend to only recognise a taxi whether it be hackney carriage or private hire</td>
<td>Jul 10, 2012 1:21 PM</td>
</tr>
<tr>
<td>11</td>
<td>I very strongly disagree with this proposal. The word taxi is used generically by the public to mean either a hackney carriage or a private hire vehicle. If retaining a two tier system then differentiation in the term used must be kept.</td>
<td>Jul 10, 2012 1:19 PM</td>
</tr>
<tr>
<td>12</td>
<td>If we keep two tier system</td>
<td>Jul 9, 2012 10:53 AM</td>
</tr>
<tr>
<td>13</td>
<td>Why?</td>
<td>Jul 9, 2012 7:48 AM</td>
</tr>
<tr>
<td>14</td>
<td>Hackney Carriages relate to an archaic piece of legislation which has no place today. There should be The public call both HC and PHVs &quot;taxis&quot; and very rarely use the word &quot;private hire vehicle&quot; or hackney carriage or even know these terms exist.</td>
<td>Jul 6, 2012 11:35 AM</td>
</tr>
<tr>
<td>15</td>
<td>Currently there is confusion regarding what is a HC and a PH. Members of the public refer to both types as taxis, I believe it is only the regulators that use the HC / PH terms</td>
<td>Jul 6, 2012 11:14 AM</td>
</tr>
<tr>
<td>16</td>
<td>Taxi is generally understood to mean both (HC &amp; PH). If a two tier system is maintained distinguishing terms must be maintained.</td>
<td>Jul 3, 2012 8:07 AM</td>
</tr>
<tr>
<td>17</td>
<td>Hackney carriage is an outdated mode of reference</td>
<td>Jun 7, 2012 9:30 AM</td>
</tr>
<tr>
<td>18</td>
<td>We have already taken this step locally, to avoid confusion.</td>
<td>Jun 1, 2012 1:18 PM</td>
</tr>
<tr>
<td>19</td>
<td>Lets just call them all taxis!!</td>
<td>May 30, 2012 1:45 PM</td>
</tr>
<tr>
<td>20</td>
<td>I think it is sensible to keep the two definitions as everyone refers to both types as taxis.</td>
<td>May 23, 2012 2:13 PM</td>
</tr>
</tbody>
</table>
Page 5, Q21. Provisional proposal 22
Reformed legislation should refer to “taxis” and “private hire vehicles” respectively. References to “hackney carriages” should be abandoned. (Page 185)

What are your views on this proposal?

<table>
<thead>
<tr>
<th></th>
<th></th>
<th>Date</th>
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</thead>
<tbody>
<tr>
<td>21</td>
<td>Again, it is an arbitrary distinction between taxi and PH. It's just regulation for the sake of it.</td>
<td>May 21, 2012 10:41 AM</td>
</tr>
<tr>
<td>22</td>
<td>All antiquated terminology should be removed. Public recognise taxis.</td>
<td>May 18, 2012 8:21 AM</td>
</tr>
<tr>
<td>23</td>
<td>Unless one tier system is adopted</td>
<td>May 17, 2012 10:27 AM</td>
</tr>
<tr>
<td></td>
<td>Response</td>
<td>Date</td>
</tr>
<tr>
<td>---</td>
<td>--------------------------------------------------------------------------------------------------------------------------------------------</td>
<td>---------------</td>
</tr>
<tr>
<td>1</td>
<td>No. We believe this would only cause further confusion among the travelling public.</td>
<td>Aug 30, 2012 8:43 AM</td>
</tr>
<tr>
<td>2</td>
<td>But I would like to see the difference between Hackney and Private Hire vehicle removed so that all vehicle could ply for hire.</td>
<td>Aug 15, 2012 9:08 AM</td>
</tr>
<tr>
<td>3</td>
<td>If don't get rid of distinction then agree.</td>
<td>Jul 11, 2012 2:00 PM</td>
</tr>
<tr>
<td>4</td>
<td>Introduce a one tier system and simplify the legislation.</td>
<td>Jul 11, 2012 1:05 PM</td>
</tr>
<tr>
<td>5</td>
<td>It's is misleading</td>
<td>Jul 11, 2012 10:52 AM</td>
</tr>
<tr>
<td>6</td>
<td>If the two tier system is retained it needs to distinguishable, again the public do not distinguish the two tier system</td>
<td>Jul 10, 2012 1:21 PM</td>
</tr>
<tr>
<td>7</td>
<td>It is already proposed to keep the two tier system and therefore for reasons of public safety, the public must be able to differentiate between a HCV and PHV. Allowing the PHV trade to use the word taxi even if only in limited circumstances will just confuse what is a PHV and what is a HCV. Even with national standards there is the major issue that if a PHV plies for hire or HCV plies for hire outside its LA, it is not insured. If a PHV has words on it such “pre-booked taxi only”, the very use of the word taxi implies it can be hailed or picked up at a rank.</td>
<td>Jul 10, 2012 1:19 PM</td>
</tr>
<tr>
<td>8</td>
<td>I do not believe making this change will help with the customer confusion that already exists.</td>
<td>Jul 9, 2012 3:00 PM</td>
</tr>
<tr>
<td>9</td>
<td>Current legislation allows them to call their company whatever they like as long as they don't advertise it on their vehicle. Very difficult for companies that operate a mixed fleet i.e. xxxxxxx Taxis</td>
<td>Jul 9, 2012 10:53 AM</td>
</tr>
<tr>
<td>10</td>
<td>Not if we are defining in law taxi and pivate hire. point 22</td>
<td>Jul 9, 2012 7:48 AM</td>
</tr>
<tr>
<td>11</td>
<td>The public are confused as it is without more term being used.</td>
<td>Jul 6, 2012 2:13 PM</td>
</tr>
<tr>
<td>12</td>
<td>Current legislation allows them to call their company whatever they like as long as they don't put it on the sides/rear of the vehicle. Presents difficulties for companies that have both types of vehicles i.e. 'xxxxxxxx Taxis'</td>
<td>Jul 6, 2012 12:13 PM</td>
</tr>
<tr>
<td>13</td>
<td>Not if a two-tier system is maintained.</td>
<td>Jul 6, 2012 11:35 AM</td>
</tr>
<tr>
<td>14</td>
<td>Not if the two tier system remains</td>
<td>Jun 12, 2012 1:11 PM</td>
</tr>
<tr>
<td>15</td>
<td>Reintroduces the confusion we are trying to reduce. Taxi, with sign on roof, = HC. Anything else is PHV, but a shorter snappier term would be better than Private Hire vehicle. Been trying to think of such for years, but have not come up with anything yet!</td>
<td>Jun 1, 2012 1:18 PM</td>
</tr>
<tr>
<td>16</td>
<td>If they are all called taxis it would not matter</td>
<td>May 30, 2012 1:45 PM</td>
</tr>
<tr>
<td>17</td>
<td>I think this would be confusing to members of the public who are not aware of the differences now.</td>
<td>May 23, 2012 2:13 PM</td>
</tr>
</tbody>
</table>
**Page 5, Q22. Question 23**
Should private hire vehicles be able to use terms such as “taxi” or “cab” in advertising provided they are only used in combination with terms like “pre-booked” and did not otherwise lead to customer confusion? (Page 186)

<table>
<thead>
<tr>
<th></th>
<th>Comment</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>18</td>
<td>Again, it is an arbitrary distinction between taxi and PH. It's just regulation for the sake of it.</td>
<td>May 21, 2012 10:41 AM</td>
</tr>
<tr>
<td>19</td>
<td>The distinction should be scrapped as part of reform.</td>
<td>May 18, 2012 8:21 AM</td>
</tr>
<tr>
<td>20</td>
<td>Many radio companies have hackney carriage and private hire vehicles on their circuit. The companies usually have the word taxi somewhere in the company name.</td>
<td>May 17, 2012 10:27 AM</td>
</tr>
</tbody>
</table>

**Page 6, Q1. Provisional proposal 24**
Taxi and private hire services should each be subject to national safety requirements. (Page 188)

**What are your views on this proposal?**

<table>
<thead>
<tr>
<th></th>
<th>Comment</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>National standards for both HCV/PHV.</td>
<td>Jul 11, 2012 2:16 PM</td>
</tr>
<tr>
<td>2</td>
<td>This is common sense</td>
<td>Jul 11, 2012 12:32 PM</td>
</tr>
<tr>
<td>3</td>
<td>Is this to apply to standard requirements for a vehicle or driver to be able to obtain a licence or is this national standard also applicable to conditions of the licence? It is acceptable to have standard requirements (though not just minimal) but not conditions to a licence as conditions include things more specific to the locality. The use of the term “Lowest common denominator” in referring to national standards implies however that the base line to these standards may not be adequate enough to ensure public safety. Standards need to be set to weed out those who cut corners or seek out loop holes, not set at a level that relies on drivers/operators/et al, to be reasonable.</td>
<td>Jul 10, 2012 1:29 PM</td>
</tr>
<tr>
<td>4</td>
<td>There is concern however that the standards set would be less than desired from a public safety point of view. I refer to vehicle adaptations and wheelchair conversions more specifically. Lower standards could also be in breach of the Equalities Act in that levels of testing for disabled person are lower than of the seats tested for non disables users.</td>
<td>Jul 9, 2012 8:27 AM</td>
</tr>
<tr>
<td>5</td>
<td>The trade and the fare paying passenger deserve consistency and know what to expect.</td>
<td>Jul 6, 2012 11:54 AM</td>
</tr>
<tr>
<td>6</td>
<td>Standardisation!</td>
<td>Jun 1, 2012 1:41 PM</td>
</tr>
<tr>
<td>7</td>
<td>Taxis have the same requirements as any other vehicle, as long as it comes under the MoT scheme. It's unnecessary unless local (authority) choice determines otherwise eg twice yearly MoT checks</td>
<td>May 21, 2012 11:07 AM</td>
</tr>
<tr>
<td>8</td>
<td>This would prevent people going to a district with lowerere standards in order to licence a vehicle.</td>
<td>May 17, 2012 10:39 AM</td>
</tr>
</tbody>
</table>
**Page 6, Q2. Provisional proposal 25**
National safety standards, as applied to taxi services, should only be minimum standards. (Page 189)

**What are your views on this proposal?**

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>No. We see no reason why there should be a different standard for taxis than for private hire vehicles. The key objective of the licensing regime is to ensure the safety of persons travelling in public service vehicles. The standards for both sectors of the trade should therefore be the same. Aug 30, 2012 8:50 AM</td>
</tr>
<tr>
<td>2</td>
<td>Safety standards should be national. Comfort and convenience standards can be local. Aug 21, 2012 12:45 PM</td>
</tr>
<tr>
<td>3</td>
<td>I think any local variation should only be in relation to fares. Any other 'extra' requirements just leads to applicants hunting around for the cheapest, most permissive district. Hardly a good business model and certainly not a national system. Aug 16, 2012 2:30 PM</td>
</tr>
<tr>
<td>4</td>
<td>There should be one set of standards, no room to elaborate, extend or reduce. Aug 15, 2012 3:42 PM</td>
</tr>
<tr>
<td>5</td>
<td>I think the vehicle safety standards should be the same regardless of whether the vehicle is pre-book or available for public hire. It would make more sense to say that additional criteria can be applied to hackneys, for example, livery, disabled access etc (these are not really standards as such). What about cleanliness? Jul 11, 2012 5:27 PM</td>
</tr>
<tr>
<td>6</td>
<td>HCV and PHV should be the same standards. Jul 11, 2012 2:16 PM</td>
</tr>
<tr>
<td>7</td>
<td>where minimum standards are set they are always weak and lacking in substance. Some authorities will do no more than the minimum and some will endeavour to provide a safe reliable and accountable transport system. Once again, this results in challenges and discrepancies between authorities. Set proper standards in the first instance. Jul 11, 2012 1:05 PM</td>
</tr>
<tr>
<td>8</td>
<td>It should always encourage authorities to rise above minimum standards Jul 11, 2012 12:32 PM</td>
</tr>
<tr>
<td>9</td>
<td>Used alongside local requirements Jul 11, 2012 8:48 AM</td>
</tr>
<tr>
<td>10</td>
<td>what makes taxi services any safer that private hire, why the difference Jul 10, 2012 1:50 PM</td>
</tr>
<tr>
<td>11</td>
<td>See above Prov. Prop. 24 plus, this would mean areas of demand where drivers want a licence to ply for hire, will remain attractive even if the local authority has set standards above the minimum, but it does mean other areas even with only the minimum standard may struggle to meet demand, especially in an unregulated market. Jul 10, 2012 1:29 PM</td>
</tr>
<tr>
<td>12</td>
<td>The public should be protected. It is not unusual for a licensed vehicle to do 100,000 miles a year. Standards should reflect the nature of the work these vehicles undertake. Jul 6, 2012 11:54 AM</td>
</tr>
<tr>
<td>13</td>
<td>As they are carrying members of the public, sometimes vulnerable members of the public, standards should be set high. May 23, 2012 2:22 PM</td>
</tr>
<tr>
<td>14</td>
<td>If we have to have them at all May 21, 2012 11:07 AM</td>
</tr>
<tr>
<td></td>
<td>What are your views on this proposal?</td>
</tr>
<tr>
<td>---</td>
<td>------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>1</td>
<td>Agreed (but see response to proposal 25 above)</td>
</tr>
<tr>
<td>2</td>
<td>no point in having them otherwise</td>
</tr>
<tr>
<td>3</td>
<td>Ideally, national standards would cover all aspects e.g. CCTV, wheelchair vehicles, testing frequency, signage etc and would be comprehensive.</td>
</tr>
<tr>
<td>4</td>
<td>what makes taxi services any safer than private hire, why the difference</td>
</tr>
<tr>
<td>5</td>
<td>The proposal is that these national standards be limited to addressing bottom-line safety standards. See comment to proposal 24. LA would not be able to impose additional standards on PHDs PHVs or PHOs. See Q36 for conditions.</td>
</tr>
<tr>
<td>6</td>
<td>Should be the same as taxis Additional conditions required for Novelty Vehicles</td>
</tr>
<tr>
<td>7</td>
<td>This would provide consistency. However as with point 24 the standards should be of a good level. Conversions, emissions etc</td>
</tr>
<tr>
<td>8</td>
<td>Should be the same as taxis - Conditions for Novelty vehicles, stretch limousines vary depending on the vehicle. For example a novelty fire engine needs additional conditions for the securing of ladders etc, ingress and egress of customers,</td>
</tr>
<tr>
<td>9</td>
<td>Local Councils should be allowed to top up conditions particular for their area rather than having national conditions that are not applicable for not stringent enough</td>
</tr>
<tr>
<td>10</td>
<td>Consistency across England and Wales is important. Everyone knows what they are getting.</td>
</tr>
<tr>
<td>11</td>
<td>Should also be a minimum, within reason. Alternative could lead to a lowering of the standards that we have been working towards for ten years.</td>
</tr>
<tr>
<td>12</td>
<td>whats the difference. both carry passengers for reward. same standards</td>
</tr>
<tr>
<td>13</td>
<td>What's the difference?</td>
</tr>
</tbody>
</table>
**Page 6, Q4. Provisional proposal 27**

Private hire services would not be subject to standards except those related to safety. Requirements such as topographical knowledge would no-longer apply to private hire drivers. (Page 190)

**What are your views on this proposal?**

<table>
<thead>
<tr>
<th><strong>View</strong></th>
<th><strong>Comment</strong></th>
<th><strong>Date and Time</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Disagree. The standard for both sectors of the industry should be the same.</td>
<td>Aug 30, 2012 8:50 AM</td>
</tr>
<tr>
<td>2</td>
<td>Topographical knowledge is key and is expected from the paying public</td>
<td>Aug 15, 2012 9:45 AM</td>
</tr>
<tr>
<td>3</td>
<td>With the proliferation of Sat Navs there is little justification for extensive local knowledge.</td>
<td>Aug 15, 2012 9:17 AM</td>
</tr>
<tr>
<td>4</td>
<td>but...there should be some form of assessment to ensure that they can communicate with their customers and understand what is being asked of them. Also, would be concerned if consideration of cleanliness were to be excluded</td>
<td>Jul 11, 2012 5:27 PM</td>
</tr>
<tr>
<td>5</td>
<td>No strong view re topographical test. Standards should be same for HCV/PHV.</td>
<td>Jul 11, 2012 2:16 PM</td>
</tr>
<tr>
<td>6</td>
<td>A one tier system would mean one set of regulations.</td>
<td>Jul 11, 2012 1:05 PM</td>
</tr>
<tr>
<td>7</td>
<td>A driver still needs to know where he is going, even if there is a set fare in advance a passenger needs to get to thier destination without delay.</td>
<td>Jul 11, 2012 12:32 PM</td>
</tr>
<tr>
<td>8</td>
<td>Drivers should be able to exhibit relevant knowledge of the area, Highway Code and the conditions attached to their licence prior to a licence being granted</td>
<td>Jul 11, 2012 8:48 AM</td>
</tr>
<tr>
<td>9</td>
<td>Although not a legal requirement many Private Hire vehicles operate with a meter, customer who do not know the area they are travelling in could be paying higher charges than neccessary.</td>
<td>Jul 9, 2012 3:12 PM</td>
</tr>
<tr>
<td>10</td>
<td>Undecided. if PHV are still to be local in nature then I feel they should pass a knowledge test. If they are to be tansient in nature I don't see the need.</td>
<td>Jul 9, 2012 8:27 AM</td>
</tr>
<tr>
<td>11</td>
<td>Topographical knowledge is paramount especially in rural areas. The public expect a driver to know where they are going especially when they are new to the area/city. Sat Nav and pda are all well and good but local knowledge is better and gives a better service.</td>
<td>Jul 6, 2012 2:34 PM</td>
</tr>
<tr>
<td>12</td>
<td>The local knowledge teat is a good test and not only tests the drivers knowledge but also ability to understand and respond to the customers.</td>
<td>Jul 6, 2012 12:01 PM</td>
</tr>
<tr>
<td>13</td>
<td>HC and PH should have similar standards. Private Hire Drivers need to have local knowledge of an area in order to deliver the best service to their customers.</td>
<td>Jul 6, 2012 11:54 AM</td>
</tr>
<tr>
<td>14</td>
<td>Topographical knowledge is essential to the trade of a PHV and should be in place.</td>
<td>Jul 3, 2012 8:16 AM</td>
</tr>
<tr>
<td>15</td>
<td>Without a basic understanding of the various rules/laws and regulations and a basic topographical knowledge, the trade will seek the cheepst licence when combined with the other proposal that PHV’s can work for any PHO.</td>
<td>Jun 20, 2012 8:47 AM</td>
</tr>
<tr>
<td>16</td>
<td>Our local trade on the whole work to the standards that we apply. They compete on price, not quality. This would definitely lead to a lowering of standards. We are trying to make our drivers more professional, less like the stereo typical cabbie, who is not fit to do anything else!</td>
<td>Jun 1, 2012 1:41 PM</td>
</tr>
</tbody>
</table>
### Q4. Provisional proposal 27
Private hire services would not be subject to standards except those related to safety. Requirements such as topographical knowledge would no-longer apply to private hire drivers. (Page 190)

**What are your views on this proposal?**

<table>
<thead>
<tr>
<th>ID</th>
<th>Comment</th>
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<tbody>
<tr>
<td>17</td>
<td>I think it is important that private hire vehicle drivers know there way around the area they are going to be working in. It is very annoying when they ask for directions once you get in the vehicle, you are after all paying for this service.</td>
</tr>
<tr>
<td>18</td>
<td>What's the difference?</td>
</tr>
<tr>
<td>19</td>
<td>These vehicles are pre booked and therefore the journey can be planned in advance. There is not a requirement for topographical knowledge.</td>
</tr>
</tbody>
</table>
### Page 6, Q5. Question 28
Should local standard-setting for private hire services be specifically retained in respect of vehicle signage?
Are there other areas where local standards for private hire vehicles are valuable? (Page 190)

<p>| | | |</p>
<table>
<thead>
<tr>
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<tbody>
<tr>
<td>1</td>
<td>Yes. There should be local flexibility</td>
<td>Aug 30, 2012 8:50 AM</td>
</tr>
<tr>
<td>2</td>
<td>National standard signage with space for local authority details would be sensible.</td>
<td>Aug 21, 2012 12:45 PM</td>
</tr>
<tr>
<td>3</td>
<td>It is important for the public to be able to easily identify the relevant licensing authority, but that is all.</td>
<td>Aug 16, 2012 2:30 PM</td>
</tr>
<tr>
<td>4</td>
<td>It should be part of a core set of national conditions, from which authorities can choose.</td>
<td>Aug 15, 2012 9:45 AM</td>
</tr>
<tr>
<td>5</td>
<td>If get rid of distinction it wouldn't matter. No, National standards should detail this.</td>
<td>Jul 11, 2012 2:16 PM</td>
</tr>
<tr>
<td>6</td>
<td>I feel it is important to have signage on PH vehicles to ensure customers are aware they are boarding legitimate vehicle, a uniformed signage in an area helps with this. I am aware that others may argue that these signs can be replicated, however, I do feel the unscrupulous will always find a way around this but every effort is better than no effort at all.</td>
<td>Jul 11, 2012 12:32 PM</td>
</tr>
<tr>
<td>7</td>
<td>If standards are to be mandatory then it makes sense for signage to be too, as if jobs can be passed on to any licensed PHV/PHD then there needs to be some way for the public to know what a PHV looks like. Different signage regimes would be confusing.</td>
<td>Jul 10, 2012 1:29 PM</td>
</tr>
<tr>
<td>8</td>
<td>If national standards are going to be set then this should be included in the national standards. If local standards are to be retained then my answer would change.</td>
<td>Jul 9, 2012 8:27 AM</td>
</tr>
<tr>
<td>9</td>
<td>Novelty vehicles and stretch limousines that may need additional conditions and the possibility of wedding cars and funerals cars.</td>
<td>Jul 6, 2012 2:54 PM</td>
</tr>
<tr>
<td>10</td>
<td>If there was a national standard then it would be a level playing field for everyone.</td>
<td>Jun 6, 2012 12:01 PM</td>
</tr>
<tr>
<td>11</td>
<td>National standard-setting in respect of vehicle signage would avoid confusion to visitors and tourists.</td>
<td>Jul 6, 2012 11:54 AM</td>
</tr>
<tr>
<td>12</td>
<td>Livery is valuable as the public can relate the vehicles to a specific area.</td>
<td>Jul 6, 2012 11:00 AM</td>
</tr>
<tr>
<td>13</td>
<td>Council door plates, control of other signage.</td>
<td>Jun 1, 2012 1:41 PM</td>
</tr>
<tr>
<td>14</td>
<td>Again, it is an arbitrary distinction between taxi and PH. It's just regulation for the sake of it.</td>
<td>May 21, 2012 11:07 AM</td>
</tr>
<tr>
<td>15</td>
<td>Signage is local to an area and helps to identify the vehicle to members of the public as well as enforcement officers.</td>
<td>May 17, 2012 10:39 AM</td>
</tr>
</tbody>
</table>
### Page 6, Q6. Question 29
What practical obstacles might there be to setting common national safety standards for both taxis and private hire vehicles? (Page 191)

<table>
<thead>
<tr>
<th></th>
<th>Text</th>
<th>Date/Time</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>We believe that the most likely obstacles will be around setting standards for vehicles which can carry more than 4 passengers. In our experience, problems with access/egress from the rear row of seats means that many multi-seat vehicles – particularly those where access/egress is by way of folding seats in the middle tier - are often not suitable for licensing.</td>
<td>Aug 30, 2012 8:50 AM</td>
</tr>
<tr>
<td>2</td>
<td>Industry resistance.</td>
<td>Aug 21, 2012 12:45 PM</td>
</tr>
<tr>
<td>3</td>
<td>I can't see any, we are not an urban area and our taxis look like private hire vehicles and vice-versa, therefore they ought to have the same standards.</td>
<td>Aug 16, 2012 2:30 PM</td>
</tr>
<tr>
<td>4</td>
<td>I can see no reason why the standards should be different. The nature of journeys, access to the vehicles and passenger requirements will be basically the same for either type of vehicle. This is especially true given the 'dual' ability of taxis to be pre-booked.</td>
<td>Aug 15, 2012 3:42 PM</td>
</tr>
<tr>
<td>5</td>
<td>None that I can see</td>
<td>Aug 15, 2012 9:45 AM</td>
</tr>
<tr>
<td>6</td>
<td>would probably require different specifications for different vehicle types eg; horse drawn, cycles, tuk tuks, limos normal and &quot;novelty&quot; vehicles</td>
<td>Jul 11, 2012 5:27 PM</td>
</tr>
<tr>
<td>7</td>
<td>Some current vehicles/drivers might not comply straight away - depending on what safety standards set.</td>
<td>Jul 11, 2012 2:16 PM</td>
</tr>
<tr>
<td>8</td>
<td>I cant see any problem, it would give a uniformed approach to licensing</td>
<td>Jul 11, 2012 12:32 PM</td>
</tr>
<tr>
<td>9</td>
<td>The consultation proposes that authorities can add to the national safety standard for hackney carriages but not private hire and that with private hire the consultation assumes private hire operators will adopt higher standards. This is a very rash assumption as if this were the case there would be nothing to have stopped higher standards already being adopted by operators. The experience of this authority, which sets high standards than its neighbours is that the majority of operators require regular and frequent enforcement checks to ensure compliance and if allowed to operate at a lesser standard they would. Added to this areas with a low density of population will have a low demand for private hire services and therefore little competition to incentivise operators to adopt higher standards.</td>
<td>Jul 10, 2012 1:29 PM</td>
</tr>
<tr>
<td>10</td>
<td>None - please refer to xxxxxxxx Council taxi licensing arrangements which treat each type as equal, with some &quot;gold-platting&quot; for taxis.</td>
<td>Jul 10, 2012 11:55 AM</td>
</tr>
<tr>
<td>11</td>
<td>Again this depends on whether PHV's are to remain local i nature or not. If not things like colour policies would no longer be as relevant. My overall concern as previously stated is that if the standards are too low then public safety becomes an issue. These are professional vehicles completing thousands of miles more than most ordinary cars. Regular vehicle testing and enforcement must be carried out.</td>
<td>Jul 9, 2012 8:27 AM</td>
</tr>
<tr>
<td>12</td>
<td>As longer as the standards cover mainly mechanical and safety standards and do not interfere with local conditions.</td>
<td>Jul 6, 2012 2:34 PM</td>
</tr>
<tr>
<td>13</td>
<td>Presumably only the same ones we have now at a local level.</td>
<td>Jul 6, 2012 12:01 PM</td>
</tr>
<tr>
<td>14</td>
<td>We do not believe there are any. There are both motorised vehicles which carry passengers for hire and reward.</td>
<td>Jul 6, 2012 11:54 AM</td>
</tr>
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<td></td>
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<tr>
<td>---</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>15</td>
<td>Don't know</td>
<td>Jul 6, 2012 11:00 AM</td>
</tr>
<tr>
<td>16</td>
<td>dont know</td>
<td>Jun 13, 2012 9:56 AM</td>
</tr>
<tr>
<td>17</td>
<td>Not yet thought about this</td>
<td>Jun 1, 2012 1:41 PM</td>
</tr>
<tr>
<td>18</td>
<td>As everyone has different standards, some parts of the country may have to make vast changes to comply. As a rural area we have a vast number of PHV which are used for school runs only, some only covering 10-20 miles a day. To push age limits on these vehicles could cause a real problem for school transport.</td>
<td>May 30, 2012 1:52 PM</td>
</tr>
<tr>
<td>19</td>
<td>if there is cost involved in reaching these standards there are areas of the UK where this would be more difficult to achieve</td>
<td>May 23, 2012 2:22 PM</td>
</tr>
<tr>
<td>20</td>
<td>If a vehicle is deemed safe under one set of standards ie MoT, then how can it deemed otherwise? It means that the multitude of MoTd cars out there must be unsafe!</td>
<td>May 21, 2012 11:07 AM</td>
</tr>
<tr>
<td>21</td>
<td>The obvious one is in areas where very limited control has taken place to date suddenly requiring vehicles to be upgraded to meet the new standard. This should not be an issue for the vast majority of licensing authorities and a lead in period of compliance will address any short term financial concerns</td>
<td>May 18, 2012 9:50 AM</td>
</tr>
<tr>
<td>22</td>
<td>one size does not fit all</td>
<td>May 17, 2012 8:11 AM</td>
</tr>
<tr>
<td>23</td>
<td>May not pertain in full to locality</td>
<td>May 17, 2012 6:51 AM</td>
</tr>
</tbody>
</table>
Page 6, Q7. Question 30
Should national conditions in respect of driver safety be different for taxi services compared with private hire services? (Page 192)

<table>
<thead>
<tr>
<th></th>
<th>Response</th>
<th>Date/Time</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>No.  The safety of passengers is of paramount importance so there should be no difference in safety standards</td>
<td>Aug 30, 2012 8:50 AM</td>
</tr>
<tr>
<td>2</td>
<td>I refer to my previous answer</td>
<td>Aug 15, 2012 3:42 PM</td>
</tr>
<tr>
<td>3</td>
<td>Should be same.</td>
<td>Jul 11, 2012 2:16 PM</td>
</tr>
<tr>
<td>4</td>
<td>Ideally, there should only be a one tier system.</td>
<td>Jul 11, 2012 1:05 PM</td>
</tr>
<tr>
<td>5</td>
<td>Regardless of whether a passenger is in a HCV or PHD they require the same minimum safety standard from the driver.</td>
<td>Jul 10, 2012 1:29 PM</td>
</tr>
<tr>
<td>6</td>
<td>Drivers safety is important regardless of what they dive. The only additional security that PH drivers have is that they are pre booked but if the pick up is off the street then the drivers are still vulnerable</td>
<td>Jul 9, 2012 11:07 AM</td>
</tr>
<tr>
<td>7</td>
<td>I don't feel a partition in a Bentley for carrying the chairman of ICI would be deemed essential!!</td>
<td>Jul 9, 2012 8:27 AM</td>
</tr>
<tr>
<td>8</td>
<td>Not really as drivers safety is important regardless of what they dive. The only additional security that PH's have is that they are pre booked but if this is to pick up off the street then the drivers are still vulnerable</td>
<td>Jul 6, 2012 2:54 PM</td>
</tr>
<tr>
<td>9</td>
<td>It is our experience that both HC and PH drivers have vulnerable adults and children in their vehicles as fare paying passengers. Although PH fares are pre-booked, it is our experience that the vulnerable can be taken advantage of by Private Hire Drivers.</td>
<td>Jul 6, 2012 11:54 AM</td>
</tr>
<tr>
<td>10</td>
<td>Safety is safety.</td>
<td>Jun 1, 2012 1:41 PM</td>
</tr>
<tr>
<td>11</td>
<td>Why on earth should it be?</td>
<td>May 21, 2012 11:07 AM</td>
</tr>
<tr>
<td>12</td>
<td>They are all carrying members of the public.</td>
<td>May 17, 2012 10:39 AM</td>
</tr>
<tr>
<td>13</td>
<td>Taxis appear to be remaining public hire, private hire is remaining pre-booked and specialist requirements are known and accommodated prior to journey commencement.</td>
<td>May 17, 2012 7:56 AM</td>
</tr>
</tbody>
</table>
The powers of the Secretary of State and Welsh Ministers to set standards for taxis and private hire vehicles should only cover conditions relating to safety. (Page 192)

**What are your views on this proposal?**

<table>
<thead>
<tr>
<th></th>
<th>Comment</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>No. There are other areas such as vehicle design, accessibility and passenger comfort which should be included.</td>
<td>Aug 30, 2012 8:50 AM</td>
</tr>
<tr>
<td>2</td>
<td>Better to keep flexible so don't have to wait for primary legislation.</td>
<td>Jul 11, 2012 2:16 PM</td>
</tr>
<tr>
<td>3</td>
<td>These should cover all aspects of vehicle and driver licensing. Behaviour, standards, inspections, medicals, CRB, knowledge tests etc.</td>
<td>Jul 11, 2012 1:05 PM</td>
</tr>
<tr>
<td>4</td>
<td>All conditions should be uniformed</td>
<td>Jul 11, 2012 12:32 PM</td>
</tr>
<tr>
<td>5</td>
<td>If standards are to be national with no alteration at a local level, then these standards need to include more than just safety. The argument given is that market forces will mean operators adopt higher standards for the vehicles and drivers they operate. If that is to be true tomorrow, it needs be true now, but it isn’t. Even with conditions relating to things other than safety, such as the presentation of the vehicle and driver, we struggle to keep things at a standard any fare paying passenger would reasonably expect. Competition does not drive everything and public transport, and hackney/private hire is a form of public transport, is ill suited to relying on market forces to ensure a good nationwide service. Metropolitans where there is extensive demand may, but there is no guarantee, result in competition driving up standards of some operators, but the rest of the country will end up with a second rate service.</td>
<td>Jul 10, 2012 1:29 PM</td>
</tr>
<tr>
<td>6</td>
<td>Difference of opinion in what some people determine a safety element for a car or driver.</td>
<td>Jul 9, 2012 8:27 AM</td>
</tr>
<tr>
<td>7</td>
<td>It would be nice to have customer service standards etc included.</td>
<td>Jul 6, 2012 12:01 PM</td>
</tr>
<tr>
<td>8</td>
<td>Should include passenger comfort, driver local knowledge (for both consumer protection and safety reasons as a driver not knowing where he is going impacts on passenger safety) and assistance to passengers.</td>
<td>Jul 6, 2012 11:54 AM</td>
</tr>
<tr>
<td>9</td>
<td>Provides a minimum for LAs to build on to local requirements.</td>
<td>Jun 1, 2012 1:41 PM</td>
</tr>
<tr>
<td>10</td>
<td>I think it would be useful to also cover how the vehicle looks, ie dents, scratches, rust etc</td>
<td>May 23, 2012 2:22 PM</td>
</tr>
<tr>
<td>11</td>
<td>Local choice</td>
<td>May 21, 2012 11:07 AM</td>
</tr>
<tr>
<td>12</td>
<td>Should include comfort and accessibility</td>
<td>May 17, 2012 10:39 AM</td>
</tr>
</tbody>
</table>
### Page 6, Q9. Provisional proposal 32
The powers of the Secretary of State and Welsh Ministers to set national safety standards should be subject to a statutory consultation requirement. (Page 193)

**What are your views on this proposal?**

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>These are for the purpose of safety standards and protection of the public. No one consults with drivers to find out whether traversing a red traffic light should be an offence!</td>
</tr>
<tr>
<td>2</td>
<td>If the principle of national standards is approved then I agree with this proposal</td>
</tr>
<tr>
<td>3</td>
<td>This should include vehicle converters and the Vehicle certification agency.</td>
</tr>
<tr>
<td>4</td>
<td>Gives interested parties a chance to comment. Makes JR less likely.</td>
</tr>
</tbody>
</table>

### Page 6, Q10. Question 33
What would be the best approach for determining the content of national safety standards? In particular should the statutory requirement to consult refer to a technical advisory panel? (Page 193)

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
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</thead>
<tbody>
<tr>
<td>1</td>
<td>It would be sensible to look at best practice among licensing authorities and have regard to current Department for Transport Best Practice Guidance. We believe there would be merit in setting up a technical advisory panel.</td>
</tr>
<tr>
<td>2</td>
<td>I don't think that there should be a consultation over such requirements.</td>
</tr>
<tr>
<td>3</td>
<td>Depends who (in terms of knowledge and skill) is on the panel. Licensing Authorities should be statutory consultees.</td>
</tr>
<tr>
<td>4</td>
<td>This should include vehicle converters and the Vehicle certification agency. This would hopefully have the correct people commenting on vehicle specifications and the technical issues surrounding this complex area.</td>
</tr>
<tr>
<td>5</td>
<td>Provided the panel can react reasonably quickly to changing circumstances, especially as new vehicles are produced.</td>
</tr>
</tbody>
</table>
Provisional proposal 34  
Licensing authorities should retain the power to set standards locally for taxis provided above the minimum national standards. (Page 193)

What are your views on this proposal?

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>To vary from national standards would seem to me to be a fudge. The new system should be setting standards, not encouraging local variations - that's what we have now. Aug 16, 2012 2:30 PM</td>
</tr>
<tr>
<td>2</td>
<td>I appreciate the apparent need for this, but fell that once again the proposal will lead to different local standards which will, in turn, lead to the perpetuation of current practices where 'itinerant' operators move about the country seeking the 'cheapest and weakest' licensing opportunity Aug 15, 2012 3:42 PM</td>
</tr>
<tr>
<td>3</td>
<td>very confusing for the trade - much better to have one set of rules for the whole country Aug 15, 2012 9:17 AM</td>
</tr>
<tr>
<td>4</td>
<td>But I think they are really referring to policies (e.g. livery, ) rather than standards Jul 11, 2012 5:27 PM</td>
</tr>
<tr>
<td>5</td>
<td>Particular reference to fare setting. Jul 11, 2012 2:16 PM</td>
</tr>
<tr>
<td>6</td>
<td>To have a uniformed approach to conditions these need to be a statutory requirement Jul 11, 2012 12:32 PM</td>
</tr>
<tr>
<td>7</td>
<td>localism should be taken into account Jul 10, 2012 1:50 PM</td>
</tr>
<tr>
<td>8</td>
<td>If the principle of minimum national standards is approved then I agree with this proposal. This authority would also like to see this extended to cover private hire as well as taxis. Jul 10, 2012 1:29 PM</td>
</tr>
<tr>
<td>9</td>
<td>They should be reasonable Jul 9, 2012 8:27 AM</td>
</tr>
<tr>
<td>10</td>
<td>This would allow the more proactive councils to retain some input. Jul 6, 2012 12:01 PM</td>
</tr>
<tr>
<td>11</td>
<td>Consistency is needed across England and Wales. Jul 6, 2012 11:54 AM</td>
</tr>
<tr>
<td>12</td>
<td>There are no substantial reasons why national standards should be manadatory for PHV but not for HCVs. Jul 3, 2012 8:16 AM</td>
</tr>
<tr>
<td>13</td>
<td>provided the minimum national standards are set quite high. May 23, 2012 2:22 PM</td>
</tr>
<tr>
<td>14</td>
<td>Cleanliness, comfort livery signage etc May 21, 2012 11:07 AM</td>
</tr>
<tr>
<td>15</td>
<td>There should be two sets of minimum standards if the two tier system is to be retained and taxi standards should fall in line with other public hire vehicles (buses/trains) where possible as private hire requirements can be accommodated prior to the booking commencing. May 17, 2012 7:56 AM</td>
</tr>
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<td></td>
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<td>--------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>1</td>
<td>Probably – in order to achieve consistency at a national level.</td>
</tr>
<tr>
<td>2</td>
<td>Should be within a pool of national conditions</td>
</tr>
<tr>
<td>3</td>
<td>scope could be limited to a number of functions</td>
</tr>
<tr>
<td>4</td>
<td>Yes and a 'model pool of conditions' as suggested idea.</td>
</tr>
<tr>
<td>5</td>
<td>There is a power to appeal against &quot;unfair&quot; requirements</td>
</tr>
<tr>
<td>6</td>
<td>Local authorities need to be able to address local concerns and conditions.</td>
</tr>
<tr>
<td>7</td>
<td>They should be reasonable</td>
</tr>
<tr>
<td>8</td>
<td>See 34 above.</td>
</tr>
<tr>
<td>9</td>
<td>Keep it local. If it doesn't work then it will get changed soon enough</td>
</tr>
<tr>
<td>10</td>
<td>If there are national minimum standards I no longer see a requirement for this - it would be easier for the public to understand if the standard was nationally set for public safety reasons.</td>
</tr>
<tr>
<td></td>
<td>Comment</td>
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<tr>
<td>---</td>
<td>-------------------------------------------------------------------------</td>
</tr>
<tr>
<td>1</td>
<td>Yes. At present, hackney carriage drivers can only be regulated by way of bye laws which is a cumbersome and bureaucratic process. The ability to impose conditions on taxi drivers' licences would be a significant improvement and give licensing authorities greater enforcement powers.</td>
</tr>
<tr>
<td>2</td>
<td>If National standard, there should be no need for individual conditions (unsure of question's direction).</td>
</tr>
<tr>
<td>3</td>
<td>Should be statutory</td>
</tr>
<tr>
<td>4</td>
<td>Should also include vehicles, as the minimum national standards may not go far enough in addressing the issues in a particular local authority area. For example plying for hire in urban areas, especially in the early hours of the morning when the night time economy is ending. There needs to be standards/conditions to deal with the enforcement of this.</td>
</tr>
<tr>
<td>5</td>
<td>If there is evidential need to do so</td>
</tr>
<tr>
<td>6</td>
<td>You can't condition hackney carriage drivers. If there are national standards for PHV/D then there would be no point. However if this is not to happen then we should retain the power to impose conditions.</td>
</tr>
<tr>
<td>7</td>
<td>Uniformity is needed.</td>
</tr>
<tr>
<td>8</td>
<td>Some individuals may not fit the normal local circumstances. We have a PHV driver licensed to take over a WAV. Topography test failed, but licence conditions ensure that she will not be working on a normal local circuit, only the specific types of job she wants to do.</td>
</tr>
<tr>
<td>9</td>
<td>Local needs</td>
</tr>
<tr>
<td>10</td>
<td>Allows flexible and proportionate response to various midemeanours etc</td>
</tr>
<tr>
<td>11</td>
<td>If there are national minimum standards I no longer see a requirement for this</td>
</tr>
</tbody>
</table>
### Page 6, Q14. Question 37
Should the powers and duties of licensing authorities to cooperate be on a statutory footing or is it best left to local arrangements? (Page 195)

<table>
<thead>
<tr>
<th></th>
<th>Response</th>
<th>Date/Time</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Best left to local arrangements.</td>
<td>Aug 30, 2012 8:50 AM</td>
</tr>
<tr>
<td>2</td>
<td>Best left to local arrangements</td>
<td>Aug 21, 2012 12:45 PM</td>
</tr>
<tr>
<td>3</td>
<td>Leave to local arrangement</td>
<td>Aug 20, 2012 1:37 PM</td>
</tr>
<tr>
<td>4</td>
<td>Local arrangements.</td>
<td>Jul 11, 2012 2:16 PM</td>
</tr>
<tr>
<td>5</td>
<td>A statutory framework should be implemented.</td>
<td>Jul 11, 2012 1:05 PM</td>
</tr>
<tr>
<td>6</td>
<td>Not a yes or no question! Local Arrangements should be available</td>
<td>Jul 11, 2012 8:48 AM</td>
</tr>
<tr>
<td>7</td>
<td>local arrangements</td>
<td>Jul 10, 2012 1:50 PM</td>
</tr>
<tr>
<td>8</td>
<td>If standards are national and any pre-booked job can be passed to any PHV/PHD regardless of where licensed then there needs to be a statutory requirement for LA to cooperate, otherwise one local authority undertaking no enforcement will become the authority where applicants go for licences leaving the other authority where the work is to fund and undertake all the enforcement.</td>
<td>Jul 10, 2012 1:29 PM</td>
</tr>
<tr>
<td>9</td>
<td>Co-operation should be statutory.</td>
<td>Jul 9, 2012 3:12 PM</td>
</tr>
<tr>
<td>10</td>
<td>The option should be there to be used as appropriate.</td>
<td>Jul 9, 2012 8:27 AM</td>
</tr>
<tr>
<td>11</td>
<td>Yes to 1st question No to 2nd</td>
<td>Jul 6, 2012 2:54 PM</td>
</tr>
<tr>
<td>12</td>
<td>Yes there should be a statutory authority to share information.</td>
<td>Jul 6, 2012 11:54 AM</td>
</tr>
<tr>
<td>13</td>
<td>best left to local arrangements</td>
<td>Jul 3, 2012 8:16 AM</td>
</tr>
<tr>
<td>14</td>
<td>Local arrangements</td>
<td>Jun 20, 2012 8:47 AM</td>
</tr>
<tr>
<td>15</td>
<td>Statutory means every body knows where they stand. Should also increase consistency.</td>
<td>Jun 1, 2012 1:41 PM</td>
</tr>
<tr>
<td>16</td>
<td>Left local</td>
<td>May 30, 2012 1:52 PM</td>
</tr>
<tr>
<td>17</td>
<td>Overall i think it needs to be. Particularly important where a connurbation includes multiple authorities.</td>
<td>May 21, 2012 11:07 AM</td>
</tr>
<tr>
<td>18</td>
<td>Best left to local arrangements</td>
<td>May 17, 2012 11:08 AM</td>
</tr>
<tr>
<td>19</td>
<td>A statutory footing</td>
<td>May 17, 2012 7:56 AM</td>
</tr>
</tbody>
</table>
Page 6, Q15. Provisional proposal 38
Neighbouring licensing authorities should have the option of combining areas for the purposes of taxi standard setting. (Page 196)

What are your views on this proposal?

<table>
<thead>
<tr>
<th></th>
<th></th>
<th>Date/Time</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>They already can.</td>
<td>Aug 21, 2012 12:45 PM</td>
</tr>
<tr>
<td>2</td>
<td>If we are going to retain the concept of local standards.</td>
<td>Aug 15, 2012 9:17 AM</td>
</tr>
<tr>
<td>3</td>
<td>Standards should be set nationally not locally</td>
<td>Jul 11, 2012 12:32 PM</td>
</tr>
<tr>
<td>4</td>
<td>Localism differences should be taken into account</td>
<td>Jul 10, 2012 1:50 PM</td>
</tr>
<tr>
<td>5</td>
<td>Would this be combining the area just for the standards setting or as a controlled district for plying for hire and ranking as well.</td>
<td>Jul 10, 2012 1:29 PM</td>
</tr>
<tr>
<td>6</td>
<td>The option should be there to be used as appropriate.</td>
<td>Jul 9, 2012 8:27 AM</td>
</tr>
<tr>
<td>7</td>
<td>Agree if national standards are not implemented.</td>
<td>Jul 6, 2012 11:54 AM</td>
</tr>
<tr>
<td>8</td>
<td>A good idea but pretty well unworkable.</td>
<td>Jun 20, 2012 8:47 AM</td>
</tr>
<tr>
<td>10</td>
<td>It can save money!</td>
<td>May 21, 2012 11:07 AM</td>
</tr>
<tr>
<td>11</td>
<td>Agree that they should have the option provided that it remains an 'option'</td>
<td>May 17, 2012 11:08 AM</td>
</tr>
<tr>
<td>12</td>
<td>Would this be necessary if there is a national standard?</td>
<td>May 17, 2012 7:56 AM</td>
</tr>
<tr>
<td></td>
<td>What are your views on this proposal?</td>
<td></td>
</tr>
<tr>
<td>---</td>
<td>---------------------------------------------------------------------------------------------------------</td>
<td></td>
</tr>
<tr>
<td>1</td>
<td>Agreed – again in the interests of flexibility and recognising local needs.</td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>Leave option for local authority to decide.</td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>We don't have taxi zones in xxxxxxxxxxxx</td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>agree to remove, disagree to create</td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>Regulation through the back door</td>
<td></td>
</tr>
<tr>
<td>6</td>
<td>I'm not sure how this stands with deregulation and abolishing number limitations though</td>
<td></td>
</tr>
<tr>
<td>7</td>
<td>In my opinion the creation of zones puts a regulation on the number of HC in a zone therefore local authorities could remain regulated through the back door in the busiest areas</td>
<td></td>
</tr>
<tr>
<td>8</td>
<td>I think in some areas this is important, some towns and villages would not get serviced if it wasn't for zones.</td>
<td></td>
</tr>
<tr>
<td>9</td>
<td>We do not have taxi zones within our area.</td>
<td></td>
</tr>
<tr>
<td>10</td>
<td>Agree however I do not think there should be any zoning</td>
<td></td>
</tr>
<tr>
<td>11</td>
<td>Don't have any so can't comment.</td>
<td></td>
</tr>
<tr>
<td>12</td>
<td>If the trend is to make everyone more available nationally it goes against the trend to reintroduce zones. Market forces rule.</td>
<td></td>
</tr>
<tr>
<td>13</td>
<td>The zoning of areas within local authority boundaries is confusing to the public and difficult for local authorities to administer and enforce.</td>
<td></td>
</tr>
<tr>
<td>No.</td>
<td>Response</td>
<td></td>
</tr>
<tr>
<td>-----</td>
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<td></td>
</tr>
<tr>
<td>1</td>
<td>Doubtful. This could be regarded as discriminatory. Aug 30, 2012 8:50 AM</td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>in busyCity centres yes Aug 15, 2012 9:17 AM</td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>This may increase provision at times of poor service delivery Jul 11, 2012 5:27 PM</td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>Complicated to enforce. Jul 11, 2012 2:16 PM</td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>This would just complicate matters and be very difficult to enforce Jul 11, 2012 12:32 PM</td>
<td></td>
</tr>
<tr>
<td>6</td>
<td>impossible to control or regulate Jul 10, 2012 1:50 PM</td>
<td></td>
</tr>
<tr>
<td>7</td>
<td>Can see no point in this. It is already proposed to deregulate the hackney trade, which would make this proposal superfluous. The private hire trade has no restrictions on number of vehicles. There is no point of a “peak time” licence if you can get an anytime licence? Jul 10, 2012 1:29 PM</td>
<td></td>
</tr>
<tr>
<td>8</td>
<td>Too difficult to enforce Jul 9, 2012 11:07 AM</td>
<td></td>
</tr>
<tr>
<td>9</td>
<td>I'm not sure how this stands with deregulation and abolishing number limitations though Jul 9, 2012 8:27 AM</td>
<td></td>
</tr>
<tr>
<td>10</td>
<td>To difficult to enforce especially for rural authorities and small licensing teams Jul 6, 2012 2:54 PM</td>
<td></td>
</tr>
<tr>
<td>11</td>
<td>This will cause even more confusion with the public with a different type of vehicle Jul 6, 2012 2:34 PM</td>
<td></td>
</tr>
<tr>
<td>12</td>
<td>Market forces should dictate. Jul 6, 2012 11:54 AM</td>
<td></td>
</tr>
<tr>
<td>13</td>
<td>It sounds like a good idea however not sure how easy it would be to enforce Jul 6, 2012 11:00 AM</td>
<td></td>
</tr>
<tr>
<td>14</td>
<td>Confusing Jul 6, 2012 10:32 AM</td>
<td></td>
</tr>
<tr>
<td>15</td>
<td>This moves away from the free market approach Jun 20, 2012 8:47 AM</td>
<td></td>
</tr>
<tr>
<td>16</td>
<td>Unnecessary complication. Would also be an anathema to the trade. Jun 1, 2012 1:41 PM</td>
<td></td>
</tr>
<tr>
<td>17</td>
<td>This would be open to abuse &amp; difficult to enforce. a real non starter. May 30, 2012 1:52 PM</td>
<td></td>
</tr>
<tr>
<td>18</td>
<td>As long as there are no limits on numbers of plates then let the market decide. May 21, 2012 11:07 AM</td>
<td></td>
</tr>
<tr>
<td>19</td>
<td>Enforcement of this kind of licence would be a nightmare. resources are already stretched to breaking point and checking on &quot;special&quot; licenses would require additional resources that would almost certainly not be forthcoming. May 18, 2012 9:50 AM</td>
<td></td>
</tr>
<tr>
<td>20</td>
<td>Would be too difficult to administer and enforce May 17, 2012 10:39 AM</td>
<td></td>
</tr>
<tr>
<td>21</td>
<td>This would also give more choice to the trade as prices would reflect choice. May 17, 2012 7:56 AM</td>
<td></td>
</tr>
</tbody>
</table>
### Q18. Provisional proposal 41

Private hire operators should no longer be restricted to accepting or inviting bookings only within a particular locality; nor to only using drivers or vehicles licensed by a particular licensing authority. (Page 198)

**What are your views on this proposal?**

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>We believe this is not an issue in most rural areas. Aug 30, 2012 8:50 AM</td>
</tr>
<tr>
<td>2</td>
<td>LA’s have the ability to enforce locally therefore it makes more sense to ensure that operators are licensed in the authority where the calls are taken. If there were to be national standards for drivers along with a central database of drivers, I see no reason why drivers could not be licensed by the authority in whose district they live but with the ability to work across boundaries, much like the Licensing Act 2003. Fees for driver badges could then be set centrally to enable full cost recovery Aug 15, 2012 9:45 AM</td>
</tr>
<tr>
<td>3</td>
<td>With internet booking this is already effectively the case Aug 15, 2012 9:17 AM</td>
</tr>
<tr>
<td>4</td>
<td>Technology has moved beyond this Jul 11, 2012 5:27 PM</td>
</tr>
<tr>
<td>5</td>
<td>As long as only licensed drivers, operator’s and vehicles are used then should be no problem. Difficult to enforce already. Jul 11, 2012 2:16 PM</td>
</tr>
<tr>
<td>6</td>
<td>Cross boarder hiring causes enforcement problems as licensing/enforcement officers do not have powers outside their district. Jul 11, 2012 12:32 PM</td>
</tr>
<tr>
<td>7</td>
<td>This would lead to serious enforcement issues for licensing authorities and likely problems for customers Jul 11, 2012 8:48 AM</td>
</tr>
<tr>
<td>8</td>
<td>PHOs can already invite and accept booking from outside the locality as long as the PHV &amp; PHD are licensed by same LA as the PHO. With HCVs you have to get and will continue to get a licence from where you want to ply for hire. If a PHO can pass jobs on to any other licensed PHV/PHDs or PHOs then what determines where anything goes to get a licence? What will stop the cheapest LA or the LA doing no enforcement, from getting all the applications and fees and then leaving the costs of enforcement to where those vehicles/drivers actually work. How enforcement is to operate and be funded cannot be divorced from this process of reform. At the moment a PHV must be tested in the LA area where it is licensed. Will this continue? Will a PHD have to have a licence from the same LA as the vehicle he/she is driving? Could there be a situation where a passenger has booked with PHO from LA1 and gets a PHV from LA2 and PHD from LA3? Jul 10, 2012 1:29 PM</td>
</tr>
<tr>
<td>9</td>
<td>However cross border enforcement would then be essential. Funding of this enforcement could then be an issue. Jul 9, 2012 8:27 AM</td>
</tr>
<tr>
<td>10</td>
<td>There is nothing wrong with current system provided the problem of cross border hiring is sorted out. By restricting vehicles to working within the local authority area rather than working miles away would be preferable. Jul 6, 2012 2:34 PM</td>
</tr>
<tr>
<td>11</td>
<td>There is no point in having regional conditions if the PHs can then work anywhere. Jul 6, 2012 12:01 PM</td>
</tr>
<tr>
<td>12</td>
<td>Local control is essential. Jul 6, 2012 11:54 AM</td>
</tr>
<tr>
<td>13</td>
<td>Should be licensed by the same authority to retain regulatory control and standards Jul 6, 2012 10:32 AM</td>
</tr>
<tr>
<td>14</td>
<td>This will defeat the object of proposal 41 Jul 3, 2012 8:16 AM</td>
</tr>
</tbody>
</table>
Page 6, Q18. Provisional proposal 41
Private hire operators should no longer be restricted to accepting or inviting bookings only within a particular locality; nor to only using drivers or vehicles licensed by a particular licensing authority. (Page 198)

What are your views on this proposal?

<table>
<thead>
<tr>
<th>No.</th>
<th>Comment</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>15</td>
<td>Cheapest licence chasing</td>
<td>Jun 20, 2012 8:47 AM</td>
</tr>
<tr>
<td>16</td>
<td>Accepting bookings outside their area is not a problem for me, but if they could use any drivers/vehicles we lose local control. Bookings should be able to be subcontracted to any other licensed operator, who uses locally licensed drivers/vehicles, as now.</td>
<td>Jun 1, 2012 1:41 PM</td>
</tr>
<tr>
<td>17</td>
<td>It will increase competition and a better service for members of the public</td>
<td>May 23, 2012 2:22 PM</td>
</tr>
<tr>
<td>18</td>
<td>Agree but only within areas of common fare structure</td>
<td>May 21, 2012 11:07 AM</td>
</tr>
<tr>
<td>19</td>
<td>Provided that their are national standards and local authority enforcement powers are extended to any licensed vehicle irrespective of geographic location or licence origin</td>
<td>May 17, 2012 11:08 AM</td>
</tr>
</tbody>
</table>
Page 6, Q19. Provisional proposal 42
We do not propose to introduce a “return to area” requirement in respect of out of area drop offs. (Page 199)

What are your views on this proposal?

<table>
<thead>
<tr>
<th></th>
<th></th>
<th>Date of Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>This is a sensible proposal.</td>
<td>Aug 30, 2012 8:50 AM</td>
</tr>
<tr>
<td>2</td>
<td>Return to area should continue with harsher penalties for those who continually flout the rule</td>
<td>Aug 20, 2012 1:37 PM</td>
</tr>
<tr>
<td>4</td>
<td>But only if for the purposes of picking up a fare that has been booked within its own operators area</td>
<td>Jul 11, 2012 12:32 PM</td>
</tr>
<tr>
<td>5</td>
<td>There would be no point if proposal 41 is accepted.</td>
<td>Jul 9, 2012 8:27 AM</td>
</tr>
<tr>
<td>6</td>
<td>Vehicles should return to the LA licensing area this will discourage illegally plying for hire</td>
<td>Jul 6, 2012 2:34 PM</td>
</tr>
<tr>
<td>7</td>
<td>Disagree if a two-tier system remains as it encourages unlawful “plying for hire”.</td>
<td>Jul 6, 2012 11:54 AM</td>
</tr>
<tr>
<td>8</td>
<td>Long thought this requirement was unworkable and find it strange its never been challenged</td>
<td>Jun 20, 2012 8:47 AM</td>
</tr>
<tr>
<td>9</td>
<td>Wait and return is not uncommon. Return to area means excess dead miles. Not environmentally friendly.</td>
<td>Jun 1, 2012 1:41 PM</td>
</tr>
<tr>
<td>10</td>
<td>May be issue in cities but no much of a problem in rural areas. If all were taxis this would not cause a problem</td>
<td>May 30, 2012 1:52 PM</td>
</tr>
<tr>
<td>11</td>
<td>Environmental efficiency</td>
<td>May 21, 2012 11:07 AM</td>
</tr>
<tr>
<td>12</td>
<td>The temptation to wait in another district for an unbooked fare would be too great for a number of private hire drivers to resist. Again enforcement of out of town vehicles &quot;waiting&quot; in another district would have resource implications</td>
<td>May 18, 2012 9:50 AM</td>
</tr>
<tr>
<td>13</td>
<td>Taxis should return to their District / Borough No such need for private hire vehicles if the proposal to allow cross-border hiring is accepted</td>
<td>May 17, 2012 11:08 AM</td>
</tr>
<tr>
<td>14</td>
<td>There should be no requirement for a vehicle to stand in a different area to which they are licensed.</td>
<td>May 17, 2012 10:39 AM</td>
</tr>
</tbody>
</table>
**Page 6, Q20. Provisional proposal 43**

Licensing authorities should retain the ability to regulate maximum taxi fares. Licensing authorities should not have the power to regulate private hire fares. (Page 200)

**What are your views on this proposal?**

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
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</thead>
<tbody>
<tr>
<td>1</td>
<td>We believe that the setting of fares should not be the responsibility of the regulator. The parallel would be the licensing of premises under the Licensing Act 2003: the licensing authority regulates the premises but does not fix the price of alcohol. Why not allow market forces to determine fares for taxis as currently happens for private hire vehicles?</td>
</tr>
<tr>
<td>2</td>
<td>LA should have the power to regulate both in line with each other</td>
</tr>
<tr>
<td>3</td>
<td>However the issue surrounding HCV’s used as PH’s requires clearing up once and for all as the trade and passengers are both confused. Again a single tier system with all vehicles required to have meters would prevent this</td>
</tr>
<tr>
<td>4</td>
<td>No to both (isn’t an option to disagree to both proposals). Would be better to leave to market forces.</td>
</tr>
<tr>
<td>5</td>
<td>Market forces will dictate. If a driver overcharges, he won’t be used.</td>
</tr>
<tr>
<td>6</td>
<td>If the distinction is retained</td>
</tr>
<tr>
<td>7</td>
<td>If a two tier system is in place then LA’s should regulate both fares to ensure that the passenger pays the same whether it be private hire or taxi, another argument for single tier</td>
</tr>
<tr>
<td>8</td>
<td>I would also like the metered fare to be the maximum fare that can be charged for any journey. At present this is only the law for a journey wholly within the controlled district where the hackney can ply for hire. I agree that LA should not have the power to regulate private hire fares</td>
</tr>
<tr>
<td>9</td>
<td>This would allow authorities to respond to every area’s needs.</td>
</tr>
<tr>
<td>10</td>
<td>I think all the fares should be regulated</td>
</tr>
<tr>
<td>11</td>
<td>Let them set their own fares as long as displayed</td>
</tr>
<tr>
<td>12</td>
<td>This is two separate questions! LA’s regulating maximum fares is a good thing, it stops cartels, monopolies operating. Same for PH, but why are we making the distinction?</td>
</tr>
<tr>
<td>13</td>
<td>For public safety this is necessary.</td>
</tr>
<tr>
<td></td>
<td>Response</td>
</tr>
<tr>
<td>---</td>
<td>--------------------------------------------------------------------------</td>
</tr>
<tr>
<td>1</td>
<td>Yes, provided that there is a legal duty on the driver to inform the hirer of any non-metered charges at the time of the hiring.</td>
</tr>
<tr>
<td>2</td>
<td>Provided it is clearly agreed in advance</td>
</tr>
<tr>
<td>3</td>
<td>Perhaps by way of a booking fee</td>
</tr>
<tr>
<td>4</td>
<td>If no maximum fare then no issue. Yes, if customer knows price prior to journey and they agree then should be okay. Enforcement issues could be a problem. No, is whole job in same area?</td>
</tr>
<tr>
<td>5</td>
<td>There is no obligation for a hackney to agree to a pre-booked journey. If the metered fare would be considered inadequate then</td>
</tr>
<tr>
<td>6</td>
<td>Yes but only a booking fee to cover dead mileage if agreed with the customer on booking. In conjunction with the meter. Call out charge/booking fee to be displayed as maximum on the tariff card i.e £10. Cannot just be added adhoc at the end of a journey</td>
</tr>
<tr>
<td>7</td>
<td>If they want to charge more change to private hire.</td>
</tr>
<tr>
<td>8</td>
<td>Only if a booking fee is set within the tariff with a maximum i.e £10 and can only be used in conjunction with the meter if agreed in advance with the customer.</td>
</tr>
<tr>
<td>9</td>
<td>They have to recoup the expense for the &quot;dead&quot; mileage encountered in pre-booked journeys. In our experience, taxi drivers refuse pre-booked fares where there is too much &quot;dead&quot; mileage which they cannot recover.</td>
</tr>
<tr>
<td>10</td>
<td>Why? Brings in a reason for conflict. Allows a driver to negotiate with a prospective hirer before accepting a hiring, (define &quot;pre-booked&quot;).</td>
</tr>
<tr>
<td>11</td>
<td>This would muddy the waters of a two tier system</td>
</tr>
</tbody>
</table>
Page 7, Q1. Question 45
Should national driver safety standards such as the requirement to be a “fit and proper person” be either:

<table>
<thead>
<tr>
<th></th>
<th>Comment</th>
<th>Date</th>
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<tbody>
<tr>
<td>1</td>
<td>We believe this option is preferable as it would allow for any changes to standards to be made relatively quickly. This would not be possible if the standards were specified in primary legislation.</td>
<td>Aug 30, 2012 8:52 AM</td>
</tr>
<tr>
<td>2</td>
<td>Plus local policy / requirements</td>
<td>Jul 11, 2012 9:02 AM</td>
</tr>
<tr>
<td>3</td>
<td>should be et out in regulations</td>
<td>Jul 10, 2012 1:58 PM</td>
</tr>
<tr>
<td>4</td>
<td>I appreciate that primary legislation enables prosecution as an enforcement tool, but the disadvantage of this method to setting standards is the difficulty in then amending such.</td>
<td>Jul 10, 2012 1:33 PM</td>
</tr>
<tr>
<td>5</td>
<td>A more consistent approach is needed. We have had drivers revoked and backed up by the Crown Court to say an individual is not fit and proper only for them to go to another Authority be granted a licence without even a Committee hearing and then work in an out of town vehicle in Newcastle. This must be stopped. Regard to a Council or Court judgement relating to a driver should be at least persuasive to another authority in the decision making process.</td>
<td>Jul 9, 2012 9:19 AM</td>
</tr>
<tr>
<td>6</td>
<td>Either - it doesn’t matter which.</td>
<td>Jul 6, 2012 12:00 PM</td>
</tr>
<tr>
<td>7</td>
<td>Either</td>
<td>Jul 6, 2012 11:02 AM</td>
</tr>
<tr>
<td>8</td>
<td>Primary legislation</td>
<td>Jul 6, 2012 10:33 AM</td>
</tr>
<tr>
<td>9</td>
<td>(b) might mean potentially faster response to changing circumstances/conditions.</td>
<td>Jun 1, 2012 1:49 PM</td>
</tr>
<tr>
<td>10</td>
<td>Present guidelines are very useful. LAs need and should normally follow them. No need for primary legislation or something like this.</td>
<td>May 21, 2012 11:14 AM</td>
</tr>
<tr>
<td>11</td>
<td>Both, the secretary of state should be able to update outdated matters</td>
<td>May 17, 2012 7:59 AM</td>
</tr>
</tbody>
</table>
Vehicle owners should not be subject to “fit and proper” tests and the criteria applied would relate solely to the vehicle itself. (Page 204)

What are your views on this proposal?

<table>
<thead>
<tr>
<th></th>
<th></th>
<th>Date</th>
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</thead>
<tbody>
<tr>
<td>1</td>
<td>Vehicle owners could be criminals with public safety implications</td>
<td>Aug 21, 2012 12:52 PM</td>
</tr>
<tr>
<td>2</td>
<td>It would be unreasonable to stop someone owning a vehicle (not driving) because they have a criminal record when the fact they are not directly in contact with the public, however each case needs to be judged on its merits and if the vehicle owner has offences for relevant offences, ie directly linked to vehicle crime then this would be relevant.</td>
<td>Jul 11, 2012 1:47 PM</td>
</tr>
<tr>
<td>3</td>
<td>I had hoped this would be an area for change. A proprietor who consistently has poor vehicles on the road has little sanctions against him. The driver is prosecuted and loses his licence only for the proprietor to get another driver. Also Proprietor with certain offences, supply of drugs for example should not be permitted to hold a vehicle licence for the same period as a driver in a similar situation.</td>
<td>Jul 9, 2012 9:19 AM</td>
</tr>
<tr>
<td>4</td>
<td>It would be unduly restrictive.</td>
<td>Jul 6, 2012 12:00 PM</td>
</tr>
<tr>
<td>5</td>
<td>Difficult to justify on grounds of public safety. There would have to be means to prevent unfit owners from having malign influence over their drivers.</td>
<td>Jun 1, 2012 1:49 PM</td>
</tr>
<tr>
<td>6</td>
<td>The owner is usually the person &quot;running&quot; the car. He may have influence over the drivers etc.</td>
<td>May 30, 2012 1:56 PM</td>
</tr>
<tr>
<td>7</td>
<td>Vehemently.</td>
<td>May 21, 2012 11:14 AM</td>
</tr>
<tr>
<td>8</td>
<td>A proprietor could be aware of where his vehicle is being used and when people are going to be away from their home etc.</td>
<td>May 17, 2012 10:48 AM</td>
</tr>
</tbody>
</table>
Page 7, Q3. Question 47
Should national vehicle safety standards be either:

<p>| | |</p>
<table>
<thead>
<tr>
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<tbody>
<tr>
<td>1</td>
<td>As for Q.45</td>
</tr>
<tr>
<td>2</td>
<td>Plus local requirements / policy</td>
</tr>
<tr>
<td>3</td>
<td>set out in regulations</td>
</tr>
<tr>
<td>4</td>
<td>I appreciate that primary legislation enables prosecution as an enforcement tool, but the disadvantage of this method to setting standards is the difficulty in then amending such.</td>
</tr>
<tr>
<td>5</td>
<td>Both. Primary legislation for areas such as number of vehicle tests, conversion standards to be in line with vehicle directive framework etc and conditions for changeable areas such as emission standards.</td>
</tr>
<tr>
<td>6</td>
<td>Either - it doesn't matter which.</td>
</tr>
<tr>
<td>7</td>
<td>Either</td>
</tr>
<tr>
<td>8</td>
<td>as at 45.</td>
</tr>
<tr>
<td>9</td>
<td>Both, the secretary of state should be able to update outdated matters</td>
</tr>
</tbody>
</table>

Page 7, Q4. Provisional proposal 48
Operator licensing should be retained as mandatory in respect of private hire vehicles. (Page 207)

What are your views on this proposal?

<p>| | |</p>
<table>
<thead>
<tr>
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</thead>
<tbody>
<tr>
<td>1</td>
<td>Some hackney drivers work soley off the ranks and therefore there would be no benifit to working for an operator, however if they wish to carry out pre-booked work they should need to be licensed as a private hire operator.</td>
</tr>
<tr>
<td>2</td>
<td>Including pre-booked journeys for taxis</td>
</tr>
<tr>
<td>3</td>
<td>should be some form of record keeping</td>
</tr>
<tr>
<td>4</td>
<td>Essential if we are to retain 2 tier system</td>
</tr>
<tr>
<td>5</td>
<td>Public/Consumer Protection</td>
</tr>
<tr>
<td>6</td>
<td>How else are records to be kept. Proof of advance booking.</td>
</tr>
</tbody>
</table>
### Page 7, Q5. Question 49
**Should operator licensing be extended to cover taxi radio circuits and if so on what basis? (Page 208)**

<table>
<thead>
<tr>
<th></th>
<th>Response</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>If a taxi radio circuit is being used to administer bookings then it should probably be regulated in the same way as a Private Hire Operator.</td>
<td>Aug 30, 2012 8:52 AM</td>
</tr>
<tr>
<td>2</td>
<td>The requirements for the ‘operator’ should be the same for both regimes, record keeping etc.</td>
<td>Aug 15, 2012 3:46 PM</td>
</tr>
<tr>
<td>3</td>
<td>The operator licensing contains important provision relating to record keeping are absent from the hackney provisions.</td>
<td>Aug 15, 2012 9:19 AM</td>
</tr>
<tr>
<td>4</td>
<td>Helps with enforcement.</td>
<td>Jul 11, 2012 2:18 PM</td>
</tr>
<tr>
<td>5</td>
<td>Some hackney drivers work solely off the ranks and therefore there would be no benefit to working for an operator, however if they wish to carry out pre-booked work they should need to be licensed as a private hire operator or take the bookings from a private hire operator.</td>
<td>Jul 11, 2012 1:47 PM</td>
</tr>
<tr>
<td>6</td>
<td>PHO can already operate HCVs and this does not affect the number of vehicles they can operate. If this is proposing that taxi radio circuits and taxis undertaking pre-booked work should be required to comply with the same licensing legislation as private hire vehicles doing this type of work, then this authority agrees with the proposal. If HCVs are operated by someone then this should require an operator licence and the same standards that apply to operated PHVs should apply and the HCVs should count towards the number of vehicles operated.</td>
<td>Jul 10, 2012 1:33 PM</td>
</tr>
<tr>
<td>7</td>
<td>It is a fundamental right for a taxi to ply for hire and accept face to face pre-bookings and in a two-tier system not allow private hire the same privileges. But you can't have your cake and eat it. This is unfair competition to the private hire trade. More importantly what is the point of justifying booking records and operator return on grounds of public safety to say hackney’s can do the same without any recourse</td>
<td>Jul 9, 2012 9:19 AM</td>
</tr>
<tr>
<td>8</td>
<td>It is a pre-booked journey and is no different to &quot;Private Hire&quot;. Public/Consumer Protection.</td>
<td>Jul 6, 2012 12:00 PM</td>
</tr>
<tr>
<td>9</td>
<td>If they are taking bookings in advance and acting as PHV operators they should be licensed as PHV operators.</td>
<td>Jun 1, 2012 1:49 PM</td>
</tr>
<tr>
<td>10</td>
<td>not our area of interest</td>
<td>May 30, 2012 1:56 PM</td>
</tr>
<tr>
<td>11</td>
<td>But only where cooperating authorities agree, common fare/standards structure</td>
<td>May 21, 2012 11:14 AM</td>
</tr>
<tr>
<td>12</td>
<td>On the basis that the service that they are providing is no different form that of a private hire operator.</td>
<td>May 17, 2012 10:48 AM</td>
</tr>
</tbody>
</table>
**Page 7, Q6. Provisional proposal 50**  
The definition of operators should not be extended in order to include intermediaries. (Page 209)

**What are your views on this proposal?**

<table>
<thead>
<tr>
<th>1</th>
<th>potential loop hole for unscrupulous individuals that needs closing</th>
<th>Aug 16, 2012 7:39 AM</th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td>So long as the intermediaries book via a private hire operator within the district</td>
<td>Jul 11, 2012 1:47 PM</td>
</tr>
<tr>
<td>3</td>
<td>Although companies such as Click4Cabs / ClickACab should be required to be licensed - this is their primary business</td>
<td>Jul 11, 2012 9:02 AM</td>
</tr>
<tr>
<td>4</td>
<td>This follows on from 49 and seems contardictory in my answer. However this is different to a radio circuit of hackney carriages through association or limited companies competing in effectively a private hire market.</td>
<td>Jul 9, 2012 9:19 AM</td>
</tr>
<tr>
<td>5</td>
<td>Current law works well enough.</td>
<td>Jun 1, 2012 1:49 PM</td>
</tr>
</tbody>
</table>

**Page 7, Q7. Question 51**  
Should “fit and proper” criteria in respect of operators be retained? (Page 210)

<table>
<thead>
<tr>
<th>1</th>
<th>Yes. The public need to have confidence in persons providing this type of service.</th>
<th>Aug 30, 2012 8:52 AM</th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td>Only if provision is made to actually evaluate it (i.e. enhanced disclosures, or clear guidance on what grounds applicants should be excluded)</td>
<td>Jul 11, 2012 5:27 PM</td>
</tr>
<tr>
<td>3</td>
<td>National standards could include if operator's need CRB (enhanced/standard/basic).</td>
<td>Jul 11, 2012 2:18 PM</td>
</tr>
<tr>
<td>4</td>
<td>It is important that the public have confidence in not only the drivers but operators and that the businesses of private hire operators are being legitimately carried out.</td>
<td>Jul 11, 2012 1:47 PM</td>
</tr>
<tr>
<td>5</td>
<td>Whilst they may not be a driver they are operating drivers and have a position of influence. The public would be at risk if an operator were to encourage a driver to breach law/standards/regulations.</td>
<td>Jul 10, 2012 1:33 PM</td>
</tr>
<tr>
<td>6</td>
<td>They are responsible for the drivers and the business.</td>
<td>Jul 6, 2012 1:28 PM</td>
</tr>
<tr>
<td>7</td>
<td>Yes for the Management part of the business, for the purposes of public safety and consumer protection.</td>
<td>Jul 6, 2012 12:00 PM</td>
</tr>
<tr>
<td>8</td>
<td>For the same reason that Operators have to be licensed, their telephone operators and despatchers should also be licensed, or at least subject to approval.</td>
<td>Jun 1, 2012 1:49 PM</td>
</tr>
<tr>
<td>9</td>
<td>Operators have knowledge of customers whereabouts.</td>
<td>May 17, 2012 10:48 AM</td>
</tr>
</tbody>
</table>
Page 7, Q8. Provisional proposal 52
Operators should be expressly permitted to sub-contract services. (Page 210)

What are your views on this proposal?

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>yes, onus on them to keep records, and the sub-contractor</td>
</tr>
<tr>
<td>2</td>
<td>I cannot see a problem with this and cannot understand how it can be permitted in London and not in the rest of the country. In saying this it needs to be sub-contracted to another company within the licensing area and with the permission of the hirer who may have an objection.</td>
</tr>
<tr>
<td>3</td>
<td>Within the controlled area</td>
</tr>
<tr>
<td>4</td>
<td>They can already do this but limited (outside London) to contracting to any other operator licensed by the same authority or any hackney carriage.</td>
</tr>
<tr>
<td>5</td>
<td>So long as each operator has the correct records in place so traceability for the customer is apparent then this must happen. If this part of the London Act had been adopted into the 76 Act via the Road Safety Act then a great deal of the Newcastle / Berwick fiddler / stockton etc may have beeen avoided.</td>
</tr>
<tr>
<td>6</td>
<td>Good for customer service and for small businesses to meet service demand.</td>
</tr>
<tr>
<td>7</td>
<td>but only to other licensed operators.</td>
</tr>
<tr>
<td>8</td>
<td>To another PHO, not individual drivers</td>
</tr>
<tr>
<td>9</td>
<td>Only to another Operator.</td>
</tr>
<tr>
<td>10</td>
<td>With operator retaining liability as per proposal</td>
</tr>
<tr>
<td></td>
<td>Response</td>
</tr>
<tr>
<td>---</td>
<td>---------------------------------------------------------------------------</td>
</tr>
<tr>
<td>1</td>
<td>Yes. This would assist in the investigation of complaints and any</td>
</tr>
<tr>
<td></td>
<td>enforcement action.</td>
</tr>
<tr>
<td>2</td>
<td>Records should be kept for all journeys, pre booked or otherwise.</td>
</tr>
<tr>
<td>3</td>
<td>Can't see how it would be practical.</td>
</tr>
<tr>
<td>4</td>
<td>If a hackney is to take a pre booking this should be under the same</td>
</tr>
<tr>
<td></td>
<td>standards and with the same requirements for a pre booked PHV. The</td>
</tr>
<tr>
<td></td>
<td>proposed national standards are limited to addressing bottom-line safety</td>
</tr>
<tr>
<td></td>
<td>standards and these should apply to all alike. If not it makes a mockery</td>
</tr>
<tr>
<td></td>
<td>of minimum standards. Why bother having private hire standards if within</td>
</tr>
<tr>
<td></td>
<td>a deregulated numbers hackney regime you can therefore get a hackney</td>
</tr>
<tr>
<td></td>
<td>plate rather than a private hire plate and both ply for hire and take</td>
</tr>
<tr>
<td></td>
<td>bookings but not be subject to the same standards with regard to the</td>
</tr>
<tr>
<td></td>
<td>booking as a PHV is.</td>
</tr>
<tr>
<td>5</td>
<td>and to include plying for hire fares. 20 seconds of the drivers time.</td>
</tr>
<tr>
<td></td>
<td>Good for public safety, good for driver safety, good for the tax man.</td>
</tr>
<tr>
<td></td>
<td>Why would they object!!</td>
</tr>
<tr>
<td>6</td>
<td>For public and consumer protection.</td>
</tr>
<tr>
<td>7</td>
<td>Same reasons as previously given.</td>
</tr>
<tr>
<td>8</td>
<td>Yes but, with hands free phones do we want drivers taking booking whilst</td>
</tr>
<tr>
<td></td>
<td>driving</td>
</tr>
<tr>
<td>9</td>
<td>This is a loop hole that needs filling for public safety reasons</td>
</tr>
</tbody>
</table>
**Page 8, Q1. Provisional proposal 54**

**Licensing authorities should no longer have the power to restrict taxi numbers. (Page 213)**

**What are your views on this proposal?**

<table>
<thead>
<tr>
<th></th>
<th>View</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Agreed. This has always been a contentious area of policy and we believe that there should be an open and competitive market.</td>
<td>Aug 30, 2012 8:53 AM</td>
</tr>
<tr>
<td>2</td>
<td>Market forces should find their own level and would avoid plates having value to be sold off for large profit.</td>
<td>Jul 11, 2012 1:47 PM</td>
</tr>
<tr>
<td>3</td>
<td>Market forces should dictate.</td>
<td>Jul 11, 2012 1:05 PM</td>
</tr>
<tr>
<td>4</td>
<td>This will allow market forces to determine the number of HCV and HCDs that an area requires. However it will be very unpopular with the taxi trade inxxxxx, where a HCV worth about £10,000 can sell for about £60,000 with an xBC plate on it. A plate should have no intrinsic value and by restricting numbers, I believe a false market in plate value has been created. The hackney drivers complain there are already too many HCVs, yet a plate is worth about £50,000 which would suggest otherwise. In a free market the plate would be worth no more than the cost of the licence.</td>
<td>Jul 10, 2012 1:34 PM</td>
</tr>
<tr>
<td>5</td>
<td>We have established good reasons to regulate the number of taxis and therefore would like to see this maintained.</td>
<td>Jul 10, 2012 11:57 AM</td>
</tr>
<tr>
<td>6</td>
<td>If suggestions of peak time licenses and zonal licenses are serious then you would have to restrict taxi numbers for the system to work. The current criteria for restriction however is burdensome and not always fair as the resulting unmet demand is picked up by private hire.</td>
<td>Jul 9, 2012 9:30 AM</td>
</tr>
<tr>
<td>7</td>
<td>As outlined at a recent Law Commission consultation on authority took of its limits and went from 72 hackney to 1,200. This cannot be right.</td>
<td>Jul 6, 2012 2:46 PM</td>
</tr>
<tr>
<td>8</td>
<td>Market forces should dictate.</td>
<td>Jul 6, 2012 12:00 PM</td>
</tr>
<tr>
<td>9</td>
<td>It should be a free market</td>
<td>Jul 6, 2012 11:03 AM</td>
</tr>
<tr>
<td>10</td>
<td>we don't so no opinion</td>
<td>May 30, 2012 1:56 PM</td>
</tr>
<tr>
<td>11</td>
<td>Absolutely agree, and this is one of the very few areas where local choice isn't key. It is an arbitrary and unnecessary interference in both the market and peoples' right to conduct business within a regulatory framework.</td>
<td>May 21, 2012 11:20 AM</td>
</tr>
<tr>
<td>12</td>
<td>State sponsored cartels are a thing of the past and should be removed without further delay.</td>
<td>May 18, 2012 10:20 AM</td>
</tr>
<tr>
<td>13</td>
<td>There should be an open unrestricted market.</td>
<td>May 17, 2012 10:50 AM</td>
</tr>
</tbody>
</table>
## Page 8, Q2. Question 55
What problems (temporary or permanent) might arise if licensing authorities lost the ability to restrict numbers? (Page 213)

<table>
<thead>
<tr>
<th></th>
<th>In the short term, there would probably be an upsurge in taxi numbers leading to overcrowding on ranks, possible congestion and (temporary) reduction in earnings until the market found its natural level.</th>
<th>Aug 30, 2012 8:53 AM</th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td>Loss of artificial value to licensees.</td>
<td>Aug 21, 2012 12:52 PM</td>
</tr>
<tr>
<td>3</td>
<td>There may be temporary pain caused by the overnight loss of the money inherent in a licence plate.</td>
<td>Aug 16, 2012 2:32 PM</td>
</tr>
<tr>
<td>4</td>
<td>We have never restricted numbers and so can't comment except to say that the transition period may be painful and could result in financial loss because the 'inherent' value of a plate would disappear overnight.</td>
<td>Aug 15, 2012 3:48 PM</td>
</tr>
<tr>
<td>5</td>
<td>Where the effective monopoly of provision has existed the return to a competitive market may see some long established firms struggling and going under.</td>
<td>Aug 15, 2012 9:30 AM</td>
</tr>
<tr>
<td>6</td>
<td>Congested ranks. Possible decrease in standards.</td>
<td>Jul 11, 2012 2:19 PM</td>
</tr>
<tr>
<td>7</td>
<td>No long lasting problems as market forces dictate the levels of licensed vehicles</td>
<td>Jul 11, 2012 1:47 PM</td>
</tr>
<tr>
<td>8</td>
<td>This authority deregulated a number of years ago. I am unaware of any problems arising as a result.</td>
<td>Jul 11, 2012 1:05 PM</td>
</tr>
<tr>
<td>9</td>
<td>Too many licensed vehicles</td>
<td>Jul 11, 2012 9:03 AM</td>
</tr>
<tr>
<td>10</td>
<td>If an area has a limit on numbers, then a market is created that places a value on both a plate and rental charges on a HCV. A plate in this authority can be valued at about £50,000 and rental income on shifting a cab for two shifts of up to £500pw. For proprietors of HCVs this is a lucrative business. To deregulate could lead to a temporary surge in licences issued with more HCVs than needed for the market until natural free market forces determined the number of licences needed. It would also result in a plate having no intrinsic value and the rental charges for a cab falling as more competition from more vehicles becomes available. Whilst these matters are not strictly licensing issues, they are particularly significant to someone who already has a loan on an asset (the HCV) and that loan ends up being far greater than the worth of the asset.</td>
<td>Jul 10, 2012 1:34 PM</td>
</tr>
<tr>
<td>11</td>
<td>Overcrowding of limited ranks, too much supply to meet limited demand</td>
<td>Jul 10, 2012 11:57 AM</td>
</tr>
<tr>
<td>12</td>
<td>Over crowding on Ranks, traffic issues etc..</td>
<td>Jul 9, 2012 3:14 PM</td>
</tr>
<tr>
<td>13</td>
<td>Lack of rank space but this exists in most areas already as the trade all want to rank on the busiest ones. Temporary flood of exta taxis but market forces reduces this.</td>
<td>Jul 9, 2012 11:11 AM</td>
</tr>
<tr>
<td>14</td>
<td>Vehicle standards and levels of service offered by drivers could fall as numbers rise. Unlike PHV passengers get in the first car. Congestion and pollution of the Cities would be problematic, Although not curently a criteria to limit numbers this in line with other proposals (zoning, peak times etc) should be taken into account rather than unmet demand.</td>
<td>Jul 9, 2012 9:30 AM</td>
</tr>
</tbody>
</table>
## Page 8, Q2. Question 55
What problems (temporary or permanent) might arise if licensing authorities lost the ability to restrict numbers? (Page 213)

<table>
<thead>
<tr>
<th></th>
<th>Response</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>15</td>
<td>See above</td>
<td>Jul 6, 2012 2:46 PM</td>
</tr>
<tr>
<td>16</td>
<td>There may be an influx of new vehicles but eventually trade would settle out.</td>
<td>Jul 6, 2012 1:29 PM</td>
</tr>
<tr>
<td>17</td>
<td>None market forces would dictate</td>
<td>Jul 6, 2012 11:03 AM</td>
</tr>
<tr>
<td>18</td>
<td>If local standards are low, there might be an excess of taxis until market forces were able to work.</td>
<td>Jun 1, 2012 1:50 PM</td>
</tr>
<tr>
<td>19</td>
<td>There could be a rise in the number of hackney carriage vehicles that may push some out of the market. However, this could also lead to a better standard of vehicle being on the roads.</td>
<td>May 23, 2012 2:25 PM</td>
</tr>
<tr>
<td>20</td>
<td>Transition: Some operators may have invested a lot of money for a plate, which then loses its intrinsic value. However that should not be a barrier. It may be that transition is over say 3 or 5 years.</td>
<td>May 21, 2012 11:20 AM</td>
</tr>
<tr>
<td>21</td>
<td>There may be a surge in applications in the first instance where control of numbers are removed but market forces would soon establish equilibrium</td>
<td>May 18, 2012 10:20 AM</td>
</tr>
<tr>
<td>22</td>
<td>Temporary influx of vehicles. This would not happen if we moved to a one tier system</td>
<td>May 17, 2012 10:50 AM</td>
</tr>
<tr>
<td>23</td>
<td>None from an authority's viewpoint</td>
<td>May 17, 2012 8:13 AM</td>
</tr>
<tr>
<td>24</td>
<td>Some temporary rumblings that would settle</td>
<td>May 17, 2012 8:00 AM</td>
</tr>
<tr>
<td>25</td>
<td>None, as long as vehicle spec, age policy and standards were in place at local authority level</td>
<td>May 17, 2012 6:54 AM</td>
</tr>
</tbody>
</table>
**Page 8, Q3. 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? (Page 215)

<table>
<thead>
<tr>
<th></th>
<th>Response</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Yes. This would help to mitigate the problems noted at Q.55.</td>
<td>Aug 30, 2012 8:53 AM</td>
</tr>
<tr>
<td>2</td>
<td>Gradual would be better - might prevent dip in standards.</td>
<td>Jul 11, 2012 2:19 PM</td>
</tr>
<tr>
<td>3</td>
<td>From a purely public safety licensing perspective this is not necessary. If looking beyond public safety then yes as the economic consequences on some HCV owners is significant. See above. A surge in HCV numbers could also cause tensions, resulting in a need for greater enforcement activity.</td>
<td>Jul 10, 2012 1:34 PM</td>
</tr>
<tr>
<td>4</td>
<td>How would it be monitored - It would create wait lists or a lottery</td>
<td>Jul 9, 2012 11:11 AM</td>
</tr>
<tr>
<td>5</td>
<td>Local Authorities therefore would need the power to set higher standards for HCP/D's as discussed earlier to ensure the quality of vehicle and drivers did not drop.</td>
<td>Jul 9, 2012 9:30 AM</td>
</tr>
<tr>
<td>6</td>
<td>Not needed if the standard is high enough.</td>
<td>Jun 1, 2012 1:50 PM</td>
</tr>
<tr>
<td>7</td>
<td>See above, sorry!</td>
<td>May 21, 2012 11:20 AM</td>
</tr>
<tr>
<td>8</td>
<td>Not sure how that would work? if e.g. a number of plates should be issued each year perhaps 6 a year what happens when applicant 7 is refused.</td>
<td>May 18, 2012 10:20 AM</td>
</tr>
<tr>
<td>9</td>
<td>Authorities should be able to set high standards for any new plates following derestriction of numbers. e.g. all new plates should be applied to WAV's</td>
<td>May 17, 2012 10:50 AM</td>
</tr>
</tbody>
</table>
## Page 9, Q1. Question 57
Should there be a separate licence category for wheelchair accessible vehicles?
This could involve:
(1) a duty on the licensee to give priority to disabled passengers; and
(2) a duty on the licensing authority to make adequate provision at ranks for wheelchair accessible vehicles....

<table>
<thead>
<tr>
<th></th>
<th>Response</th>
<th>Date and Time</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Yes – provided there is a national specification for such vehicles (something which has eluded the DfT to date!).</td>
<td>Aug 30, 2012 8:55 AM</td>
</tr>
<tr>
<td>2</td>
<td>we should move gradually to a requirement for all vehicles to be Wheelchair accessible</td>
<td>Aug 15, 2012 9:39 AM</td>
</tr>
<tr>
<td>3</td>
<td>might be useful, as could ensure provision of better more suitable ranks for wheelchair accessible vehicles and oblige drivers to carry the passengers (it is amazing how many scoot off the rank at the sight of a wheelchair)</td>
<td>Jul 11, 2012 5:27 PM</td>
</tr>
<tr>
<td>4</td>
<td>Sounds complicated.</td>
<td>Jul 11, 2012 2:21 PM</td>
</tr>
<tr>
<td>5</td>
<td>All of our hackney carriages are wheelchair accessible. The only benefit would be to know how many private hire vehicle have this capability.</td>
<td>Jul 11, 2012 1:47 PM</td>
</tr>
<tr>
<td>6</td>
<td>If a third tier of vehicles is introduced, I suggest that the uptake on this would be minimal unless incentivised.</td>
<td>Jul 11, 2012 1:05 PM</td>
</tr>
<tr>
<td>7</td>
<td>There would need to be a duty on Highways authorities to enable such a requirement</td>
<td>Jul 11, 2012 9:06 AM</td>
</tr>
<tr>
<td>8</td>
<td>Wheelchair users need to be provided for but not by complicating what is licensed for whom and the duties of the driver being different. As a driver it should be a requirement to treat all passengers according to their individual needs. As a passenger regardless of your needs, you should have public transport available to you, which should include wheelchair accessible vehicles. In terms of ranks, all ranks should be designed and in locations where a WAV can safely be loaded with a wheelchair bound passenger.</td>
<td>Jul 10, 2012 1:37 PM</td>
</tr>
<tr>
<td>9</td>
<td>All Taxis to be WAV (i.e. purpose built Hackney Carriages)</td>
<td>Jul 10, 2012 11:59 AM</td>
</tr>
<tr>
<td>10</td>
<td>WAV should give priority to the disabled anyway. They would never be first on the rank and may lose out on business. Local Authority decision in busy areas.</td>
<td>Jul 9, 2012 11:23 AM</td>
</tr>
<tr>
<td>11</td>
<td>This is difficult as you can't condition a hackney carriage driver or impose conditions to keep records on a proprietor. there should be a requirement that councils discuss and consult with their local disability issues working groups as to a policy to implement on wheelchair accessible vehicles and rank provision.</td>
<td>Jul 9, 2012 9:49 AM</td>
</tr>
<tr>
<td>12</td>
<td>If it makes it easier for the public to identify such vehicles but it should not preclude them from other work.</td>
<td>Jul 6, 2012 2:49 PM</td>
</tr>
<tr>
<td>13</td>
<td>Current systems can work to provide sufficient WAV. (1) impossible to enforce!</td>
<td>Jun 1, 2012 1:56 PM</td>
</tr>
<tr>
<td>14</td>
<td>It would make it much easier for disabled passengers</td>
<td>May 23, 2012 2:27 PM</td>
</tr>
<tr>
<td>15</td>
<td>Needs to be something in place to ensure some level of provision, but not sure what.</td>
<td>May 21, 2012 11:28 AM</td>
</tr>
<tr>
<td>16</td>
<td>Would be extremely difficult to enforce. drivers already have a duty under the DDA not to discriminate against anyone with a disability. Would be</td>
<td>May 17, 2012 10:58 AM</td>
</tr>
</tbody>
</table>
Page 9, Q1. Question 57
Should there be a separate licence category for wheelchair accessible vehicles?
This could involve:
(1) a duty on the licensee to give priority to disabled passengers; and
(2) a duty on the licensing authority to make adequate provision at ranks for wheelchair accessible vehicles...

almost impossible in some built up areas to provide extra provisions at ranks.
### Page 9, Q2. Question 58
Should licensing authorities offer lower licence fees for vehicles which meet certain accessibility standards? (Page 217)

<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>This could be considered as a financial incentive if the number of accessible vehicles is low.</td>
<td>Aug 30, 2012 8:55 AM</td>
</tr>
<tr>
<td>2</td>
<td>Any reduction would not cover the difference in costs</td>
<td>Aug 21, 2012 1:01 PM</td>
</tr>
<tr>
<td>3</td>
<td>But still based upon full cost recovery</td>
<td>Aug 15, 2012 9:49 AM</td>
</tr>
<tr>
<td>4</td>
<td>same work involved</td>
<td>Jul 11, 2012 5:27 PM</td>
</tr>
<tr>
<td>5</td>
<td>Wouldn't be worthwhile.</td>
<td>Jul 11, 2012 2:21 PM</td>
</tr>
<tr>
<td>6</td>
<td>There needs to be something to ensure WAVs are available such as a requirement for a proportion of the HCV/PHV fleet or an incentive through fees. However vehicle fees are where enforcement costs are recovered, which needs to be borne in mind</td>
<td>Jul 10, 2012 1:37 PM</td>
</tr>
<tr>
<td>7</td>
<td>Would only work in areas were the licence fees are high. Ours is only £80 a year so a discount would be minimal and therefore not really a benefit to the trade</td>
<td>Jul 9, 2012 11:23 AM</td>
</tr>
<tr>
<td>8</td>
<td>The same processes and enforcement (if not higher) are involved in wheelchair accessible vehicles as in non converted vehicles. You would be asking the rest of the trade to subsidise other proprietors and drivers. This surely is unfair.</td>
<td>Jul 9, 2012 9:49 AM</td>
</tr>
<tr>
<td>9</td>
<td>We think this depends on what the national standards are, if they are all for WCA vehicles then this would not be necessary.</td>
<td>Jul 6, 2012 2:22 PM</td>
</tr>
<tr>
<td>10</td>
<td>Licensed vehicles are an important part of our integrated transport system and offer a door to door service for those members of the public who have a disability and are not able to use other forms of public transport.</td>
<td>Jul 6, 2012 12:08 PM</td>
</tr>
<tr>
<td>11</td>
<td>Already possible, but licence fees are small in comparison to the cost of WAV.</td>
<td>Jun 1, 2012 1:56 PM</td>
</tr>
<tr>
<td>12</td>
<td>Fees should be based on cost recovery anyway</td>
<td>May 21, 2012 11:28 AM</td>
</tr>
<tr>
<td>13</td>
<td>It costs as much to process a licence application for a bog standard saloon as it does for a TX or similar accessible vehicle.</td>
<td>May 18, 2012 10:25 AM</td>
</tr>
</tbody>
</table>
**Page 9, Q3. Question 59**
Do you have any other suggestions for increasing the availability of accessible vehicles, and catering for the different needs of disabled passengers? (Page 217)

<table>
<thead>
<tr>
<th></th>
<th>Suggestion</th>
<th>Date and Time</th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td>No.</td>
<td>Aug 28, 2012 2:38 PM</td>
</tr>
<tr>
<td>3</td>
<td>No</td>
<td>Aug 21, 2012 1:01 PM</td>
</tr>
<tr>
<td>4</td>
<td>No</td>
<td>Aug 16, 2012 2:32 PM</td>
</tr>
<tr>
<td>5</td>
<td>All HC's should be wheelchair accessible</td>
<td>Aug 16, 2012 7:44 AM</td>
</tr>
<tr>
<td>6</td>
<td>not all disabled passengers want to use a wheelchair accessible vehicle.</td>
<td>Jul 11, 2012 5:27 PM</td>
</tr>
<tr>
<td></td>
<td>other types of vehicle could be considered - e.g. rotating seats.</td>
<td></td>
</tr>
<tr>
<td>7</td>
<td>No</td>
<td>Jul 11, 2012 2:21 PM</td>
</tr>
<tr>
<td>8</td>
<td>All of our hackney carriages are wheelchair accessible. You still need a</td>
<td>Jul 11, 2012 1:47 PM</td>
</tr>
<tr>
<td></td>
<td>variet of vehicles including standard saloons</td>
<td></td>
</tr>
<tr>
<td>9</td>
<td>I am concerned at the proposal to offer 'cheaper' licences for WAV's.</td>
<td>Jul 11, 2012 1:05 PM</td>
</tr>
<tr>
<td></td>
<td>Currently we are able to charge a fee for issue and adminstration of licences and in some categories for enforcement costs. I am unsure how we could justify issuing a licence which does not cover our costs, or to issue a non-WAV licence which conversely is chargeable at a premium, in order to subsidise the lower costs to WAV users. If the proposal is to keep PHV's as a distinct and separate type of vehicle, then all such PHV's would be available to anyone who is unable to use WAV's. I do wonder how on earth London has managed for so long licensing only WAV's if significant numbers of differing ability customers are unable to use them. Has the London policy of only issuing licences to WAV's been challenged as prejudicing users? How does London cater for elderly people or differing ability customers who are unable to use WAV's? One assumes that similar difficulties must be experienced in the Capital? My authority needed to increase the numbers of WAV's in order to address complaints by wheelchair users unable to access licensed vehicles. We were unable to reach a satisfactory conclusion on who should have saloon cars and who should have WAV's. A voluntary code was agreed with the trade, but in practice not one company relinquished the rights to have a saloon car.</td>
<td></td>
</tr>
<tr>
<td>10</td>
<td>As there is no proposal to introduce national quotas of wheelchair accessible vehicles and thus leaving it to be the responsibility of individual local authorities, it will result in some areas making adequate provision and other completely neglating the matter. This is at odds with the numerous proposals within in this document aimed at achieving national standards. A LA could make this a requirement for HCVs and the incentive would be the desire to ply for hire in that LA but as standards are mandatory for PHVs the only scope would be fees, which would mean the LA has to bear the cost implications.</td>
<td>Jul 10, 2012 1:37 PM</td>
</tr>
<tr>
<td>11</td>
<td>Insist all HCV's be purpose built cabs.</td>
<td>Jul 10, 2012 11:59 AM</td>
</tr>
<tr>
<td>12</td>
<td>Make it mandatory for new vehicles to be WAV</td>
<td>Jul 9, 2012 3:16 PM</td>
</tr>
<tr>
<td>13</td>
<td>Free advert on all ranks in district for these vehicles</td>
<td>Jul 9, 2012 11:23 AM</td>
</tr>
</tbody>
</table>
**Page 9, Q3. Question 59**

Do you have any other suggestions for increasing the availability of accessible vehicles, and catering for the different needs of disabled passengers? (Page 217)

<table>
<thead>
<tr>
<th></th>
<th>Suggestion</th>
<th>Date and Time</th>
</tr>
</thead>
<tbody>
<tr>
<td>14</td>
<td>Working groups between council and disability issues groups. Preferential points awards for tendering issues for vehicles and drivers offering better services. Again a licence for hackney radio circuits could assist in advertising. There is a market out there for good quality hackneys to tap into as well as adhering to requirements in legislation.</td>
<td>Jul 9, 2012 9:49 AM</td>
</tr>
<tr>
<td>15</td>
<td>We think increasing WCA vehicles are important, but equally members of the public seem to favour a mixed fleet.</td>
<td>Jul 6, 2012 2:22 PM</td>
</tr>
<tr>
<td>16</td>
<td>Identifying one or more ranks in their areas that are just for the use of WCA, thus these disabled users would know they have a rank that is set up for them where there will be suitable vehicles for hire.</td>
<td>Jun 20, 2012 8:54 AM</td>
</tr>
<tr>
<td>17</td>
<td>WAV only ranks or parts of ranks.</td>
<td>Jun 1, 2012 1:56 PM</td>
</tr>
<tr>
<td>18</td>
<td>The main issue is not one of our fee, but of the cost of purchasing the vehicles in the first place.</td>
<td>May 30, 2012 1:58 PM</td>
</tr>
<tr>
<td>19</td>
<td>Perhaps lists of these vehicles and driver numbers could be shared with bodies representing disabled people.</td>
<td>May 23, 2012 2:27 PM</td>
</tr>
<tr>
<td>20</td>
<td>See below</td>
<td>May 21, 2012 11:28 AM</td>
</tr>
<tr>
<td>21</td>
<td>Specific ranks available to wheelchair accessible vehicles e.g. on pedestrian zones. Improved access for anyone providing a wheelchair accessible vehicle.</td>
<td>May 17, 2012 10:58 AM</td>
</tr>
<tr>
<td>22</td>
<td>Only accessible vehicles can ply - perhaps this should become the national minimum standard for taxis...</td>
<td>May 17, 2012 8:03 AM</td>
</tr>
</tbody>
</table>
We do not propose to introduce national quotas of wheelchair accessible vehicles. (Page 218)

What are your views on this proposal?

<table>
<thead>
<tr>
<th></th>
<th></th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>We agree with this proposal. It would be difficult to apply – especially if there were significant fluctuations in the size of the fleet.</td>
<td>Aug 30, 2012 8:55 AM</td>
</tr>
<tr>
<td>2</td>
<td>All hackney carriages should be wheelchair accessible due to their immediate availability on ranks</td>
<td>Jul 11, 2012 1:47 PM</td>
</tr>
<tr>
<td>3</td>
<td>Experience shows that if left to the trade to decide, no-one will seek to provide WAV’s. If the authority decide to provide WAV’s for users, there is no fair way of deciding who can keep saloons and who has to have WAV’s. Even allowing ‘grandfather rights’ to existing users in order to ‘eventually’ increase the WAV numbers as drivers retire etc, has meant that owners put vehicles in a company name which means that numbers still don’t increase. An able bodied person or non-wheelchair user IS still able to use a PHV by booking or using a mini-cab office which is not a luxury afforded to the WAV users.</td>
<td>Jul 11, 2012 1:05 PM</td>
</tr>
<tr>
<td>4</td>
<td>See response to Q59 above</td>
<td>Jul 10, 2012 1:37 PM</td>
</tr>
<tr>
<td>5</td>
<td>Most areas operators have found a niche in the market and filled it.</td>
<td>Jul 9, 2012 11:23 AM</td>
</tr>
<tr>
<td>6</td>
<td>It should be relevant to the needs of the area. As in question 57 some degree of consultation should be mandatory for local authorities. However vehicle conversion standards need to be addressed in the minimum standards to be set for HC’s and PHV. WETA and no post registration conversion permitted</td>
<td>Jul 9, 2012 9:49 AM</td>
</tr>
<tr>
<td>7</td>
<td>If limits are removed then these should not be necessary.</td>
<td>Jul 6, 2012 2:22 PM</td>
</tr>
<tr>
<td>8</td>
<td>It should be a business decision made by the trade whether to purchase a WAV.</td>
<td>Jul 6, 2012 12:08 PM</td>
</tr>
<tr>
<td>9</td>
<td>Wheelchair users comprisve a very small proportion of the population. Many disabled people do not or cannot use a WAV. Need varies hugely from place to place.</td>
<td>Jun 1, 2012 1:56 PM</td>
</tr>
<tr>
<td>10</td>
<td>I think this could be a way forward</td>
<td>May 21, 2012 11:28 AM</td>
</tr>
<tr>
<td>11</td>
<td>A balanced fleet of mixed vehicles is more important provided that a number of vehicles are properly accessible there should be no issues.</td>
<td>May 18, 2012 10:25 AM</td>
</tr>
<tr>
<td>12</td>
<td>National quotas would assist LA’s</td>
<td>May 17, 2012 10:58 AM</td>
</tr>
<tr>
<td></td>
<td>Comment</td>
<td>Date</td>
</tr>
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<td>---</td>
<td>-------------------------------------------------------------------------------------------------------------------------------------------------</td>
<td>------------</td>
</tr>
<tr>
<td>1</td>
<td>How this is delivered will require careful consideration. We have already had to move from the DSA standards test as they are unable to provide enough test capacity.</td>
<td>Aug 15, 2012 9:49 AM</td>
</tr>
<tr>
<td>2</td>
<td>plus an assessment if they are going to be using a wheelchair accessible vehicle that they actually know how to load a wheelchair without cracking the top of the passenger's head open, or failing to safely secure them.</td>
<td>Jul 11, 2012 5:27 PM</td>
</tr>
<tr>
<td>3</td>
<td>Lead in period to complete 3-5 years.</td>
<td>Jul 11, 2012 2:21 PM</td>
</tr>
<tr>
<td>4</td>
<td>It is important to be aware of disability and how to deal with the disabled and thier individual needs.</td>
<td>Jul 11, 2012 1:47 PM</td>
</tr>
<tr>
<td>5</td>
<td>xxxxxx borough Council already has this in a small part, as some of the questions on our theory paper cover this, but the majority of our drivers still seem woefully ignorant in this regard. However this proposal seems a bit toothless if there is to be no requirement for WAVs.</td>
<td>Jul 10, 2012 1:37 PM</td>
</tr>
<tr>
<td>6</td>
<td>This is an important part of their training.</td>
<td>Jul 6, 2012 2:22 PM</td>
</tr>
<tr>
<td>7</td>
<td>Drivers need to be aware of their obligations under the Equality Act. It is essential for passenger safety that drivers are aware of the different types of disability which include &quot;hidden&quot; disabilities, how to assist people with disabilities and how to load and unload wheel chairs in the approved manner.</td>
<td>Jul 6, 2012 12:08 PM</td>
</tr>
<tr>
<td>8</td>
<td>Badly and urgently needed.</td>
<td>Jun 1, 2012 1:56 PM</td>
</tr>
<tr>
<td>9</td>
<td>Clearly, and indeed some disabilities may not be imediately apparent.</td>
<td>May 21, 2012 11:28 AM</td>
</tr>
<tr>
<td>10</td>
<td>We have been doing this for years and has proved extremely beneficial for the drivers and the taxi users.</td>
<td>May 18, 2012 10:25 AM</td>
</tr>
</tbody>
</table>
Page 9, Q6. Provisional proposal 62
In order to better address concerns about discrimination, taxis and private hire vehicles should be required to display information about how to complain to the licensing authority. (Page 219)

What are your views on this proposal?

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>This should be for any dissatisfaction, not only discrimination</td>
</tr>
<tr>
<td>2</td>
<td>We do already</td>
</tr>
<tr>
<td>4</td>
<td>Agree, but not just for the reason stated in P62. It is fundamental public safety requirement for the public to know the details of the licensed vehicle and licensed driver and where to contact with any concerns. The where to contact becomes especially relevant if abolishing the three licence rule for private hire as more and more vehicles and drivers will not be working in the authority where they are licensed.</td>
</tr>
<tr>
<td>5</td>
<td>This is standard in most cities in the USA where a standard plate is located in the rear of vehicle giving licence number and the details of who to complain to.</td>
</tr>
<tr>
<td>6</td>
<td>Our vehicles already display this.</td>
</tr>
<tr>
<td>7</td>
<td>All licensed vehicles should have clear to read door signs, that include the licensing authority, advanced bookings only and who to complain if they receive poor service.</td>
</tr>
<tr>
<td>8</td>
<td>Best left to local requirements.</td>
</tr>
<tr>
<td>9</td>
<td>Already enough information in taxis now</td>
</tr>
<tr>
<td>10</td>
<td>We have been doing this for years</td>
</tr>
<tr>
<td>11</td>
<td>Although judging by the numbers of complaints we receive, members of the public are well aware of how to complain.</td>
</tr>
<tr>
<td></td>
<td>Response</td>
</tr>
<tr>
<td>---</td>
<td>----------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>1</td>
<td>This is desirable but would be extremely difficult to enforce in practice.</td>
</tr>
<tr>
<td>2</td>
<td>This is an impossible problem.</td>
</tr>
<tr>
<td>3</td>
<td>Require all HC's to be accessible</td>
</tr>
<tr>
<td>4</td>
<td>But how would this be defined??</td>
</tr>
<tr>
<td>5</td>
<td>but very difficult to enforce</td>
</tr>
<tr>
<td>6</td>
<td>The ability to immediately suspend a driver or the issue of fixed penalty notice would be of assistance. Yes they should be obliged to stop.</td>
</tr>
<tr>
<td>7</td>
<td>Better than no legislation at all but very hard to prove.</td>
</tr>
<tr>
<td>8</td>
<td>Not enforceable</td>
</tr>
<tr>
<td>9</td>
<td>This concern could be rather irrelevant for any wheelchair bound person in an area where there are no WAVs to hail, there being no proposal for national quotas on WAVs. There is already an obligation on hackney carriages to pick up when ranking and to stop if safe to do so, when hailed if the for hire light is illuminated.</td>
</tr>
<tr>
<td>10</td>
<td>Make it a national standard that is enforceable</td>
</tr>
<tr>
<td>11</td>
<td>Illuminates sign in the front windscreen (LED) FOR HIRE. Would work when meter not engaged like roof sign but would be visible in daylight unlike the roof signs.</td>
</tr>
<tr>
<td>12</td>
<td>Although very difficult to prove in Court for trial.</td>
</tr>
<tr>
<td>13</td>
<td>This would have its problems in gathering evidence in the event of a complaint. He says she says.</td>
</tr>
<tr>
<td>14</td>
<td>Nice in principle, enforcement would be difficult.</td>
</tr>
<tr>
<td>15</td>
<td>I have changed my mind on this, there having occurred incidents of hate crime against disabled people. They are vulnerable and the taxi fleet should be part of the safeguarding.</td>
</tr>
<tr>
<td>16</td>
<td>With an offence of failing to stop that could be dealt with by way of fixed penalty if the complaint received was substantiated.</td>
</tr>
<tr>
<td>17</td>
<td>This would not be enforceable. A driver would always say that it was not reasonable to stop.</td>
</tr>
</tbody>
</table>
**Page 10, Q1. Question 64**  
Should authorised licensing officers have the power to stop licensed vehicles? (Page 222)

<table>
<thead>
<tr>
<th></th>
<th>Response</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>This would be a welcome enforcement power.</td>
<td>Aug 30, 2012 8:57 AM</td>
</tr>
<tr>
<td>2</td>
<td>I think it is actually though the power to ask them to go to another place to be inspected, or not move off the rank (I wouldn't want to try and stop a vehicle)</td>
<td>Jul 11, 2012 5:26 PM</td>
</tr>
<tr>
<td>3</td>
<td>In theory yes but without blue lights how would we? High Vis needed.</td>
<td>Jul 11, 2012 2:23 PM</td>
</tr>
<tr>
<td>4</td>
<td>However without being in uniform I cant see how this could be enforceable</td>
<td>Jul 11, 2012 1:46 PM</td>
</tr>
<tr>
<td>5</td>
<td>Tread very carefully. I can foresee law suits galore when vehicle cause an accident and blame the enforcement officer for asking then to stop.</td>
<td>Jul 9, 2012 10:10 AM</td>
</tr>
<tr>
<td>6</td>
<td>This would be useful in areas where there are no Police resources.</td>
<td>Jul 6, 2012 2:27 PM</td>
</tr>
<tr>
<td>7</td>
<td>VOSA can do it.</td>
<td>Jul 6, 2012 10:37 AM</td>
</tr>
<tr>
<td>8</td>
<td>Again, nice in principle. Without a nationally recognised uniform I cannot see how this could work.</td>
<td>Jun 1, 2012 2:01 PM</td>
</tr>
</tbody>
</table>
What more could be done to address touting? Touting refers to the offence “in a public place, to solicit persons to hire vehicles to carry them as passengers”. (Page 223)

<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>This is not an issue in our area.</td>
<td>Aug 30, 2012 8:57 AM</td>
</tr>
<tr>
<td>2</td>
<td>Don't know.</td>
<td>Aug 28, 2012 2:41 PM</td>
</tr>
<tr>
<td>3</td>
<td>Better enforcement</td>
<td>Aug 21, 2012 1:02 PM</td>
</tr>
<tr>
<td>4</td>
<td>One tier system following Hackney Carriage regime</td>
<td>Aug 20, 2012 1:45 PM</td>
</tr>
<tr>
<td>5</td>
<td>We have no comment, it is not a phenomenon we are used to having to deal with.</td>
<td>Aug 16, 2012 2:36 PM</td>
</tr>
<tr>
<td>6</td>
<td>More rigorous enforcement and larger penalties</td>
<td>Aug 15, 2012 9:54 AM</td>
</tr>
<tr>
<td>7</td>
<td>perhaps an encouragement for private hire to display the booking number on the windscreen, as most of them now use pda’s, and are able to text the passenger to say the vehicle is there.</td>
<td>Jul 11, 2012 5:26 PM</td>
</tr>
<tr>
<td>8</td>
<td>No answer</td>
<td>Jul 11, 2012 2:23 PM</td>
</tr>
<tr>
<td>9</td>
<td>Fixed penalty notices for touting with a realistic fine to deter offenders or a fast track way to court proceedings and the impounding of vehicles</td>
<td>Jul 11, 2012 1:46 PM</td>
</tr>
<tr>
<td>10</td>
<td>Remove the distinction</td>
<td>Jul 11, 2012 9:09 AM</td>
</tr>
<tr>
<td>11</td>
<td>test purchasing in partnership with police etc, proactive enforcement, visible enforcement during the night time economy</td>
<td>Jul 10, 2012 2:05 PM</td>
</tr>
<tr>
<td>12</td>
<td>It would help if Magistrates were better educated and advised by the courts on the offence, its seriousness and gave sentences that were sufficiently grave to act as a deterrent. Currently it would appear that many drivers just regard going to court as an occupational hazard.</td>
<td>Jul 10, 2012 1:39 PM</td>
</tr>
<tr>
<td>13</td>
<td>Clear standard definitions - and tight policy</td>
<td>Jul 10, 2012 12:00 PM</td>
</tr>
<tr>
<td>14</td>
<td>Public Safety campaign highlighting danger to passengers</td>
<td>Jul 9, 2012 11:26 AM</td>
</tr>
<tr>
<td>15</td>
<td>The legislation is already there. It could be included in primary legislation in any new &quot;Taxi Acts&quot; but at the moment we can still prosecute. However changing the ply for hire legislation to any place would be more helpful</td>
<td>Jul 9, 2012 10:10 AM</td>
</tr>
<tr>
<td>16</td>
<td>Make touting an outright offence, i.e. one of a private hire vehicle or hackney carriage (not from area it is licensed in) to wait in any area when not waiting to pick up a pre booked fare. This fare must be booked with the operator.</td>
<td>Jul 6, 2012 2:53 PM</td>
</tr>
<tr>
<td>17</td>
<td>We think successful enforcement which in turn means greater understanding for the Magistrates would help.</td>
<td>Jul 6, 2012 2:27 PM</td>
</tr>
<tr>
<td>18</td>
<td>Let Private Hire be the same as taxis and be hailed in the street</td>
<td>Jul 6, 2012 11:06 AM</td>
</tr>
<tr>
<td>19</td>
<td>Yes clearer legislation and guidance</td>
<td>Jul 6, 2012 10:37 AM</td>
</tr>
<tr>
<td>20</td>
<td>No comment. Not a problem in my area.</td>
<td>Jun 1, 2012 2:01 PM</td>
</tr>
<tr>
<td>21</td>
<td>we do not issue so no idea</td>
<td>May 30, 2012 2:02 PM</td>
</tr>
</tbody>
</table>
Page 10, Q2. Question 65
What more could be done to address touting? Touting refers to the offence “in a public place, to solicit persons to hire vehicles to carry them as passengers”. (Page 223)

<p>| | | |</p>
<table>
<thead>
<tr>
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</thead>
<tbody>
<tr>
<td>22</td>
<td>There should be tougher penalties for it and also a presumption that it was touting unless the driver can prove otherwise.</td>
<td>May 23, 2012 2:30 PM</td>
</tr>
<tr>
<td>23</td>
<td>Police training?</td>
<td>May 21, 2012 11:33 AM</td>
</tr>
<tr>
<td>24</td>
<td>The law is in place it is the enforcement issues that are lacking and this is mainly an urban issue so should be able to be dealt with</td>
<td>May 18, 2012 10:29 AM</td>
</tr>
<tr>
<td>25</td>
<td>Enforcement Officers need more powers to stop vehicles etc. and require information from the drivers. If a driver/vehicle is not licensed there is nothing in the current legislation that would allow the authority to call the person in for questioning, or even ascertain who is the owner of the vehicle.</td>
<td>May 17, 2012 11:03 AM</td>
</tr>
<tr>
<td>26</td>
<td>Powers to FPN</td>
<td>May 17, 2012 6:58 AM</td>
</tr>
<tr>
<td></td>
<td>Response</td>
<td>Date and Time</td>
</tr>
<tr>
<td>---</td>
<td>-------------------------------------------------------------------------</td>
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</tr>
<tr>
<td>1</td>
<td>Yes. This would be an extremely effective enforcement measure.</td>
<td>Aug 30, 2012 8:57 AM</td>
</tr>
<tr>
<td>2</td>
<td>Proportionately applied, yes; would need guidance and clarity</td>
<td>Aug 16, 2012 7:46 AM</td>
</tr>
<tr>
<td>3</td>
<td>Only if this power was restricted to the Police. LA’s lack the facilities to look after impounded vehicles.</td>
<td>Aug 15, 2012 9:42 AM</td>
</tr>
<tr>
<td>4</td>
<td>issues of storage, damage etc</td>
<td>Jul 11, 2012 5:26 PM</td>
</tr>
<tr>
<td>6</td>
<td>Simply having the knowledge of such powers may see an improvement in standards.</td>
<td>Jul 11, 2012 1:05 PM</td>
</tr>
<tr>
<td>7</td>
<td>Whilst this may be a good deterrent and an effective form of enforcement it may prove rather impractical. Many local authorities will not have the storage facilities for vehicles or the budgets to cover the costs of impounding them. Greater powers for immediate suspension of vehicles and the power to remove plates without permission of the proprietor or requiring notice of the proprietor, would be better.</td>
<td>Jul 10, 2012 1:39 PM</td>
</tr>
<tr>
<td>8</td>
<td>Desirable but I don’t think that any singular authority would have the man power but it could be a deterrent if advertised</td>
<td>Jul 9, 2012 11:26 AM</td>
</tr>
<tr>
<td>9</td>
<td>A whole draft of further legislation would be required to give licensing officers this power. Also the problems of where to put the vehicles and cost recovery would also be a problem. I can see the merits where a vehicle is clearly not roadworthy but unless we had automatic access to MIB insurance data bases I would be reluctant on insurance grounds.</td>
<td>Jul 9, 2012 10:10 AM</td>
</tr>
<tr>
<td>10</td>
<td>We believe that in worst case senarios this power would help to manage the problem of plying for hire.</td>
<td>Jul 6, 2012 2:27 PM</td>
</tr>
<tr>
<td>11</td>
<td>It would act as an incentive for vehicle proprietors to keep their vehicles maintained. It would enable a licensing officer, with immediate effect, to prevent an unsafe vehicle to be driven on the road.</td>
<td>Jul 6, 2012 12:16 PM</td>
</tr>
<tr>
<td>12</td>
<td>Would certainly address a potential problem, but might be difficult for smaller LAs to set up.</td>
<td>Jun 1, 2012 2:01 PM</td>
</tr>
<tr>
<td>13</td>
<td>If impounding at night were we store safely? Need strict guidelines on impounding cars</td>
<td>May 30, 2012 2:02 PM</td>
</tr>
<tr>
<td>14</td>
<td>As aprt of flexible and proportionate response to violations/ safety concerns not addressed</td>
<td>May 21, 2012 11:33 AM</td>
</tr>
<tr>
<td>15</td>
<td>Contracts similar to those that the police have could be useful, strictly for public safety</td>
<td>May 17, 2012 8:05 AM</td>
</tr>
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<td></td>
<td>Response</td>
<td>Date</td>
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<td>--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
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</tr>
<tr>
<td>1</td>
<td>Yes. This would be a quick and effective enforcement measure for minor offences.</td>
<td>Aug 30, 2012 8:57 AM</td>
</tr>
<tr>
<td>2</td>
<td>Fixed penalties for all offences.</td>
<td>Aug 21, 2012 1:02 PM</td>
</tr>
<tr>
<td>3</td>
<td>Police powers should be invested in licensing officers, (in the same way that PCSO's and highways officers are)</td>
<td>Aug 16, 2012 2:36 PM</td>
</tr>
<tr>
<td>4</td>
<td>Many authorities have had to introduce penalty point schemes in order to deal with low level enforcement issues, these could be dealt with far more expediently vis fixed penalties</td>
<td>Aug 15, 2012 9:54 AM</td>
</tr>
<tr>
<td>5</td>
<td>Yes, clear list of offences provided.</td>
<td>Jul 11, 2012 2:23 PM</td>
</tr>
<tr>
<td>6</td>
<td>By giving broader powers to issue FP tickets and thereby avoiding lengthy and costly court proceedings. These would be for the more minor offences ie failure to wear badges, failure to secure wheelchairs, touting etc</td>
<td>Jul 11, 2012 1:46 PM</td>
</tr>
<tr>
<td>7</td>
<td>For minor offences where it is used instead of using valuable court time, I think that the fixed penalty system is a good idea in regard to regulation. I can imagine the appeals process being well utilised in my district!</td>
<td>Jul 11, 2012 1:05 PM</td>
</tr>
<tr>
<td>8</td>
<td>For certain offences and breaches of licence conditions</td>
<td>Jul 11, 2012 9:09 AM</td>
</tr>
<tr>
<td>9</td>
<td>The authority I work for already uses a penalty points scheme of enforcement for private hire drivers. Where decisions from the scheme have resulted in a suspension or revocation of a licence and the decision has been appealed to the courts, the authority has a very good record in defending its decision. Any scheme that ensures transparency and gives the opportunity for decisions to be reviewed to ensure fairness and consistency is both time consuming and costly to administer.</td>
<td>Jul 10, 2012 1:39 PM</td>
</tr>
<tr>
<td>10</td>
<td>Yes for breaches in legislation</td>
<td>Jul 9, 2012 11:26 AM</td>
</tr>
<tr>
<td>11</td>
<td>It's working under Health Act offences. Extend to breaches of conditions or bylaws or for offences we currently would need to summons for eg breach of directional signs or parking on zig zags. This would free up court and officer time</td>
<td>Jul 9, 2012 10:10 AM</td>
</tr>
<tr>
<td>12</td>
<td>But not for illegal plying for hire and this will not discourage and you cannot issue as a LA employee for no insurance.</td>
<td>Jul 6, 2012 2:53 PM</td>
</tr>
<tr>
<td>13</td>
<td>We believe that the baility to issue FPN's for minor offences would lead to greater compliance.</td>
<td>Jul 6, 2012 2:27 PM</td>
</tr>
<tr>
<td>14</td>
<td>An effective, more efficient and less onerous alternative to prosecution.</td>
<td>Jul 6, 2012 12:16 PM</td>
</tr>
<tr>
<td>15</td>
<td>It would need to be a national scheme</td>
<td>Jul 6, 2012 11:06 AM</td>
</tr>
<tr>
<td>16</td>
<td>Taxis unattended on rank. Illegal tyres and other issues that would cause the vehicle to fail an MOT test.</td>
<td>Jun 20, 2012 8:56 AM</td>
</tr>
<tr>
<td>17</td>
<td>Quick easy enforcement. Cuts down administration.</td>
<td>Jun 1, 2012 2:01 PM</td>
</tr>
<tr>
<td>18</td>
<td>Some minor offences could be dealt with by way of fixed pens. Not</td>
<td>May 30, 2012 2:02 PM</td>
</tr>
<tr>
<td></td>
<td>Response</td>
<td>Date/Time</td>
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</tr>
<tr>
<td>19</td>
<td>for minor breaches of conditions/standards.</td>
<td>May 23, 2012 2:30 PM</td>
</tr>
<tr>
<td>20</td>
<td>Make each of the myriad of taxi offences dealable with by way of fixed penalty. This could lead to greater enforcement. Secondary legislation could be used or the number and nature of existing offences overhauled in the new primary legislation</td>
<td>May 18, 2012 10:29 AM</td>
</tr>
<tr>
<td>21</td>
<td>Low-level / first time offences would be more suited to FPNs rather than block already limited court time</td>
<td>May 17, 2012 11:13 AM</td>
</tr>
<tr>
<td>22</td>
<td>There would be a definite advantage to this. Persons illegally touting for example could be dealt with on the spot, as could some other minor infringements by licensed drivers/proprietors</td>
<td>May 17, 2012 11:03 AM</td>
</tr>
<tr>
<td>23</td>
<td>Defective / dangerous vehicle conditions, failure to display badge / licence</td>
<td>May 17, 2012 6:58 AM</td>
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</tbody>
</table>
## Q5. Provisional proposal 68

Enforcement officers should have the powers to enforce against vehicles, drivers and operators licensed in other licensing areas. (Page 225)

**What are your views on this proposal?**

<p>| | | |</p>
<table>
<thead>
<tr>
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<tbody>
<tr>
<td>1</td>
<td>Yes. This would be helpful when dealing with instances of illegal plying for hire. However, some form of inter-authority enforcement protocol would probably be required setting out clear policy and procedures.</td>
<td>Aug 30, 2012 8:57 AM</td>
</tr>
<tr>
<td>2</td>
<td>perhaps subject to certain limitations</td>
<td>Aug 16, 2012 7:46 AM</td>
</tr>
<tr>
<td>3</td>
<td>But no need to enforce against operators, as it would rarely be that urgent to justify such action.</td>
<td>Jul 11, 2012 5:26 PM</td>
</tr>
<tr>
<td>4</td>
<td>All vehicles (from other areas) in our licensing area should be dealt with.</td>
<td>Jul 11, 2012 2:23 PM</td>
</tr>
<tr>
<td>5</td>
<td>But only if one set of standard licensing law were to be introduced nationally</td>
<td>Jul 11, 2012 1:46 PM</td>
</tr>
<tr>
<td>6</td>
<td>Many authorities have examples of touting, plying and other offences committed within their districts. I think that any breach within a licensed district should be enforceable as vehicles licensed by the authority see it as a failing of the authority to not deal with such breaches.</td>
<td>Jul 11, 2012 1:05 PM</td>
</tr>
<tr>
<td>7</td>
<td>Especially if abolishing the three licence rule for private hire as more and more vehicles and drivers will not be working in the authority where they are licensed.</td>
<td>Jul 10, 2012 1:39 PM</td>
</tr>
<tr>
<td>8</td>
<td>If they are causing the offence in their area</td>
<td>Jul 9, 2012 11:26 AM</td>
</tr>
<tr>
<td>9</td>
<td>If they can work here they should have the same checks as home authority licensed vehicles. This can raise problems however for the enforcing authority as to the costs of enforcement.</td>
<td>Jul 9, 2012 10:10 AM</td>
</tr>
<tr>
<td>10</td>
<td>If the PHs and HCs are centrally regulated then this would be useful but at the moment the changes in local conditions make this difficult.</td>
<td>Jun 6, 2012 2:27 PM</td>
</tr>
<tr>
<td>11</td>
<td>This is essential for public protection but would only work if national standards were applied.</td>
<td>Jul 6, 2012 12:16 PM</td>
</tr>
<tr>
<td>12</td>
<td>If the vehicle /driver/operator is licensed to a national minimum standard there should not be a problem. Licensing Officers should have the power to enforce legislation against any licensed V/D/O in their area, and also against their own licensed V/D/O anywhere.</td>
<td>Jun 1, 2012 2:01 PM</td>
</tr>
<tr>
<td>13</td>
<td>The power should rest where the offence is committed</td>
<td>May 23, 2012 2:30 PM</td>
</tr>
<tr>
<td>14</td>
<td>Where LAs co-operate and have common standards max fares etc</td>
<td>May 21, 2012 11:33 AM</td>
</tr>
</tbody>
</table>
Page 10, Q6. Question 69
Should cross-border enforcement powers extend to suspensions and revocation of licences? If so what would be the best way of achieving this? (Page 226)

1. No. We believe that, for legal reasons, these sanctions should only be applied by the authority issuing the licence. However, there is no reason why another licensing authority should not provide evidence in support of suspension/revocation. Aug 30, 2012 8:57 AM

2. Suspension yes, revocation no. Revocation should remain a local decision made by Committee, to extend this would require lots of Committee work and common procedures etc. Aug 16, 2012 2:36 PM


4. This is a serious issue, ideally any suspension and revocation of a driver's licence should rest with the home authority, any suspension of vehicles on safety grounds should be available cross border. Aug 15, 2012 9:54 AM

5. May be useful in terms of vehicles and drivers for immediate suspension on the grounds of public safety in prescribed circumstances, but no one should have their licence revoked without being heard by their licensing committee. Jul 11, 2012 5:26 PM

6. Should inform the relevant licensing area for them to action. Jul 11, 2012 2:23 PM

7. By having only if one set of standard licensing laws/conditions nationally. Jul 11, 2012 1:46 PM

8. Taking enforcement action should be the first and only step. It would then be down to the enforcing authority to inform the licensing authority of such action and up to this authority to suspend or revoke. Jul 11, 2012 1:05 PM

9. If an offence is in a particular local authority, then that LA’s officers should have the same powers regardless of where a vehicle or driver is licensed. This should include suspension and revocation of licences. This is achieved by the licence holder being accountable to any LA, not just the one where he/she is licensed. (At present enforcement of out of authority licensed vehicles/drivers/operators is limited to prosecution if an offence in law has been committed. Prosecute is time consuming, expensive and as punishments on conviction are minimal it is not much of a deterrent from reoffending.) Jul 10, 2012 1:39 PM

10. If a vehicle is not roadworth then it should not be permitted to carry passengers. Communication methods would need to be clarified with other Authorities to enable this to work successfully. Jul 9, 2012 10:10 AM

11. We believe this would be difficult politically as well as practically depending on the different conditions in the different areas. Jul 6, 2012 2:27 PM

12. That should be the responsibility of the issuing authority. Jul 6, 2012 12:16 PM

13. Standard format form that the LA can add their own logo etc. Jun 20, 2012 8:56 AM

14. Requires nationally agreed standards and procedures. Jun 1, 2012 2:01 PM

15. Should be left with the home authority to enforce. May 30, 2012 2:02 PM

16. It would necessitate letting the other licensing authority know what had May 23, 2012 2:30 PM
### Page 10, Q6. Question 69
Should cross-border enforcement powers extend to suspensions and revocation of licences? If so what would be the best way of achieving this? (Page 226)

<table>
<thead>
<tr>
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<th>Date</th>
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<tbody>
<tr>
<td>17</td>
<td>Where LAs co-operate and have common standards max fares etc.</td>
<td>May 21, 2012 11:33 AM</td>
</tr>
<tr>
<td>18</td>
<td>Suspension on the grounds of public safety, only if the vehicle is deemed to be unfit to carry on working at the time of being stopped.</td>
<td>May 17, 2012 11:03 AM</td>
</tr>
<tr>
<td>19</td>
<td>This could be achieved with a national standard</td>
<td>May 17, 2012 8:05 AM</td>
</tr>
<tr>
<td>20</td>
<td>National standard requirement</td>
<td>May 17, 2012 6:58 AM</td>
</tr>
</tbody>
</table>

### Page 11, Q1. Provisional proposal 70
The right to appeal against decisions to refuse to grant or renew, suspend or revoke a taxi or private hire licence should be limited to the applicant or, as appropriate, holder of the relevant licence. (Page 230)

What are your views on this proposal?

<table>
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<tr>
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<th>Date</th>
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<tbody>
<tr>
<td>1</td>
<td>Limited to applicant/licence holder.</td>
<td>Jul 11, 2012 2:24 PM</td>
</tr>
<tr>
<td>2</td>
<td>Is this not already the case now?</td>
<td>Jul 10, 2012 1:40 PM</td>
</tr>
</tbody>
</table>
The first stage in the appeal process throughout England and Wales, in respect of refusals, suspensions or revocations should be to require the local licensing authority to reconsider its decision. (Page 231)

What are your views on this proposal?

<table>
<thead>
<tr>
<th></th>
<th>View</th>
<th>Date</th>
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<tbody>
<tr>
<td>1</td>
<td>This would be a waste of time and resources.</td>
<td>Aug 30, 2012 8:58 AM</td>
</tr>
<tr>
<td>2</td>
<td>This is a waste of council resources</td>
<td>Aug 21, 2012 1:03 PM</td>
</tr>
<tr>
<td>3</td>
<td>Should remain with the Magistrates</td>
<td>Aug 15, 2012 9:43 AM</td>
</tr>
<tr>
<td>4</td>
<td>The appeal should go to the magistrates. For suspensions, I would have expected that this would be heard by the licensing authority as part of an application for re-instatement, and therefore it would only be fair to refer it on to magistrates.</td>
<td>Jul 11, 2012 5:26 PM</td>
</tr>
<tr>
<td>5</td>
<td>I would have assumed that all due consideration had been given prior to this action being taken</td>
<td>Jul 11, 2012 1:46 PM</td>
</tr>
<tr>
<td>6</td>
<td>I am not in favour of this action. Licence holders almost always appeal a decision many times without just cause to do so. Often I feel that the courts are at fault as they frequently consider matters which are outside of their jurisdiction. Examples available if required.</td>
<td>Jul 11, 2012 1:05 PM</td>
</tr>
<tr>
<td>7</td>
<td>This would be ultra vires as the decision of the LA is the decision of the Council, albeit maybe, via delegated powers to officers or committee. It is already the decision of the Council so the Council via a body of itself can not review the decision.</td>
<td>Jul 10, 2012 1:40 PM</td>
</tr>
<tr>
<td>8</td>
<td>On occasion an applicant can be ill-prepared for Committee. Although the correct decision may be made at that time a better presentation may result in a different decision. This could free up officer and court time. A second hearing could also give the Authority more time to pursue further information.</td>
<td>Jul 9, 2012 11:24 AM</td>
</tr>
<tr>
<td>9</td>
<td>As a lot of authorities have delegated powers the process of appeal is difficult. Can someone in a council make a decision at officer level and then appeal to the Licensing Committee? This needs to be addressed properly as in the LA 2003.</td>
<td>Jul 6, 2012 2:56 PM</td>
</tr>
<tr>
<td>10</td>
<td>We think that this would lead to lengthy delays and would be costly. If the authority has properly considered it's position and made the decision then it should not reconsider it, it should be appealed to the Mags.</td>
<td>Jul 6, 2012 2:30 PM</td>
</tr>
<tr>
<td>11</td>
<td>An appeal process within the local licensing authority would mean that elected members would be asked to appeal a decision that other elected members had made, i.e, a Council would be appealing against itself. The appeal should be straight to the Magistrates who are independent from the local authority.</td>
<td>Jul 6, 2012 12:19 PM</td>
</tr>
<tr>
<td>12</td>
<td>I'm sorry to say that most if not all licensing officers would have experienced the members considering a case and falling for the please tears of a person infront of them. Any refusal, suspension or revocation should be with the magistrates court, not the LA</td>
<td>Jun 20, 2012 8:59 AM</td>
</tr>
<tr>
<td>13</td>
<td>Most LAs are well aware of the right to appeal to Mag. Ct. and take care that their decisions are justifiable. Aggrieved person can already ask for reconsideration on an informal basis.</td>
<td>Jun 1, 2012 2:05 PM</td>
</tr>
</tbody>
</table>
### Page 11, Q2. Provisional proposal 71
The first stage in the appeal process throughout England and Wales, in respect of refusals, suspensions or revocations should be to require the local licensing authority to reconsider its decision. (Page 231)

What are your views on this proposal?

<p>| | | |</p>
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<thead>
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<tbody>
<tr>
<td>14</td>
<td>why go over the same case again?</td>
<td>May 30, 2012 2:03 PM</td>
</tr>
<tr>
<td>15</td>
<td>Agree, particularly where there are co-operating authorities- use the other LA. Appeals can be escalated to Councillor harings if decision was originally officer delegated.</td>
<td>May 21, 2012 11:36 AM</td>
</tr>
<tr>
<td>16</td>
<td>Most LA's deal with taxi licensing at officer level as a default position so using the licensing authority to be the first stage of appeal has a great deal to offer</td>
<td>May 18, 2012 10:32 AM</td>
</tr>
<tr>
<td>17</td>
<td>The LA has already considered the matter and made the decision. I can't see the point of reconsidering it.</td>
<td>May 17, 2012 11:04 AM</td>
</tr>
</tbody>
</table>
### Provisional proposal 72

Appeals should continue to be heard in the magistrates' court. (Page 232)

What are your views on this proposal?

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<thead>
<tr>
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<tbody>
<tr>
<td>1</td>
<td>Yes subject to the previous response for first stage appeals</td>
<td>Aug 16, 2012 2:39 PM</td>
</tr>
<tr>
<td>2</td>
<td>eventually yes</td>
<td>Aug 16, 2012 7:47 AM</td>
</tr>
<tr>
<td>3</td>
<td>Although training is required for Magistrates in this regard</td>
<td>Aug 15, 2012 9:54 AM</td>
</tr>
<tr>
<td>4</td>
<td>These decisions have serious implications for the applicant or licence holder and require to be heard by a body that carries suitable impartiality, gravitas and no link to the LA.</td>
<td>Jul 10, 2012 1:40 PM</td>
</tr>
<tr>
<td>5</td>
<td>Or straight to Crown Court</td>
<td>Jul 9, 2012 11:24 AM</td>
</tr>
<tr>
<td>6</td>
<td>See above.</td>
<td>Jul 6, 2012 2:56 PM</td>
</tr>
<tr>
<td>7</td>
<td>More training for the mags would be useful.</td>
<td>Jul 6, 2012 2:30 PM</td>
</tr>
<tr>
<td>9</td>
<td>They should go to the magistrates' court if the local authority appeal hearing also refuses the licence</td>
<td>May 23, 2012 2:31 PM</td>
</tr>
<tr>
<td>10</td>
<td>Only after appeal at LA level, and any strictures/ decisions applied by LA should stand prior to court date</td>
<td>May 21, 2012 11:36 AM</td>
</tr>
<tr>
<td>11</td>
<td>Along with the appeal relating to refusal of taxi licences being brought back from the Crown Court to the Mags.</td>
<td>May 18, 2012 10:32 AM</td>
</tr>
</tbody>
</table>
**Page 11, Q4. Question 73**  
Should there be an onward right of appeal to the Crown Court? (Page 233)

<table>
<thead>
<tr>
<th></th>
<th>Comments</th>
<th>Date</th>
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</thead>
<tbody>
<tr>
<td>1</td>
<td>If a decision has been made by the LA and already reviewed by a Magistrates’ Court, then the appellant has already had the review required to ensure a fair and reasonable decision was taken by the LA.</td>
<td>Jul 10, 2012 1:40 PM</td>
</tr>
<tr>
<td>2</td>
<td>If it's already been heard twice and the same decision has been made, why should we waste more resources hearing it for a third time especially if it's been reviewed by LA in the first instance, it would have been heard three times already.</td>
<td>Jul 9, 2012 11:32 AM</td>
</tr>
<tr>
<td>3</td>
<td>We have had a number of cases at Crown Court overturning in favour of the Council the result of the Magistrates Court. This has normally occurred on revocations based on intelligence (sexual cases) rather than convictions</td>
<td>Jul 9, 2012 11:24 AM</td>
</tr>
<tr>
<td>4</td>
<td>We think the Crown Court is valuable in re examining cases and allows valuable caselaw to be produced.</td>
<td>Jul 6, 2012 2:30 PM</td>
</tr>
<tr>
<td>5</td>
<td>It is in the interests of natural justice for the appeal system to go through this process.</td>
<td>Jul 6, 2012 12:19 PM</td>
</tr>
<tr>
<td>6</td>
<td>Only where the Mag. Ct are patently wrong on a factual basis or in law.</td>
<td>Jun 1, 2012 2:05 PM</td>
</tr>
</tbody>
</table>
Dear Sir/Madam

Taxi and Private Hire Services Consultation
Institute of Licensing Members’ views

The Institute of Licensing (IoL) is pleased to have the opportunity to respond to the Law Commission’s consultation in relation to proposals to reform the law for Taxis and Private Hire services.

The IoL is the professional body for licensing practitioners with over 2500 licensing practitioners within the membership from local authorities, police authorities, legal practitioners, licensing consultants and industry practitioners.

Due to the importance and potential for reform in this area, the IoL has approached this consultation in 2 ways:

- **IoL Taxi Consultation Panel response**
  - *Previously submitted. This response was discussed and agreed by members of the Institute’s Taxi Consultation Panel independently of IoL member views*

- **IoL response**
  - *Attached. The attached report shows the view of IoL members submitted via our online survey.*

**IoL Member Consultation**

The IoL consulted its members via an online survey which replicated the questions and proposals set out in the Law Commission consultation document. The online survey was made available to IoL members throughout the consultation period closing at the end of August to allow the report to be produced and submitted within the consultation deadline of 10th September 2012.

The survey results are attached. Personal and other identification information has been removed but if there are any particular responses which the Law Commission would like to explore further, the IoL would be happy to ask the respondent to make contact with you.

**IoL Consultation Response**

There are over 2500 licensing practitioners within the IoL’s membership. Overall most licensing authorities across the country are members of the IoL. Despite this only 90 responses were submitted via our online survey consultation (87 by licensing
authority practitioners) and many of the questions within the survey were skipped by respondents. We suspect that this is at least in part due to the complexity of the existing licensing regime and the subsequent inevitable complexity of the consultation.

Having said that the responses received highlighted many areas of consensus (attracting over 65% in favour of a particular answer option). The responses are summarised below but the full report is attached detailing the optional responses first followed by the comments / detailed responses in the latter part of the document.

| 
| The big question of single versus 2 tier licensing attracted differing views with 58% in favour of a single tier licensing regime and 41% favouring retention of the existing 2 tier system. There are several references in the detailed comments against various questions / proposals referring to the single tier option.  
| 71% agreed that London should be included, with appropriate modifications, within the scope of reform.  
| 78% agreed that the regulation of taxi and private hire vehicles should not be restricted to any particular type of vehicle but should rather focus on road transport services provided for hire with the services of a driver.  
| 87% agreed that public service vehicles should be expressly excluded from the definition of taxi and private hire vehicles; and taxi and private hire vehicles should only cover vehicles adapted to seat eight or fewer passengers, although some respondents felt that the licensing requirement should be based on proposed usage rather than passenger capacity.  
| 79% agreed that references to stage coaches charging separate fares should no longer feature as an exclusion from the definition of taxis.  
| 91% said that the Secretary of State should consider issuing statutory guidance to the Senior Traffic Commissioner about the licensing of limousines and other novelty vehicles to assist consistency.  
| 85% agreed that the concept of “in the course of a business of carrying passengers” should be used to limit the scope of taxi and private hire licensing so as to exclude genuine volunteers as well as activities where transport is ancillary to the overall service.  
| Overall respondents agreed that members clubs (61%) and carpooling (93%) should NOT fall within the regulatory framework.  
| 73% agreed that the power of the Secretary of State and Welsh Ministers to set national standards should be flexible enough to allow them to make exclusions from the taxi and private hire licensing regimes.  
| 83% said there would be NO merit in reintroducing the contract exemption and several of the comments for this section referred to the previous exemption as a loophole.  
| 89% said regulation of the ways taxis and private hire vehicles can engage with the public should not be limited to “streets”.  
| 91% said that the concept of ‘plying for hire’ should be placed on a statutory footing.  
| 76% said compellability should be retained.  
| 79% said pre-booking should continue to be the only way of engaging a private hire vehicle and cover all technological modes of engaging cars. This is without prejudice to the continued ability of taxis to be pre-booked.  
| 84% said the Secretary of State and Welsh Ministers should have the power to issue statutory guidance in respect of taxi and private hire licensing requirements.  
| 70% agreed that the term ‘hackney carriage’ should be abandoned.  
| 95% said that taxi and private hire services should each be subject to national safety requirements.  
| 75% said national safety standards, as applied to private hire services, should be mandatory standards. |
- 92% said powers of the Secretary of State and Welsh Ministers to set national safety standards should be subject to a statutory consultation requirement.
- 85% said national conditions in respect of driver safety should not be different for taxi services compared with private hire services.
- 92% agreed that powers of the Secretary of State and Welsh Ministers to set national safety standards should be subject to a statutory consultation requirement.
- 80% agreed that the best way to determine national standards was via a statutory requirement to consult via a technical advisory panel.
- 72% were in favour of the local authority having the ability to set local standards above the national minimum standards.
- 71% felt that local authorities should have the ability to apply conditions to individual driver and operator licences.
- There was support for local authorities having the ability to combine areas for the purpose of local standard settings (71%) and 68% supported the ability for local authorities to create, remove or modify zones within their areas.
- 78% supported the retention of locally set maximum fares with 75% preferring that the metered fare should be the maximum with no ability to charge a higher fare.
- 97% felt that operator licensing should remain mandatory for private hire licences with 69% agreeing that the definition of operators should NOT be extended to include intermediaries.
- ALL responses supported the retention of a ‘fit and proper’ criteria for operators with 82% agreeing that operators should be allowed to sub-contract services.
- 89% felt that all pre-booked journeys should be recorded including those taken by taxi drivers.
- 84% agreed that there should be no power for local authorities to restrict taxi numbers.
- 100% supported a requirement for disability awareness training for drivers with 92% agreeing that information on how to complain should be displayed within the vehicle.
- 89% said licensing officers should have the power to require vehicles to stop although comments supported the need for clear guidelines to avoid legal challenge. 73% were in favour of powers being given to local authority officers to impound vehicles, again with clear guidelines needed and some concern about the capacity of many local authorities to store impounded vehicles and potential for challenge of authority in this area.
- 84% supported the introduction of fixed penalty notices which would allow swift effective action for more minor issues. Enforcement of externally licensed vehicles was also supported although some respondents had concerns about how this would work out in terms of LA resources.
- With regards appeals, respondents agreed that the right to appeal should be restricted to the applicant/ licence holder (100%) but in general were not in favour of a re-hearing by the licensing authority (57%) and agreed that appeals should be via the magistrates’ court (92%). Views were split over whether or not there should be a second level appeal to the crown court.

The main themes arising from lol members views on the consultation included the need for greater consistency and hand in hand with that was the support for national minimum standards – there were varying views on what these standards should include, and mixed views on whether there should be any ability for local authorities to set higher standards locally. The main concern in relation to local standard setting was the fact that this would again lead to inconsistency and potential ‘licence shopping’ where applicants would look to the cheapest or less stringent licensing authorities but with the intention to work in another (more stringent) local authority’s area.
The full report is attached and we would be happy to discuss the results in more detail if this would assist. We look forward to seeing the overall picture in relation to responses to the consultation and sincerely hope that the response level amongst regulators and industry operators has been high.

The Institute of Licensing would be pleased to work with the Law Commission in the future development of plans for reform of Taxi and Private Hire services.

In the meantime, if we can be of any assistance, including the dissemination of information through our communications networks, website and licensing flashes, please do not hesitate to contact me.

Please let me know if you have any queries or require any further information.

Yours faithfully

[Signed]
Sue Nelson
Executive Officer
PROVISIONAL PROPOSAL 1

Regulation should continue to distinguish between taxis, which can accept pre-booked fares, be hailed on the street and wait at ranks, and PHVs, which can only accept pre-booked fares.

Disagree – this is the long awaited opportunity to finally get rid of the confusing 2-tier system and replace it with a simple single tier system for regulating vehicles used for hire and reward. It would appear that one of the main obstacles for a single tier system is the many and varied vehicle conditions throughout the country and the need not be over burdensome to the pre-booked trade.

It is inevitable that a single tier system would result in a less regulated standard of vehicle for some areas that have adopted strict livery and/or colour conditions - these have no implications on the fitness of a vehicle to carry fare paying passengers and would eventually phase out. That is not to say that a national standard for vehicle signage would be required in order to identify licensed vehicles.

Exceptions/secondary legislation could exist for specialist pre-booked work e.g. limousines, school contracts.

PROVISIONAL PROPOSAL 2

London should be included, with appropriate modifications, within the scope of reform.

London has traditionally been regulated different to the rest of the UK in relation to taxis and I see no reason to change that provided that the current legislation is fit for purpose, not being familiar with the system it is difficult to respond to this proposal.

PROVISIONAL PROPOSAL 3

The regulation of taxis and PHVs should not be restricted to any particular type of vehicle, but should rather focus on road transport services provided for hire with the services of a driver.

Agree

Secondary legislation possibly required for specialist services including horse drawn / pedi-cabs etc
QUESTION 4

Would there be – and if so, what – advantages to restricting licensing to motor vehicles that require a driving licence?

This would take horse drawn and pedicabs out of any legislation, these and any other novel forms of transport that would seek to take advantage of this loophole. Some sort of regulation / standard ought to be sought for any form of transport provided for hire with the services of a driver.

PROVISIONAL PROPOSAL 5

Public Service Vehicles should be expressly excluded from the definition of taxi and PHVs; and taxis and PHVs should only cover vehicles adapted to seat eight of fewer passengers.

Agree.

Also need to get rid of the anomaly of PSV operators using smaller vehicles under their PSV operator licence

PROVISIONAL PROPOSAL 6

References to stage coaches charging separate fares should no longer feature as an exclusion from the definition of taxis.

Agree

PROVISIONAL PROPOSAL 7

The Secretary of State should consider issuing statutory guidance to the Senior Traffic Commissioner about the licensing of limousines and other “novelty” vehicles to assist consistency.

Agree

PROVISIONAL PROPOSAL 8

The concept of “in the course of a business of carrying passengers” should be used to limit the scope of taxi and PHV licensing to exclude genuine volunteers as well as activities where transport is ancillary to the overall service.

Agree – this area is very grey at the moment and requires greater clarity. Genuine volunteer drivers should not be burdened with a requirement to be licensed, similarly where passenger transport is ancillary to a service/activity there needs to be some scope for exemption, but this needs to be made very clear.
QUESTION 9

How, if at all, should the regulation of taxis and PHVs deal with carpooling and members’ clubs?

Such schemes should be able to exist without the burden of licensing, there are obvious environmental benefits. However there should be no opportunity for individuals to abuse them and make a profit from such schemes.

PROVISIONAL PROPOSAL 10

The power of the Secretary of State and Welsh Ministers to set national standards should be flexible enough to allow them to make exclusions from the taxi and private hire licensing regimes.

Agree subject to consultation

PROVISIONAL PROPOSAL 11

Weddings and funerals should no longer be expressly excluded from private hire licensing through primary legislation.

Exclusive use of vehicles for funerals should remain as an exemption however abuse of an exemption by wedding cars will prevail. Weddings now appear to last a week and transport often includes Hen/Stag Nights plus conveyance of other guests and to and from airports and so forth. Suggest exemption should apply to the day of the wedding only

Such exemptions and/or vehicles need to be clearly defined.

QUESTION 12

Would there be merits in reintroducing the contract exemption, by means of the Secretary of State and Welsh Ministers’ exercise of the powers to set national standards?

No – this is a loop hole that was open to abuse and should not be reintroduced

PROVISIONAL PROPOSAL 13

Regulation of the way taxis and PHVs can engage with the public should not be limited to “streets”.

Agree - regulation need to catch areas such as airports, railway stations, shopping centres etc.
QUESTION 14

Is there a case for making special provision in respect of taxi and private hire regulation at airports?

In particular, where concessionary arrangements are in place, should airports be obliged to allow a shuttle service for passengers who have pre-booked with other providers, or to the closest taxi rank?

No
Airports, should be serviced by licensed vehicles but how the customer can access those services on arrival could be a local and logistical matter not a licensable aspect

PROVISIONAL PROPOSAL 15

The defining feature of taxis, the concept of “plying for hire” should be placed on a statutory footing and include:

a. References to ranking and hailing.

b. A non-exhaustive list of factors indicating plying for hire.

c. Appropriate accommodation of the legitimate activities of PHVs.

Yes, also the legislation should reflect a single tier system where all licensed vehicles can ply for hire or undertake pre-booked work

PROVISIONAL PROPOSAL 16

The concepts of hailing and ranking should not cover technological means of engaging taxi services.

This is not an issue under a single tier system where all licensed vehicles can ply for hire or take pre-bookings

QUESTION 17

Would there be advantages to adopting the Scottish approach to defining taxis is respect of “arrangements made in a public place”, instead of “plying for hire”?

As above – would not be an issue in a single tier system.

PROVISIONAL PROPOSAL 18

The concept of compellability, which applies exclusively to taxis, should be retained.
Agree, only when a licensed vehicle presents itself as being available for hire at a rank

PROVISIONAL PROPOSAL 19

Pre-booking would continue to be the only way of engaging a PHV and cover all technological modes of engaging cars. This is without prejudice to the continued ability of taxis to be pre-booked.

Not an issue is a single-tier system is adopted

PROVISIONAL PROPOSAL 20

Leisure and non-professional use of taxis and PHVs should be permitted. There would, however, be a presumption that the vehicle is being used for professional purposes at any time unless the contrary can be proved.

Disagree.
The current system is simple to use and does not affect the use of the taxi for family use. The only restriction being that the driver must hold a licence to drive a taxi issued by the parent Authority. As LA officers have no powers to stop vehicles proving/disproving that the vehicle was being used socially would create an unnecessary extra burden of proof aspect to any prosecution action taken by a LA.
The main instance where this would appear over-burdensome is in the case of school contract work, where the family car is utilised to do school contracts only, this is very common in rural areas such as Powys this could be overcome by secondary legislation for this type of transport restricted to operations where vehicles are used solely for school transport.

PROVISIONAL PROPOSAL 21

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

Agree – statutory guidance is key in helping authorities to interpret legislation and to provide clarity where necessary

PROVISIONAL PROPOSAL 22

Reformed legislation should refer to “taxis” and “PHVs”, respectively. References to “hackney carriages” should be abandoned.

With the exception of more specialist vehicles/services which could ideally be regulated separately all licensed vehicles should be ‘taxis’, the term hackney carriage should certainly be abandoned
QUESTION 23

Should PHVs be able to use terms such as “taxis” or “cabs” in advertising provided that they are only used in combination with terms such as “pre-booked” and do not otherwise lead to consumer confusion?

Not an issue under a single-tier system

PROVISIONAL PROPOSAL 24

Taxi and private hire services should each be subject to national safety requirements.

Definitely agree

PROVISIONAL PROPOSAL 25

National safety standards, as applied to taxi services, should only be minimum standards.

A one tier system with a nationally set standard and set of vehicle conditions would be the preferred and simplest way forward. Any local deviations (addons) from it would need to be justifiable in terms of public safety

PROVISIONAL PROPOSAL 27

Private hire services would not be subject to standards except those related to safety. Requirements such as topographical knowledge would no longer apply to private hire drivers.

One tier system with a national set standard required for all licensed vehicles/drivers.

For drivers a Topographical knowledge would seem redundant with the advent of satellite navigation, however a national qualification for drivers would be advantageous covering aspects such as basic numeracy and literacy, customer care, dealing with disabled passengers and taxi legislation, this should be a pre-requisite for applying to be a licensed driver (similar model to Licensing Act and Personal Licence applicants)

QUESTION 28

Should local standard-setting for private hire services be specifically retained in respect of vehicle signage?

Are there other areas where local standards for PHVs are valuable?

Favour a one-tier system with standard national signage requirements.
QUESTION 29

What practical obstacles might there be to setting common national safety standards for both taxis and PHVs?

The obvious obstacle is various pre-existing conditions some of which will be higher than a new agreed national standard, there will be resistance to the removal of these, and at the same time the existing standard in other areas is likely to be lower than a new agreed national standard. There will be an inevitable levelling-out of vehicle standards/conditions nationally and this is likely to be controversial.

QUESTION 30

Should national conditions in respect of driver safety be different for taxi services compared with private hire services?

No there should be a single-tier system. There is no difference in terms of safety standard required in relation to taxi and private hire in any case.

PROVISIONAL PROPOSAL 31

The powers of the Secretary of State and Welsh Ministers to set standards for taxis and PHVs should only cover conditions relating to safety.

Agree

PROVISIONAL PROPOSAL 32

The powers of the Secretary of State and Welsh Ministers to set national safety standards should be subject to a statutory consultation requirement.

Agree

QUESTION 33

What would be the best approach for determining the content of national safety standards?

In particular, should the statutory requirements to consult refer to a technical advisory panel?

The Technical advisory panel would seem a good way forward, is it important that the needs of both rural and urban areas are considered equally and taken into consideration.
**PROVISIONAL PROPOSAL 34**

Licensing authorities should retain the power to set standards locally for taxis provided above the minimum national standards.

Agree – but any local conditions should be justifiable in terms of public safety

**QUESTION 35**

Should there be statutory limits to licensing authorities’ ability to set local taxi standards?

Yes – see above, this would be the exception rather than the rule as a consistency in standards nationally avoids any cross-border issues

**QUESTION 36**

Should licensing authorities retain the power to impose individual conditions on taxi and private hire drivers or operators?

A single-tier national standard and conditions for drivers would avoid any cross-border issues. See earlier comments regarding a recognised national training requirement for drivers. Similarly national policies on treatment of convictions should be adopted.

**QUESTION 37**

Should the powers and duties of licensing authorities to co-operate be on a statutory footing, or is it best left to local arrangements?

Any joint working arrangements should be encouraged, not only between different LA’s but also between authorities and the police. There are huge variations in joint working between police and LA’s in respect of taxi enforcement. There should be some sort of statutory requirement for this type of joint working.

**PROVISIONAL PROPOSAL 38**

Neighbouring licensing authorities should have the option of combining areas for the purpose of taxi standard setting.

Agree – there should be more consistency for conditions, fees and fares that would avoid many of the cross border issues

**PROVISIONAL PROPOSAL 39**
Licensing authorities should have the option to create or remove taxi zones within their areas.

Zones should be removed

**QUESTION 40**

Would it be useful for licensing authorities to have the power to issue peak-time licences, which may only be used at certain times of the day as prescribed by the licensing authority?

No – this seems to be a pointless restriction that only creates enforcement difficulties

**PROVISIONAL PROPOSAL 41**

Private hire operators should no longer be restricted to accepting or inviting bookings only within a particular locality; nor to using drivers or vehicles licensed by a particular licensing authority.

Agree driver licence should be transportable and recognised as a national licence. Private hire operators take bookings nationwide in any case, especially so now with internet bookings etc. Enforcement should also not be restricted to the authority issuing the licence, but could be carried out by the authority in whose area the offence is committed.

**PROVISIONAL PROPOSAL 42**

The Law Commission does not propose the introduction of a “return-to-area” requirement in respect of out-of-area drop offs.

Agree

**PROVISIONAL PROPOSAL 43**

Licensing authorities should retain the ability to regulate maximum taxi fares. Licensing authorities should not have the power to regulate private hire fares.

Would prefer nationally set maximum fares, below which operators may choose to operate at, therefore allowing for local competition.

Under a one tier system all vehicles will have meters fitted, however there should be an exemption from using the meter for pre booked journeys where the fare has been agreed in advance.

**QUESTION 44**

Should taxis be allowed to charge a fare that is higher than the metered fare for pre-booked journeys?
No – this offers some protection for the public

**QUESTION 45**

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?

Needs to be set out in primary legislation

**PROVISIONAL PROPOSAL 46**

Vehicle owners should not be subject to “fit and proper” tests and the criteria applied would relate solely to the vehicle itself.

Disagree – there should be no loop hole allowing rogue persons to operate in the taxi trade

**Vehicle owner should** also be subject to a fit and proper test. The owner of the vehicle is also the person responsible for acquiring the necessary insurance, road fund licence and MOT certificate for the vehicle. This person must, therefore, be a “responsible” aka fit and proper person

**QUESTION 47**

Should national vehicle safety standards 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?

Set out in primary legislation

**PROVISIONAL PROPOSAL 48**

Operator licensing should be retained as mandatory in respect of PHVs.

Operator licensing should be a feature of a one tier system in order to record details of all journeys undertaken
QUESTION 49

Should operator licensing be extended to cover taxi radio circuits and, if so, on what basis?

See above

PROVISIONAL PROPOSAL 50

The definition of operators should not be extended to include intermediaries.

If the intermediary is dealing only with licensed operators, then no.

If the intermediary is dealing directly with the driver of a vehicle, then yes.

QUESTION 51

Should “fit and proper” criteria in respect of operators be retained?

Yes - there should be no loophole allowing rogue persons to operate in the taxi trade

PROVISIONAL PROPOSAL 52

Operators should be expressly permitted to sub-contract services.

Agree but a record of who the booking was subcontracted to should be made

QUESTION 53

Where a taxi driver takes a pre-booking directly, should record-keeping requirements apply?

Yes

PROVISIONAL PROPOSAL 54

Licensing authorities should no longer have the power to restrict taxi numbers.

Agree

QUESTION 55

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

In areas where vehicles are restricted plates will lose their value, this will have a financial impact on those operators, there may be a need to phase in
de-regulation in such areas. Advice should be sought from areas that have already de-regulated numbers. Also may see a short term increase in vehicles that will balance out to a sustainable level in the long term.

**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?

Yes - should be considered

**QUESTION 57**

Should there be a separate licence category for wheelchair accessible vehicles? This could involve:

a. A duty on licensees to give priority to disabled passengers; and

b. a duty on the licensing authority to make adequate provision at ranks for wheelchair accessible vehicles.

Agree in principle, although making provision on ranks might be problematic

**QUESTION 58**

Should licensing authorities offer lower licence fees for vehicles which meet certain accessibility standards?

Yes – licensing of WAV should be incentivised, however where should the subsidised cost come from?

**QUESTION 59**

Do you have any other suggestions for increasing the availability of accessible vehicles, and for catering for the different needs of disabled passengers?

This is difficult as there may be limited demand for such vehicles in areas with low population density, it is unlikely to be cost effective to purchase a suitable vehicle, even with incentives such as lower fees. In reality such vehicles are only licensed if the operator has guaranteed work e.g. a contract for carrying passengers that require a WAV

**PROVISIONAL PROPOSAL 60**

The Commission does not propose the introduction of quotas for wheelchair accessible vehicles.
Agree – don’t think that quotas would work

PROVISIONAL PROPOSAL 61

National standards for drivers of both taxis and PHVs should include recognised disability awareness training.

Agree – it should be integral to a national driver qualification mandatory for all new drivers

PROVISIONAL PROPOSAL 62

To better address concerns about discrimination, taxis and PHVs should be required to display information about how to complain to the licensing authority.

Agree – this should form part of the standard for signage / notices on the vehicle, the customer should also be able to clearly identify the vehicle and driver licence numbers from inside the vehicle.

QUESTION 63

What would be the best way of addressing the problem of taxis ignoring disabled passengers seeking to hail them?

Could an obligation to stop, if reasonable and safe to do so, in specified circumstances, help?

If a licensed vehicle is showing it’s availability for hire, then an obligation to stop for [any] disabled passengers if hailed should prevail.

QUESTION 64

Should authorised licensing officers have the power to stop licensed vehicles?

Since licensing officers currently do not have this power then this limits enforcement activity in areas where there are little or no taxi ranks, officers are hugely reliant on the police to assist in enforcement activities, this assistance is not always available.

Unless the police are compelled to undertake joint enforcement activities then the power to stop a licensed vehicle would be powerful, however there are health and safety / highway safety issues here. Would officers be involved in the high speed pursuit of a vehicle that failed to stop?

QUESTION 65

What more could be done to address touting (the offence in a public place of soliciting persons to hire vehicles to carry them as passengers)?
Very little with the limited resources available to Licensing Authorities. The offence would have to be observed in the first instance. It is suggested that this can only be targeted on receipt of good intelligence from the trade.

If the penalty for the offence possibly included a custodial sentence of 6 months or more then covert surveillance could be used more freely

**QUESTION 66**

Would it be desirable and practicable to introduce powers to impound vehicles acting in breach of taxi and private hire licensing rules?

Agree in principle but there would need to be in place definitive guidelines for officers to follow in addition concerns are harboured regarding costs and practicalities of impounding vehicles. However, if this goes forward, it is suggested that a regional facility for impounding vehicles could exist to dovetail into Police and DVLA officer powers.

**QUESTION 67**

Should licensing authorities make greater use of fixed penalty schemes and, if so, how?

FPN are a useful tool for totting up more minor offences that would not warrant court action. Formal action / review of licence to be followed when a prescribed number of points have been accumulated in a set period of time

**PROVISIONAL PROPOSAL 68**

Enforcement officers should have the powers to enforce against vehicles, drivers and operators licensed in other licensing areas.

Agree, enforcement powers should extend to the area where the offence is committed as well as to the authority who issues the licence. To avoid future disputes guidance should be given as to the appropriate authority to take formal court action in each circumstance.

**QUESTION 69**

Should cross-border enforcement powers extend to suspensions and revocation of licences? If so, what would be the best way of achieving this?

No suspension / revocation should be restricted to the ‘home’ authority and possibly also to the courts where offences are brought before them.

**PROVISIONAL PROPOSAL 70**
The right to appeal against decisions to refuse to grant or renew, suspend or revoke a taxi or private hire licence should be limited to the applicant or, as appropriate, the holder of the relevant licence.

Agree

**PROVISIONAL PROPOSAL 71**

The first stage in the appeal process throughout England and Wales – in respect of refusals, suspensions or revocations – should be to require the licensing authority to reconsider its decision.

Don’t see the merit in this, it will only lead to more hearings as drivers will have nothing to lose in asking the authority to re-consider it’s decision.

**PROVISIONAL PROPOSAL 72**

Appeals should continue to be heard in the magistrates’ court.

Yes

**QUESTION 73**

Should there be an outright right of appeal to the Crown Court?

Yes
North Tyneside Council Provisional Proposals and Questions  
Consultation Response

North Tyneside Council is a regulator under Local Government (Miscellaneous Provisions) Act 1976 and Town Police Clauses Act 1847 and as such it recognises the importance of public safety and effective regulation of the hackney carriage and private hire trade (the Trade). However we also recognise the importance of proportionality to allow the Trade to effectively grow and succeed as a business within the parameters that are set either nationally or locally. As a council we are acutely aware of cross border hire problems in our area and the need to balance local control against the wider geographic trading environment.

We would advocate bringing clarity to the legislation that regulates the hackney carriage and private hire trade by means of updating the legislation and introducing comprehensive national guidance. The current legislation when considered in today’s climate does not reflect modern life such as the use of mobile phones, sophisticated booking systems, and cross-border travel.

Updating legislation and guidance would greatly assist all local authorities in meeting these statutory obligations and in doing so would secure a better regulatory environment in which the Trade can thrive and in which the safety of service users and the wider public is safeguarded.

**Provisional proposal 1**

Regulation should continue to distinguish between taxis, which can accept pre-booked fares, be hailed on the street and wait at ranks, and private hire vehicles, which can only accept pre-booked fares. *(Page 160)*

North Tyneside Council agree with this provisional proposal to continue to distinguish between taxis and private hire vehicles.

However any proposals should consider the historical problems experienced in North Tyneside regarding cross border hiring which has cumulated in a recent court case and a decision of North Tyneside’s Regulation and Review Committee on 8 March 2012 which stated as follows:

‘That officers be authorised to liaise with neighbouring authorities regarding the potential for them to authorise North Tyneside Council Officers to undertake enforcement checks on ‘out of borough’ hackney carriages;

‘That officers be authorised to liaise with Northumbria Police to ensure that they remain aware of the Council’s regulatory limitations in respect of ‘out of borough’ vehicles and to request that they undertake checks;

‘That officers be instructed to liaise with neighbouring authorities and the police to encourage regular checks on vehicles and drivers working in the area of each authority and to explore standardisation of vehicle and driver standards where appropriate; and

‘That the Law Commission be advised of the Committee’s dissatisfaction with the situation and urged to change the situation in any new legislation.’

A satisfactory resolution to the issue of out of borough hackney carriages working outside of their licensed borough and the resulting problems should be sought.
REFORM OF DEFINITIONS AND SCOPE

Provisional proposal 2
London should be included, with appropriate modifications, within the scope of reform. (Page 162)

We agree that London should be included within the reforms. We consider that careful scrutiny should be given to any modifications that would treat London differently and that modifications must only be used where absolutely necessary.

Provisional proposal 3
The regulation of taxi and private hire vehicles should not be restricted to any particular type of vehicle but should rather focus on road transport services provided for hire with the services of a driver. (Page 164)

We agree with this proposal. The focus should be on passenger safety.

Question 4
Would there be (and if so what) advantages to restricting licensing to motor vehicles that require a driving licence? (Page 164)

We see no advantages to restricting licensing to motor vehicles that require a driving licence. From a safety perspective it is important that consumers can have confidence that the driver is ‘fit and proper’ and can conduct the vehicle (whatever its construction) safely upon the road. It may be useful to include a requirement that the applicant holds a driving licence or some other qualification to ensure that they have attained the requisite knowledge and skills to use the vehicle upon the road.

It is imperative that there are clear and concise details of the type and standard of vehicles that can be licensed.

Provisional proposal 5
Public service vehicles should be expressly excluded from the definition of taxi and private hire vehicles; and taxi and private hire vehicles should only cover vehicles adapted to seat eight or fewer passengers. (Page 165)

We agree but would suggest that in order to avoid ‘regime shopping’ and protect the public the Traffic Commissioners should require CRB checks, medicals etc of PSV drivers and similar provisions regarding vehicle testing should be in place.
Provisional proposal 6
References to stage coaches charging separate fares should no-longer feature as an exclusion from the definition of taxis. (Page 166)

We agree with this proposal.

Provisional proposal 7
The Secretary of State should consider issuing statutory guidance to the Senior Traffic Commissioner about the licensing of limousines and other novelty vehicles to assist consistency. (Page 167)

We agree with this proposal. It should be noted that currently limousines and other novelty vehicles may also be licensed as PHV’s. It will be important to distinguish between those that will be PSV’s and those that will be PHV’s and guidance issued accordingly.

Provisional proposal 8
The concept of “in the course of a business of carrying passengers” should be used to limit the scope of taxi and private hire licensing so as to exclude genuine volunteers as well as activities where transport is ancillary to the overall service. (Page 168)

There should be a clear definition of what a “volunteer driver” is and also what “in the course of a business” means. It is recognised that there are volunteer drivers who can effectively receive a wage due to the large number of miles driven per week and the Trade within North Tyneside indicate that this is work which would otherwise go to them. Unless the organisation for which the volunteer drives has implemented its own checks the drivers and vehicles used are not subject to the same vetting that licensed vehicles and drivers are and this may place passengers at risk.

Question 9
How, if at all, should the regulation of taxis and private hire deal with:
(a) carpooling; and
(b) members clubs? (Page 170)

We agree that carpooling should be exempt but would suggest that regulation should apply to members clubs if they are in effect providing private hire services.

Provisional proposal 10
The power of the Secretary of State and Welsh Ministers to set national standards should be flexible enough to allow them to make exclusions from the taxi and private hire licensing regimes. (Page 171)

We would suggest that the Secretary of State makes any proposals clear and subject to full consultation.
Provisional proposal 11
Weddings and funerals should no-longer be expressly excluded from private hire licensing through primary legislation. (*Page 172*)

We agree that funeral cars should be excluded from the licensing regime. We would support exclusion of wedding cars on the basis that the hiring is restricted to transport to the ceremony venue and onward transport to the reception only. It is understood that wedding cars are sometimes used to transport passengers over long distances, for example to out of area airports following the wedding and this is effectively private hire work which should be subject to the same regulation. We would suggest that clear definitions are provided to avoid future confusion.

Question 12
Would there be merits in reintroducing the contract exemption, by means of the Secretary of State and Welsh Ministers’ exercise of the power to set national standards? If so, what modifications could be made to help avoid abuse? (*Page 174*)

We disagree with this suggestion. The purpose of the licensing regime is to protect the public and frequently such contracts are in place to carry vulnerable passengers. The contract exemption was removed to ensure that vulnerable children and adults were not being transported by drivers without proper vetting (enhanced CRB, medical checks etc) and in vehicles that had not been properly safety checked.

Provisional proposal 13
Regulation of the ways taxis and private hire vehicles can engage with the public should not be limited to “streets”. (*Page 175*)

We agree that this should be extended to “any place within the district.”

Question 14
Is there a case for making special provision in respect of taxi and private hire regulation at airports? In particular, where concessionary agreements are in place should airports be obliged to allow a shuttle service for passengers who have pre-booked with other providers, or to the closest taxi rank? (*Page 177*)

In principle there is no reason why airports should be treated differently to places such as railway stations. However, historically HC’s from various areas (including North Tyneside) have taken fares from Newcastle airport on the basis that they are working from private land and have been granted permits by the airport to work from there. We anticipate similar arrangements may be in place at other airports. It is noted that changes in the law may prohibit such activity in the future. It should be kept in mind that this will impact upon the livelihoods of those licensees.

Where concessionary arrangements are in place there should be provision for customers to access their chosen transport provider, for example by designated pick up points for pre booked fares and/or signage to the nearest rank.
Provisional proposal 15
The defining feature of taxis, the concept of “plying for hire”, should be placed on a statutory footing and include:
(a) references to ranking and hailing;
(b) a non-exhaustive list of factors indicating plying for hire; and
(c) appropriate accommodation of the legitimate activities of private hire vehicles. (Page 181)

If a 2 tier system is retained then it is crucial that clarification on this issue is received to ensure appropriate enforcement.

Provisional proposal 16
The concepts of hailing and ranking should not cover technological means of engaging taxi services. (Page 181)

We note what is suggested though consider it may give rise to tensions between the private hire and hackney carriage trade and raise complexities in trying to enforce legislation to prevent plying for hire. If by virtue of the use of technology private hire vehicles can be engaged almost immediately the rationale for retaining a 2 tier system appears weak.

Question 17
Would there be advantages to adopting the Scottish approach to defining taxis in respect of “arrangements made in a public place” instead of “plying for hire”? (Page 182)

We are not familiar with the Scottish approach and more information would be required as to any problems or benefits there are with the Scottish system.

Provisional proposal 18
The concept of compellability, which applies exclusively to taxis, should be retained. (Page 182)

We agree with this proposal but note that private hire drivers and operators as service providers are also subject to equalities/anti-discrimination legislation.

Provisional proposal 19
Pre-booking would continue to be the only way of engaging a private hire vehicle and cover all technological modes of engaging cars. This is without prejudice to the continued ability of taxis to be pre-booked. (Page 183)

Legislation should be clear as to what constitutes a pre-booking, the extent of the information that should be recorded and by whom or what.
Provisional proposal 20
Leisure and non-professional use of taxis and private hire vehicles should be permitted. There would however be a presumption that the vehicle is being used for professional purposes at any time unless the contrary can be proved.
(Page 184)

We disagree with this proposal. It is undesirable for a licensed vehicle to be driven by an unlicensed driver. If unlicensed individuals drive vehicles which display Council plates and livery they are likely to be approached by members of the public and complaints about their driving and conduct will be directed to the Council. Determining whether a licensed vehicle was being used for professional purposes at any given time does not appear to a good use of Council officers time or Court time. We would question what would be sufficient to prove non-professional use. This provision would make enforcement against unlicensed drivers difficult.

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.
(Page 185)

We agree. Statutory guidance is welcome. We would suggest that new comprehensive statutory guidance covering all elements of taxi and private hire licensing and reflecting the work of the Law Commission should be supplied. It would be unhelpful if guidance was issued in a piecemeal manner.

Provisional proposal 22
Reformed legislation should refer to “taxis” and “private hire vehicles” respectively. References to “hackney carriages” should be abandoned.
(Page 185)

We do not agree with this proposal. The term ‘taxi’ is used by the public to cover both private hire and hackney carriages. We consider that “Hackney carriage” is a useful technical term to enable licensing authorities, licensees and the Courts to be clear in communications about the different types of vehicle and the differing regimes.

Question 23
Should private hire vehicles be able to use terms such as “taxi” or “cab” in advertising provided they are only used in combination with terms like “pre-booked” and did not otherwise lead to customer confusion? (Page 186)

It is unclear whether this relates to general advertising (e.g in newspapers, radio etc) or advertising upon the actual private hire vehicles. Private hire operators already advertise taxi services as operators often utilise both private hire and hackney carriages to fulfil bookings. The prohibition in the current law is in relation to the words appearing on a private hire vehicle. Any proposals to change this would need to be very clear about that is being permitted, otherwise local authorities will be called upon to arbitrate upon the content of advertisements and disputes between the two elements of the trade. If the term “hackney carriage” is abandoned as has been suggested then it does not seem sensible to refer to private hire vehicles as taxis in some contexts as this may cause confusion.
A REFORMED REGULATORY FRAMEWORK

Provisional proposal 24
Taxi and private hire services should each be subject to national safety requirements. (Page 188)

We agree that all vehicles and drivers should be subject to mandatory national safety standards.

Provisional proposal 25
National safety standards, as applied to taxi services, should only be minimum standards. (Page 189)

We disagree that the standards should only be to a minimum standard. HC’s are able to work outside of their district and there has been recent case law on this point so it is difficult to understand why there should be locally set standards. The standards for HC’s should be set at the appropriate level recognising that those vehicles may undertake pre-booked work in other areas of the country.

Provisional proposal 26
National safety standards, as applied to private hire services, should be mandatory standards. (Page 189)

We agree. It is of course essential that the standards are clear to enable them to be applied consistently.

Provisional proposal 27
Private hire services would not be subject to standards except those related to safety. Requirements such as topographical knowledge would no-longer apply to private hire drivers. (Page 190)

We disagree with this proposal. Complaints have been received from the public about drivers not knowing their way around an area (particularly if they are from a different licensing area) despite the availability of satellite navigation equipment. Customers do not always have the postcode of the address and reliance upon satellite navigation can lead to poor service. The assertion that “Unlike taxis, consumers can choose to avoid particular providers” is flawed. Consumers who are unfamiliar with an area will not have the benefit of prior knowledge of the service available.

Question 28
Should local standard-setting for private hire services be specifically retained in respect of vehicle signage? Are there other areas where local standards for private hire vehicles are valuable? (Page 190)

No, a national standard should be in place to prevent disputes.

Question 29
What practical obstacles might there be to setting common national safety standards for both taxis and private hire vehicles? (Page 191)

We have not identified any obstacles.
Question 30
Should national conditions in respect of driver safety be different for taxi services compared with private hire services? (Page 192)

We believe that driver safety should be the same for both types of services.

Provisional proposal 31
The powers of the Secretary of State and Welsh Ministers to set standards for taxis and private hire vehicles should only cover conditions relating to safety. (Page 192)

We do not agree that the Secretary of State’s powers should be limited to safety issues. We ask that consideration be given to promoting good quality services, equality (disability, race etc) and environmental issues.

Provisional proposal 32
The powers of the Secretary of State and Welsh Ministers to set national safety standards should be subject to a statutory consultation requirement. (Page 193)

Yes, we agree that consultation on the standards is essential.

Question 33
What would be the best approach for determining the content of national safety standards? In particular should the statutory requirement to consult refer to a technical advisory panel? (Page 193)

We believe this could be achieved through a Panel combined with broader stake holder consultation.

Provisional proposal 34
Licensing authorities should retain the power to set standards locally for taxis provided above the minimum national standards. (Page 193)

We believe that a common national standard is required. If licensing authorities attempt to raise standards locally we anticipate that this would result in costly litigation.

Question 35
Should there be statutory limits to licensing authorities’ ability to set local taxi standards? (Page 194)

Clarity regarding the scope of the statutory limits is essential if it is not to result in litigation.

Question 36
Should licensing authorities retain the power to impose individual conditions on taxi and private hire drivers or operators? (Page 194)

Yes, provided that there is clear guidance as to when the power to impose conditions is exercisable otherwise we anticipate litigation.
Question 37
Should the powers and duties of licensing authorities to cooperate be on a statutory footing or is it best left to local arrangements? (Page 195)

Local authorities often currently work closely together. More information is required as to the statutory requirements.

Provisional proposal 38
Neighbouring licensing authorities should have the option of combining areas for the purposes of taxi standard setting. (Page 196)

We agree with this proposal. We are currently exploring opportunities for collaborative working with other local authorities.

Provisional proposal 39
Licensing authorities should have the option to create, or remove, taxi zones within their area. (Page 196)

It may be useful to have this power if the power to limit the number of hackney carriages is removed.

Question 40
Would it be useful for licensing authorities to have the power to issue peak time licences which may only be used at certain times of day as prescribed by the licensing authority? (Page 197)

Determining which licences are to be issued may give rise to challenges though we recognise that this may be useful for some local authorities.

Provisional proposal 41
Private hire operators should no longer be restricted to accepting or inviting bookings only within a particular locality; nor to only using drivers or vehicles licensed by a particular licensing authority. (Page 198)

This proposal would depend on the implementation of national standards and the widening of enforcement powers.

It should be recognised that private hire operators currently utilise hackney carriages and drivers licensed by other local authorities.

Provisional proposal 42
We do not propose to introduce a “return to area” requirement in respect of out of-area drop offs. (Page 199)

We agree with this proposal due to environmental concerns raised by requiring unnecessary travel.
Provisional proposal 43
Licensing authorities should retain the ability to regulate maximum taxi fares.
Licensing authorities should not have the power to regulate private hire fares.
(Page 200)

We believe local authorities should have the choice. If there is no fare regulation we agree with the Swedish approach outlined in paragraph 15.55 which requires strict price information to be available to enable consumers to make informed choices.

Question 44
Should taxis be allowed to charge a fare that is higher than the metered fare for pre-booked journeys? (Page 200)

We believe the current situation should be maintained. Further, there should be clarity as to which fare to charge when a hackney carriage is working from an operator.

REFORM OF DRIVER, VEHICLE AND OPERATOR LICENSING

Question 45
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? (Page 203)

We believe it should be included in primary legislation with further detail included in the accompanying regulations.

Provisional proposal 46
Vehicle owners should not be subject to “fit and proper” tests and the criteria applied would relate solely to the vehicle itself. (Page 204)

There may be good reasons to apply the “fit and proper” to vehicle owners, for example, they may have convictions for supply of drugs, money laundering or other offences. An individual with access to a licensed vehicle or indeed a fleet of licensed vehicles is in a potentially powerful position to influence how those vehicles are used. Under the current legislation there are obligations upon the vehicle proprietor e.g. to produce the vehicle for tests, to retain the licence of the driver. It is important that the proprietor continues to be viewed as part of the licensing regime.

Question 47
Should national vehicle safety standards 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? (Page 205)

We believe it should be included in primary legislation with further detail included in the accompanying regulations.

Provisional proposal 48
Operator licensing should be retained as mandatory in respect of private hire vehicles. (Page 20)

We agree with this proposal.
**Question 49**
Should operator licensing be extended to cover taxi radio circuits and if so on what basis? *(Page 208)*

Yes and this should specifically apply to private hire operators who utilise hackney carriages to fulfil bookings. The rationale in paragraph 16.36 does not make sense when compared to the fact that licensing requirements for private hire operators are being retained. To attach no regulation to a 3rd party who takes bookings for hackney carriages is contradictory.

**Provisional proposal 50**
The definition of operators should not be extended in order to include intermediaries. *(Page 209)*

The definition of operators should be extended to cover the use of hackney carriages to fulfil bookings.

**Question 51**
Should “fit and proper” criteria in respect of operators be retained? *(Page 209)*

Yes and should be accompanied by regulations and/or statutory guidance.

**Provisional proposal 52**
Operators should be expressly permitted to sub-contract services. *(Page 210)*

We agree with this proposal subject to the proviso that the sub contracting is to another licensed private hire operator and that there is a proper audit trail of records. Private hire operators can sub-contract under the current legislation. It appears that this proposal is in relation to sub-contracting to operators from another licensing district. We do have a concern that sub-contracting without the consumer’s permission removes consumer choice (for example, a consumer may have a particular wish to avoid a certain operator who has provided poor service in the past) and therefore would suggest that permission should be sought from the consumer before passing the booking on.

**Question 53**
Where a taxi driver takes a pre-booking directly, should record-keeping requirements apply? *(Page 210)*

This would assist with examining pre-bookings which take place outside of the hackney carriages licensed area and enable the licensing authority to be satisfied that the vehicle is not plying or standing for hire outside of its area. Technology should be available which would enable such bookings to be recorded in a simple and satisfactory way.

**REFORMING QUANTITY CONTROLS**

**Provisional proposal 54**
Licensing authorities should no longer have the power to restrict taxi numbers. *(Page 213)*

This local authority has utilised the current powers to restrict numbers. We currently have a limit which is in the process of being reviewed by means of an unmet demand survey.
Question 55
What problems (temporary or permanent) might arise if licensing authorities lost the ability to restrict numbers? (Page 213)

This may result in a saturation of vehicles in peak areas at peak times. We are aware of the strength of opinion amongst the local hackney carriage trade against removing the ability to restrict numbers but similarly that there are other individuals who would wish to obtain a hackney carriage proprietor licence.

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? (Page 215)

Transitional measures may assist. If compensation provisions are introduced in new legislation this should not be payable by local authorities who do not have a budget for such payments.

**TAXI AND PRIVATE HIRE REFORM AND EQUALITY**

Question 57
Should there be a separate licence category for wheelchair accessible vehicles? This could involve:

1. a duty on the licensee to give priority to disabled passengers; and
2. a duty on the licensing authority to make adequate provision at ranks for wheelchair accessible vehicles. (Page 217)

It is difficult to see how this would work given the wide range of disabilities that exist. If there is a duty to give priority to "disabled passengers" will it be apparent to a licensee that an individual is disabled e.g a hearing impairment may not be immediately obvious. If what is meant is a "wheelchair user" then the drafting must reflect this. Such provisions may also have the opposite effect of that sought and restrict the number of wheelchair accessible vehicles licensed – in the absence of a commercial benefit why would a licensee seek such a licence? A reduction in the licence fee is unlikely to be sufficient to encourage the purchase of a special type of vehicle and the additional obligations which will accompany it.

Question 58
Should licensing authorities offer lower licence fees for vehicles which meet certain accessibility standards? (Page 217)

No, unless the provisions regarding fee setting give specific power to charge a greater fee for other vehicles. The same processes are involved with licensing both type of vehicles.

Question 59
Do you have any other suggestions for increasing the availability of accessible vehicles, and catering for the different needs of disabled passengers? (Page 217)

A more appropriate incentive may be VAT relief on such vehicles.

**Provisional proposal 60**
We do not propose to introduce national quotas of wheelchair accessible vehicles. (Page 218)

We note this proposal.
Provisional proposal 61
National standards for drivers of both taxis and private hire vehicles should include recognised disability awareness training. (Page 219)

We support this proposal and believe that it should be extended to operators.

Provisional proposal 62
In order to better address concerns about discrimination, taxis and private hire vehicles should be required to display information about how to complain to the licensing authority. (Page 219)

We support this proposal though this should apply to all regulatory issues, not just to concerns about discrimination.

Question 63
What would be the best way of addressing the problem of taxis ignoring disabled passengers seeking to hail them? Could an obligation to stop, if reasonable and safe to do so, in specified circumstances, help? (Page 220)

We agree with the proposal of an obligation to stop however recognise that it would be difficult to enforce.

REFORMING ENFORCEMENT
Question 64
Should authorised licensing officers have the power to stop licensed vehicles? (Page 222)

We agree with the introduction of such a power. We consider that it should be extended beyond licensed vehicles, for example, to be able to stop unlicensed vehicles which are believed to be working as hackney carriage or private hire vehicles – this would include vehicles that were previously licensed but the licences have expired and vehicles which have never been licensed.

Question 65
What more could be done to address touting? Touting refers to the offence “in a public place, to solicit persons to hire vehicles to carry them as passengers”. (Page 223)

This is not currently an issue in this area.

Question 66
Would it be desirable and practicable to introduce powers to impound vehicles acting in breach of taxi and private hire licensing rules? (Page 223)

We support this proposal if appropriate funding provision was made available (e.g from licence fees or vehicle recovery fees).
Question 67
Should licensing authorities make greater use of fixed penalty schemes and if so how? (Page 225)

We would support the use of fixed penalties for low level infringements.

Provisional proposal 68
Enforcement officers should have the powers to enforce against vehicles, drivers and operators licensed in other licensing areas. (Page 225)

We support this proposal but proper provision must be made to ensure that it is funded fairly. For example, if private hire and hackney carriage vehicles are licensed in one area but by virtue of the new legislation choose to work in another area, how will the enforcement costs by covered?

Question 69
Should cross-border enforcement powers extend to suspensions and revocation of licences? If so what would be the best way of achieving this? (Page 226)

We would support this proposal limited only to suspension of a licence in circumstances where immediate action is required. Revocation of a licence should remain a matter for the issuing authority. This would enable officers to suspend unsafe vehicles and in specific cases, unsafe drivers. The issue of funding cross border enforcement should be considered, including for example, which local authority will be responsible for defending any court appeals against decisions.

REFORM OF HEARINGS AND APPEALS
Provisional proposal 70
The right to appeal against decisions to refuse to grant or renew, suspend or revoke a taxi or private hire licence should be limited to the applicant or, as appropriate, holder of the relevant licence. (Page 230)

We agree with this proposal.

Provisional proposal 71
The first stage in the appeal process throughout England and Wales, in respect of refusals, suspensions or revocations should be to require the local licensing authority to reconsider its decision. (Page 231)

We agree with this proposal. In North Tyneside we already operate a non-statutory scheme which enables applicants/licensees to first appeal to a panel of elected members before pursuing an appeal in the magistrates’ court.

Provisional proposal 72
Appeals should continue to be heard in the magistrates’ court. (Page 232)

We agree with this proposal.
Question 73
Should there be an onward right of appeal to the Crown Court? (Page 233)

If appeals to the Crown Court are retained they should be subject to a strict timetable and there should be costs implications for unmeritorious claims. The right of appeal is sometimes used by the trade to extend the period in which they can continue to drive pending the outcome of hearings in the magistrates court and then in the crown court, which can take many months. On occasion the appellant has no intention of fully pursuing the appeal and will withdraw it just before the hearing. The Crown Court has less experience of taxi licensing matters than the magistrates court and this can result in unsatisfactory decisions.
RESPONSE TO LAW COMMISSION CONSULTATION PAPER NO. 203 – “REFORMING THE LAW OF TAXI AND PRIVATE HIRE SERVICES”

This submission is made in response to the Law Commission’s request for responses to their review of the law relating to taxis and private hire services. This submission is made by The Nare Hotel Company Limited (“Nare”) on behalf of the Pride of Britain Hotels (“POB”).

Background to Submitting Parties

POB is a consortium of privately owned and operated independent hotels whose mission statement best sums up their aims:... “To effectively market and support a collection of the finest privately owned hotels in Britain.” The hotels in the consortium extend from the Channel Islands to the far north of Scotland. The vast majority of the hotels are, however, within the boundaries of England and Wales; the geographical scope of this review.

Focus of Submission

Firstly, we would highlight that this submission relates purely to the continuing legislation relating to private hire vehicles (“PHV”) and not to taxi (hackney) cab services. Our references will refer, therefore, to the former and not the latter and any reference to the latter is purely circumstantial.

We note that you state the terms of reference for the review are:

“To review the law relating to the regulation of [taxis and] private hire vehicles, with a view to modernisation and simplification, having due regard to the potential advantage of deregulation in reducing the burdens on business and increasing economic efficiency.”

You further note that whilst both taxis and private hire vehicles are highly regulated, the latter is subject to considerable interpretation by the local licensing authorities, which has caused some inconsistency in application. Your preliminary proposals are to provide for the Secretary of State and Welsh Ministers to retain the powers to set national standards, and in particular, to have the power and flexibility to make provision for services on the border of mainstream trades.

Our submission relates to this latter proposal. Many members of the POB as well as other members of the hotel industry provide “pick up” and chauffeur services to their guests. As currently interpreted by local licensing authorities, these services are deemed to fall within the PHV regulations.

We would submit that whilst we acknowledge that some form of regulation may be appropriate for these services, the application of the existing PHV regulations is neither appropriate nor relevant for the reasons set out below.

Service offered by hotels within the POB Group

Many of the hotels within the POB group provide chauffeur or “pick up” services to their guests to and from train stations and airports. The Nare is one such hotel providing this service. Similarly, the Chester Grosvenor Hotel (a 5* hotel situated in the heart of the city of Chester) offers a chauffeur driven car service. This is offered to guests for both tours and airport transfers. Whilst it is acknowledged that the nature of the service offered by different hotels do differ, the rationale and intention behind them is common to all. For example, the
Nare offers a complimentary collection service from local railway stations and airports. The Chester Grosvenor, however, maintains a dedicated chauffeur service which can be booked by guests for a fee. Both services are, however, seen to be commensurate with the “luxury” hotel offering as part of the overall package for the guest. Importantly too, none of the services offered by the Nare, Chester Grosvenor and other members of the POB group (and indeed by many hotels in the wider industry) are available to the general public at large. They are available only to guests, can only be booked by guests either during their stay or prior to their visit, and can only be made through the hotel itself.

In addition, there is an environmental advantage to encouraging guests to travel by train or aeroplane. Citing the Nare as an example, this is part of a positive approach by the hotel to encourage guests to leave their cars at home and avoid increased traffic congestion on the Roseland Peninsula in Cornwall.

Furthermore, in line with an ageing population, the POB group has identified a growing proportion of their guests falling into the over 55 age group. There are, therefore, a higher proportion of elderly guests with reduced mobility which the hotels have to cater for. The provision of the pick up/chauffeur service from a station or airport provides a safe and comfortable service to this sector of the general public.

Regulation of these services

As identified by the Law Commission, the regulation of these services is somewhat piecemeal across the country and depends largely on the local authorities’ interpretation of the current regulations. We have reviewed a number of local authority approaches to this subject and note that the majority provide for no specific exemption provisions to allow better flexibility in the application of the regulations to vehicles that do not fall within the “minicab” industry. This has been recognised too by the Department of Transport in their guidance notes for PHV Licensing. The Department recognised that the “grey areas” of legislation meant there was a level of confusion as to whether a particular vehicle (falling outside of the mainstream “minicab” scenario normally envisaged) should be licensed or not. Whilst they have been clear it is not the Department’s responsibility to interpret the law, it has offered its views, based on the first principles underpinning PHV regulation. The Department has gone on to add that “…we would expect that this guidance note would have a degree of persuasive value in terms of assisting with local authority decision-making….” The Department goes on to say that “…..the fundamental purpose of the PHV licensing regime it to establish a position where passengers can use these vehicles with a high degree of confidence about their safety. But, the safety concerns must be weighted up with the burdens which are placed on the transport providers…”

We would submit that the views of the Department of Transport accord with the terms of reference laid down by the Law Commission in this review. We would, however, wish to make clear that it is our strongly held belief that the majority of local licensing authorities have chosen to ignore the advice of the Department of Transport and adopted, in the main, an inflexible approach to the services discussed in this submission, possibly, with a view to this being an additional source of revenue to that authority. This creates an anomalous situation leading to increased cost and administration to the businesses involved, that is not

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1 Department of Transport “Private Hire Vehicle Licensing. A note for guidance from the Department of Transport”
commensurate with the underpinning principles of customer safety and competitive choice you have identified.

Whilst this submission recognises the need to protect the general public from unsafe practices, it is submitted that the vehicles in question are already subject to significant conditions imposed by insurance (for example, no driver under the age of 25). It is further acknowledged that a national standard of safety regulation should be welcomed by all but we would question a number of the inflexibilities created by the interpretation of the regulations as they currently stand. To cite the policies adopted by Cornwall Council and Cheshire West and Chester Council as examples, some of these are identified below:

THE VEHICLE

(N.B. Provisions 1-5 below relate to Cornwall Council only albeit we note that many other licensing authorities do adopt similar conditions)

1. **Must display a plate detailing licence number and seating capacity in a conspicuous position on the rear of the vehicle.**
   - The need for a plate does not fit with the luxury market the vehicles are serving. In addition, it suggests that the vehicle is exclusive for this use (which does not fit with the more normal multi-purpose use). We would submit that whilst the vehicle could carry a discreet badge on the window screen, they should be exempted from the requirement to carry a plate on the outside of the vehicle.

2. **Must meet a number of conditions relating to cleanliness and furnishings.**
   - Whilst a luxury hotel would not carry guests in an untidy or dirty vehicle, the specific requirements laid down are unnecessary for a private operation.
   - We would submit that references to cleanliness and furnishings are limited purely to matters affecting the safety of the guests. For example, it is reasonable to require the vehicle to carry a fire extinguisher and first aid kit, but not be concerned with whether there is suitable carpet in the interior.

3. **Must provide the rate or fares fixed by the proprietor exhibited in the vehicle.**
   - This is irrelevant to transport provided as a complimentary to guests and we would submit that even where a price is agreed between the parties, this is not something involving the driver and is a matter of contract between existing contracting parties; namely the hotel and its guests.

4. **Must have displayed on both sides of the vehicle the words “private hire – advance bookings only”.**
   - Again, we would submit that this requirement is irrelevant to a private service provided by a hotel to its guests and not made available to any other member of the public.

5. **Must display a notice in the vehicle giving licence number, number of passengers prescribed and an address for complaints which includes Cornwall Council.**
   - Again, we would submit this is not relevant to this particular service. The contractual relationship which exists between hotel and guest provides a more appropriate route for any complaints.

6. **Once licensed, may not be driven by anyone other than the licensed driver.**
   - This does not fit with the ancillary nature of the service offered by hotels such as the Nare, nor practically for either the Nare or Chester Grosvenor as both councils have confirmed this prohibition prevents PHV licensed vehicles being driven by
anyone other than a PHV licensed driver, regardless of reason. They have confirmed this includes taking the vehicle to the garage for refuelling or, using an alternative driver if the driver is sick or on holiday; effectively taking the vehicle off the road. This is inconsistent with the approach adopted by motor insurers for fleet policies, and has a detrimental effect on the business. We would submit that flexibility should be incorporated within amended legislation to provide a level of common sense reflecting the true nature of such vehicles. This could be achieved by recognising vehicles in this category as a separate class and removing the prohibition against alternative use. In addition, we would suggest that the right to use other named drivers is applied in a manner consistent with the relevant motor insurance covering the vehicle.

- We would also refer again to the Department of Transport guidance notes detailed above. The Department ask a series of questions of the licensing authorities, one of which asks “…..Is carrying passengers in a vehicle........ an ancillary part, or a main part, of the overall service?…” Further commentary from those notes makes it clear that reference to the “service” in this instance is to the wider service provided by the business to the customer. We would submit that the provisions of transport services by hotels is only ancillary to the wider service and product offered to guests. Indeed, the Department specifically highlights “courtesy lifts” as clearly falling within the incidental nature of a service discussed above.

7. **Must be submitted for a “taxi” MOT as well as a standard MOT of roadworthiness.**

- We recognise the need to ensure that the vehicle is roadworthy and appropriate but would question the need for second MOT which differs only from the standard MOT in the provision of a fire extinguisher and first aid kit. Both councils also require all PHV licensed vehicles to undergo a taxi MOT regardless of age. The Chester Grosvenor also adopts a policy of changing chauffeur driven vehicle once that vehicle has reached 10,000 miles. Despite the replacement being a new vehicle, they are required to MOT it; effectively as it leaves the showroom.

- We acknowledge the common sense approach to safety in requiring such vehicles to have fire extinguishers and first aid kits but would submit that the need for an entire MOT to cover this is unnecessary. Such provisions could be accommodated with licence conditions in order to avoid the additional expense and duplication to business in applying for a second MOT.

8. **In some licensing areas (for example, East Riding of Yorkshire), the vehicle may not be licensed if over 5 years old and those over 3 years old require a further taxi MOT or vehicle test every 6 months**

- Again, these provisions highlight the unsuitability of the current interpretations of the regulations for this particular service. All vehicles will be subject to the usual statutory requirements of roadworthiness and it would not be commercially sensible for any hotel to maintain an unsafe or untidy vehicle for these purposes, particularly in the luxury hotel market.

- We would submit that these provisions are not applied to this service.

**THE DRIVER**

1. **Must supply a medical certificate from their general practitioner to show they are fit and well**
• We would submit that whilst it is prudent to provide an initial medical certificate, we would submit that this requirement should not need to be applied on a yearly basis. Those members of staff who undertake driving responsibilities on a non-exclusive basis should be subject to no more than minimal requirements.

2. **Must hold a valid and advanced CRB check**
   • We understand the rationale behind this for drivers of “minicabs” but would submit that those members of staff designated to drive guests offer no greater risk to those guests than they would do in their other duties in the hotel. There is no legal requirement for a CRB check to work in any capacity in the hotel, so there is no rationale as to why this obligation should then be applied for occasional driving duties.

3. **Must hold a licence at a cost of £95.00 in Cornwall and £168 in Chester, each valid for 12 months.**
   • Firstly, the figures quoted show the anomaly in charges made by different licensing authorities. We would submit that if the system was simplified and based on national standards, it would not be unreasonable to create national fee structures.
   • Further, if the hotel is required to licence several individuals capable of driving guests, then the cost to obtain a licence for each employee, makes the service a prohibitive cost. We would draw your attention to the fact that these services, even if offered at a cost, are not intended to be profit centres for the hotels but to provide added services to their guests. For those hotels offering complimentary arrangements, the rising cost of meeting the requirements normally applied to minicab companies, begins to make the service untenable as a continuing offering.

4. **In Chester, the licensed driver must be licensed by the same authority as the vehicle.**
   • There is no clear rationale as to why this limitation has been imposed but it has led to a situation with the Chester Grosvenor that a licensed driver from, say, Manchester cannot drive their vehicle. We would submit that a licence should be issued on the basis of a national standard and thus, valid across the licensing authorities.

THE OPERATOR

1. **Must be renewed every 12 months**
   • We would submit that this is unnecessary and costly. We would point out that all hotels serving alcohol and carrying out other licensable activities are required to hold a premises (liquor) licence. Once issued, the qualification lasts indefinitely, unless changed, surrendered or revoked. We would submit that there is no reason for an operator’s licence under the PHV regulations to impose greater obligations than a premises (liquor) licence.

2. **Must satisfy the licensing authority that they are a fit and proper person to hold the licence.**
   • The licensing authority has a general and open-ended power to require the licence applicants to submit information to assist the authority in determining whether or not to grant the licence plus determine if any conditions should be applied. We would submit that this right is too extensive. As an example, the
Chester Grosvenor is required to provide detail of whether or not there is a waiting room for customers, the method of communication device within the car and what methods they use to take bookings. Further, if they had a waiting room, they would be obliged to confirm they have planning permission for this.

- We acknowledge that the licencing authority may require some information to support the reference to “fit and proper person” but this should be kept to an appropriate minimum. For example, in Chester, applicants are required to provide two written references from individuals who have known them for at least 3 years. We would further submit that two points should be taken into account when considering the level of information to be provided; (a) as referred to above, the proprietors and operators of these hotels will hold premises (liquor) licences and (b) the majority of the hotels are operated through private limited companies with many operators being directors and subject to the corporate responsibilities of directorship, many of which are now enshrined in the Companies Act 2006.

3. **Must maintain records relating to the vehicle**
   - We acknowledge that there is rationale to maintaining records relating to the registration, upkeep and maintenance of the vehicle and, indeed, most hotels would need to maintain these details for both insurance and tax purposes. We would submit, however, that maintaining additional detailed records in a specific form prescribed by the licensing authority is an unnecessary administrative burden on business.

4. **Must maintain records relating to the use of the vehicle as a private hire vehicle.**
   - These provisions are fairly complex and highlight the anomalous application of the regulations to these specific services. They include reference to the time and point of pick up and how the booking was made. Again, we would submit that these provisions are unhelpful to the particular scenario envisaged and duplicate the information that would already be held by the hotel.
   - We note, however, that the keeping of records is seen as maintaining the safety of the passenger and also ensures that the basic contract between the operator and passenger are met. We would submit, however, that the purpose of licensing an “operator” provides an unnecessary level of regulation to the circumstances under consideration because (a) a hotel provides a limited service to guests only. The concept of illegal plying for trade is not relevant in these circumstances, (b) the safety of passengers can be easily traced and protected by the records already maintained by the hotel re: the guest and their stay and (c) the consumer protection rights of the guest are already protected by the greater contract between the hotel and that guest for their stay, plus a failure by a hotel to provide an agreed service (complimentary or otherwise) would have a far greater effect on the public relations for that business.

5. **Must hold a valid advanced CRB check**
   - For the same reasons given in relation to the driver, we see this an unnecessary as the relationship between operator and guest has already been established and the provision of these services creates no great risk to the individual than could be said to exist in a hotel environment. We would further add that many hotel proprietors are already subject to fairly stringent
regulation and requirement to prove they are a fit and proper person. For example, the requirement to hold liquor licence. As such, we would submit that any further checks are unnecessary and simply add to the cost incurred by the business.

**Impact of the application of current legislation as a financial consequence**

The Law Commission has identified that a driving factor behind the review is the reduction of the burden on business and increasing economic efficiency. We would submit that the following costs are a fair example of the financial burden placed on business to provide what is often a complimentary service.

<table>
<thead>
<tr>
<th>Service</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Registration of each vehicle</td>
<td>£200.00/£237.00^2</td>
</tr>
<tr>
<td>on an annual basis</td>
<td></td>
</tr>
<tr>
<td>Registration of each driver</td>
<td>£ 95.00/£168.00^3</td>
</tr>
<tr>
<td>on an annual basis</td>
<td></td>
</tr>
<tr>
<td>Registration of the operator</td>
<td>£ 98.00/£98.00^4</td>
</tr>
<tr>
<td>on an annual basis</td>
<td></td>
</tr>
<tr>
<td>Advanced CRB check for each</td>
<td>£ 49.00</td>
</tr>
<tr>
<td>driver and operator</td>
<td></td>
</tr>
<tr>
<td>Additional Taxi MOT</td>
<td>£ 45.00/£x^5</td>
</tr>
</tbody>
</table>

Cornwall/Chester

^2 If plates are fixed to the vehicle, there is an additional charge of £6.75

^3 In Chester, it is not possible to apply purely for a private hire vehicle licence; the licenses are dual purpose so last for 3 years.

^4 This is for one vehicle. The price increases on a standard scale as the number of vehicles licensed with that operator increases.

^5 Chester had previously quoted the cost of this, through one of their designated garages, as the price of a standard MOT plus 50%. We note, however, that this information has been removed from the licensing authorities website so we cannot confirm the current charge at this time.

N.B As discussed, the reality for most hotel businesses would be to have more than one vehicle made available for this service (on the basis of the multi-purpose use referred to above) and more than one member of staff able to drive that vehicle (again, on the basis that most hotels could not justify a dedicated driver). The annual basic cost referred to would need to be multiplied to reflect the reality of the situation.

These figures do not take into account the further capital cost incurred if a licensing authority imposes a requirement for vehicles to be less than 5 years or the further expense incurred if vehicles over 3 years old must be MOT'd every 6 months.

**Administrative Burden**

In addition to the above, it is noted that many licensing authorities (Cornwall and Chester being just two) impose a considerable administrative burden on businesses seeking to licence vehicles. Examples of this are as follows:
1. When the Chester Grosvenor replaces its chauffeur vehicle, it cannot simply update its records. The licensing authority requires it to submit an entirely new application including all the information relating to the company, insurance policy and other standard information the authority already holds. This inflexible approach appears to be adopted by many other licensing authorities too.

2. Applications cannot be submitted by post. Both Cornwall and Chester (and many of the other local licensing authorities) require you to attend an appointment in person and wait for their decision. We would submit this seems somewhat outdated in the current age and wastes unnecessary management time and cost.

**Implications For Motor Insurance**

A number of motor insurers have confirmed that they are happy for courtesy transportation to fall within the usual motor pool cover offered to hotels. If, however, the vehicles need to be reclassified as private hire vehicles then they would immediately be classified as “for hire AND reward” and would no longer covered by standard fleet cover. This must be sought separately for each vehicle and increases the costs dramatically, if cover can be obtained. We understand that one hotel investigated this and was advised that their premium for one vehicle could increase by as much as an additional £8,000 per annum. For services provided on a complimentary basis to guests, this makes it untenable.

**Summary**

In summary, we would submit that the nature of the service discussed above should not fall within PHV regulations without acknowledgement of its distinct nature and amendment to the nature of licensing to reflect that nature.

We note that the Department of Transport’s guidance notes as one final and very relevant question; “…..Would Parliament have had this service in mind in passing the legislation governing private hire vehicles?...” We would submit that Parliament did NOT have these types of service in mind when passing this legislation and, in agreement with the Department, that “…Parliament believed that it was establishing a regulatory mechanism for dealing with conventional private hire vehicles......”.

We would further submit the following as a suggested way forward for the Law Commission to consider:

1. The licences referred to above are amended to form a single licence which is applied for by the hotel proprietor or owner and which valid unless withdrawn or surrendered but is subject to annual confirmation that the information held has not changed. A simile with the liquor licensing regime could be drawn.

2. Amendments to this licence to reflect changes to vehicles and/or drivers would be the responsibility of the hotel to provide, subject to certain conditions of information provision to allow the licensing authority to ensure the veracity of the information provided and the safety of the guest.

3. Within the licence applied for, the vehicles would be identified together with relevant drivers. It may be appropriate to align the conditions of the licence relating to the vehicles and drivers, to those that may be applied by the motor insurance policy held by the hotel.
4. Vehicles are subject to the usual levels of roadworthiness required by law but further conditions could be imposed as to the requirement to carry a fire extinguisher and first aid kit.

5. The extent of regulation relating to records, plates, booking requirements and other existing conditions be either deleted or simplified to reflect the nature of the relationship between the hotel and the guest, which differs dramatically from the relationship between a minicab company and member of the public.

If you have any queries or comments about the above submission, please contact Katie Ashworth of The Nare Hotel Company Limited at the following address:

The Nare Hotel Company Limited
September 2012
TRAFFORD COUNCIL

THE LAW COMMISSION CONSULTATION ON THE FUTURE OF TAXI AND PRIVATE HIRE SERVICES

LIST OF PROVISIONAL PROPOSALS AND QUESTIONS

OVERVIEW OF PROVISIONAL REFORM PROPOSALS

Provisional proposal 1

Regulation should continue to distinguish between taxis, which can accept pre-booked fares, be hailed on the street and wait at ranks, and private hire vehicles, which can only accept pre-booked fares.

Yes, we agree that the two-tier system should be retained

REFORM OF DEFINITIONS OF SCOPE

Provisional proposal 2

London should be included, with appropriate modifications, within the scope of reform.

We believe it would be sensible to unite the whole of the country rather than have separate regimes.

Provisional proposal 3

The regulation of taxi and private hire vehicles should not be restricted to any particular type of vehicle but should rather focus on road transport services provided for hire with the services of a driver.

Agree

Question 4

Would there be (and if so what) advantages to restricting licensing to motor vehicles that require a driving licence?

No, there are other modes of transport that can be used for the carriage of passengers for hire and reward and theses should be included within the licensing structure i.e. rickshaws, horse drawn carriages etc.
Provisional proposal 5

Public service vehicles should be expressly excluded from the definition of taxi and private hire vehicles; and taxi and private hire vehicles should only cover vehicles adapted to seat eight or fewer passengers. (page 165 of the consultation document)

Agree

Provisional proposal 6

References to stage coaches charging separate fares should no longer feature as an exclusion from the definition of taxis. (page 166)

Agree

Provisional proposal 7

The Secretary of State should consider issuing statutory guidance to the Senior Traffic Commissioner about the licensing of limousines and other novelty vehicles to assist consistency.

We agree

Provisional proposal 8

The concept of "in the course of a business of carrying passengers" should be used to limit the scope of taxi and private hire licensing so as to exclude genuine volunteers as well as activities where transport is ancillary to the overall service. (page 168)

Agree

Question 9

How, if at all, should the regulation of taxis and private hire deal with:

(a) carpooling; and
(b) members clubs? (page 170)

We believe both should be excluded.

Provisional proposal 10

The power of the Secretary of State and Welsh Ministers to set national standards should be flexible enough to allow them to make exclusions from the taxi and private hire licensing regimes. (page 171)
Agree

Provisional proposal 11

Weddings and funerals should no longer be expressly excluded from private hire licensing through primary legislation. (page 172)

We disagree

Question 12

Would there be merits in reintroducing the contract exemption, by means of the Secretary of state and Welsh Ministers' exercise of the power to set national standards? If so, what modifications could be made to help avoid abuse? (page 174)

We do not believe it should be reintroduced. The previous exemption for contract hire was difficult to enforce and was seen as a loophole that bogus operators used to avoid the licensing regime.

Provisional proposal 13

Regulation of the ways taxis and private hire vehicles can engage with the public should not be limited to "streets". (page 175)

We agree that it should extend to any place where the hiring is made.

Question 14

Is there a case for making special provision in respect of taxi and private hire regulation at airports? In particular, where concessionary agreements are in place should airports be obliged to allow a shuttle service for passengers who have pre-booked with other providers, or to the closest taxi rank? (page 177)

We do not agree that there is a case for special provisions at airports.

Provisional proposal 15

The defining feature of taxis, the concept of "plying for hire", should be placed on a statutory footing and include:

(a) reference to ranking and hailing;

(b) a non-exhaustive list of factors indicating plying for hire; and

(c) appropriate accommodation of the legitimate activities of private hire vehicles (page 181)
Agree

Provisional proposal 16

The concepts of hailing and ranking should not cover technological means of engaging taxi services. (page 181)

Agree

Question 17

Would there be advantages to adopting the Scottish approach to defining taxis in respect of "arrangements made in a public place" instead of "plying for hire"? (page 182)

*We believe it would not because this would lead to a whole new era of case law defining public places.*

Provisional proposal 18

The concept of compellability, which applies exclusively to taxis, should be retained.

*Yes, we believe it should be retained, but any new legislation should also retain the provision for reasonably refusing to hire in order to protect drivers.*

Provisional proposal 19

Pre-booking would continue to be the only way of engaging a private hire vehicle and cover all technological modes of engaging cars. This is without prejudice to the continued ability of taxi to be pre-booked. (page 183)

*We agree in respect of private hire vehicles, but would suggest that prohibiting taxis from undertaking pre-booked work, would address the current problem of out of district taxis doing pre-booked work through a private hire operator - which is a problem in this area. It is our view that it would enhance public understanding of the two tiers if out of district taxis, are prevented from pre-booked work.*

Provisional proposal 20

Leisure and non-professional use of taxi and private hire vehicles should be permitted. There would however be a presumption that the vehicle is being used for professional purposes at any time unless the contrary can be proved. (page 184)

*We disagree*

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. (page 185)

*We consider that government Guidance will be necessary to ensure taxi and private hire legislation is applied consistently, especially given the proposals to allow cross border hiring.*

**Provisional proposal 22**

Reformed legislation should refer to "taxis" and "private hire vehicles" respectively. References to "hackney carriages" should be abandoned. (page 185)

*Agree*

**Question 23**

Should private hire vehicles be able to use terms such as "taxi" or "cab" in advertising provided they are only used in combination with terms like "pre-booked" and did not otherwise lead to customer confusion? (page 186)

*We agree that this would seem to be sensible given that the word "taxi" has become generically used by the public to describe the whole trade.*

**CHAPTER 15 – A REFORMED REGULATORY FRAMEWORK**

**Provisional proposal 24**

Taxi and private hire services should each be subject to national safety requirements. (page 188)

*Overall we would welcome national safety standards for taxis and private hire vehicles. This would protect the public by ensuring all licensed vehicles met a set national safety standard. It would remove incentives for drivers to try to play the system by being licensed in areas with lower standards and would help with enforcement of conditions across districts.*

*At present this Council sets its own conditions for both types of licensed vehicles. They are the same and cover safety standards as well as appearance to enable the public to differentiate the two types of licensed vehicles.*

*The proposal that in future the Council would continue to be able to set conditions over and above the national standards for taxis would allow us to continue to consider quality standards such as appearance, signage, fares etc. not just safety standards. However, this Council is concerned that it will not be able to impose conditions above the national standard on private hire vehicles.*

*As no details of what the national safety standards would be have been provided at this stage, it is difficult to fully support this proposal. This Council*
would suggest that to address this issue, quality standards should also form part of the national safety standards for all vehicles.

Provisional proposal 25

National safety standards, as applied to taxi services, should only be minimum standards. (page 189)

Agree

Provisional proposal 26

National safety standards, as applied to private hire services, should be mandatory standards. (page 189)

Agree

Provisional proposal 27

Private hire services would not be subject to standards except those related to safety. Requirements such as topographical knowledge would no longer apply to private hire drivers. (page 190)

We disagree and believe it is imperative that drivers know where they are going, and how to get there by the quickest route. There are many examples of drivers taking advantage of vulnerable passengers by overcharging. It is our experience that members of the public expect the drivers of public or private hire vehicles to know how to get to their destination by the shortest route. We would also wish to be able to require drivers to have a reasonable standard of English.

Question 28

Should local standard-setting for private hire services be specifically retained in respect of vehicle signage? Are there other areas where local standards for private hire vehicles are valuable? (page 190)

We believe it should be retained and would suggest that vehicle livery also be set locally.

Question 29

What practical obstacles might there be to setting common national safety standards for both taxis and private hire vehicles? (page 191)

We do not believe there would be any obstacles.

Question 30
Should national conditions in respect of driver safety be different for taxi services compared with private hire services? (page 192)

Yes

**Provisional proposal 31**

The powers of the Secretary of State and Welsh Minister to set standards for taxis and private hire vehicles should only cover conditions relating to safety. (page 192)

*Only if backed with the ability for Councils to attach conditions for other areas.*

**Provisional proposal 32**

The powers of the Secretary of State and Welsh Ministers to set national safety standards should be subject to a statutory consultation requirement. (page 193)

Yes

**Question 33**

What would be the best approach for determining the content of national safety standards? In particular should the statutory requirement to consult refer to a technical advisory panel? (page 193)

*We agree and would suggest a technical/advisory group which included representatives of local authorities.*

**Provisional proposal 34**

Licensing authorities should retain the power to set standards locally for taxis provided above the minimum national standards. (page 193)

Yes

**Question 35**

Should there be statutory limits to licensing authorities' ability to set local taxi standards? (page 194)

*We believe that it should remain a question of reasonableness and should remain at the discretion of the Council.*

**Question 36**

Should licensing authorities retain the power to impose individual conditions on taxi and private hire drivers or operators? (page 194)
Yes

**Question 37**

Should the powers and duties of licensing authorities to cooperate be on a statutory footing or is it best left to local arrangements? (page 195)

*No, it should be left to local cooperation.*

**Provisional proposal 38**

Neighbouring licensing authorities should have the option of combining areas for the purposes of taxi standard setting. (page 196)

*Yes*

**Provisional proposal 39**

Licensing authorities should have the option to create, or remove, taxi zones within their area. (page 196)

*No, the re-introduction of zoning would be an enforcement burden that we believe would be unnecessary.*

**Question 40**

Would it be useful for licensing authorities to have the power to issue peak time licences which may only be used at certain times of day as prescribed by the licensing authority? (page 197)

*We believe this proposal would create a disproportionate enforcement burden in having to stop non-peak drivers from working in peak times.*

**Provisional proposal 41**

Private hire operators should no longer be restricted to accepting or inviting bookings only within a particular locality; nor to only using drivers or vehicles licensed by a particular licensing authority. (page 198)

*We agree that PHOs should be allowed to accept/invite bookings outside their locality but would wish to see the ‘triple rule’ retained i.e all licences (operator, driver and vehicle) issued by the same local authority.*

**Provisional proposal 42**

We do not propose to introduce a "return to area" requirement in respect of out-of-area drop offs. (page 199)

*Disagree*
Provisional proposal 43

Licensing authorities should retain the ability to regulate maximum taxi fares. Licensing authorities should not have the power to regulate private hire fares. (page 200)

Agree

Question 44

Should taxis be allowed to charge a fare that is higher than the metered fare for pre-booked journeys? (page 200)

No

CHAPTER 16 – REFORM OF DRIVER, VEHICLE AND OPERATOR LICENSING

Question 45

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

(a) set out in primary legislation;

(b) included within the Secretary of State and Welsh Ministers' general powers to set national safety conditions? (page 203)

Left for Local Authorities to define

Provisional proposal 46

Vehicle owners should not be subject to "fit and proper" tests and the criteria applied would relate solely to the vehicle itself. (page 204)

Agree

Question 47

Should national vehicle safety standards 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? (page 205)

Set minimum standards in regulations and allow Councils to add to those by way of local additions.

Provisional proposal 48

Operator licensing should be retained as mandatory in respect of private hire vehicles. (page 207)

Agree

Question 49

Should operator licensing be extended to cover taxi radio circuits and if so on what basis? (page 208)

Yes it should on the basis that it would be equal between the two trades and would allow Councils to access bookings should a complaint be made by a customer.

Provisional proposal 50

The definition of operators should not be extended in order to include intermediaries. (page 209)

Agree

Question 51

Should "fit and proper" criteria in respect of operators to be retained? (page 210)

Yes

Provisional proposal 52

Operators should be expressly permitted to sub-contract services. (page 210)

We disagree

Question 53

Where a taxi driver takes a pre-booking directly, should record-keeping requirements apply? (page 210)
CHAPTER 17 – REFORMING QUANTITY CONTROLS

Provisional proposal 54

Licensing authorities should no longer have the power to restrict taxi numbers. (page 213)

*We disagree*

Question 55

What problems (temporary or permanent) might arise if licensing authorities lost the ability to restrict numbers? (page 213)

*There is a potential for increased emissions; congestion, illegal parking, and over ranking at popular locations.*

Question 56

Should transitional measures be put in place, such as staggered entry to the taxi trade over a schedule period of time, if quantity restrictions are removed? (page 215)

*Yes; or*

*Not necessary for taxis provided the Local authority can require any new vehicles meet stringent specifications i.e. age specifications – this would control the number of vehicles being presented for a licence.*

CHAPTER 18 – TAXI AND PRIVATE HIRE REFORM AND EQUALITY

Question 57

Should there be a separate licence category for wheelchair accessible vehicles? This could involve:

(a) a duty on the licensee to give priority to disabled passengers; and

(b) a duty on the licensing authority to make adequate provision at ranks for wheelchair accessible vehicles. (page 217)

*(a) No (b) Yes*

Question 58
Should licensing authorities offer lower licence fees for vehicles to meet certain accessibility standards? (page 217)

No

Question 59

Do you have any other suggestions for increasing the availability of accessible vehicles, and catering for the different needs of disabled passengers? (page 217)

No

Provisional proposal 60

We do not propose to introduce national quotas of wheelchair accessible vehicles. (page 218)

Agree

Provisional proposal 61

National standards for drivers of both taxis and private hire vehicles should include recognised disability awareness training. (page 219)

Agree

Provisional proposal 62

In order to better address concerns about discrimination, taxi and private hire vehicles should be required to display information about how to complain to the licensing authority. (page 219)

Agree

Question 63

What would be the best way of addressing the problem of taxi ignoring disabled passengers seeking to hail them? Could an obligation to stop, if reasonable and safe to do so, in specified circumstances help? (page 200)

Yes

CHAPTER 19 – REFORMING ENFORCEMENT

Question 64

Should authorised licensing officers have the power to stop licensed vehicles? (page 222)
Yes, but health and safety issues will need to be addressed.

Question 65

What more could be done to address touting? Touting refers to the offence "in a public place, to solicit persons to hire vehicles to carry them as passengers". (page 223)

Increase the penalties if convicted.

Question 66

Would it be desirable and practicable to introduce powers to impound vehicles acting in breach of taxi and private hire licensing rules? (page 223)

Agree

Question 67

Should licensing authorities make greater use of fixed penalty schemes and if so how?

Yes

Provisional proposal 68

Enforcement officers should have the powers to enforce against vehicles, drivers and operators licensed in other licensing areas. (page 225)

Agree

Question 69

Should cross-border enforcement powers extend to suspensions and revocation of licences? If so what would be the best way of achieving this? (page 226)

Yes; via inter authority authorisations

CHAPTER 20 – REFORM OF HEARINGS AND APPEALS

Provisional proposal 70

The right to appeal against decisions to refuse to grant or renew, suspend or revoke a taxi or private hire licence should be limited to the applicant or, as appropriate, holder of the relevant licence. (page 230)
Agree

Provisional proposal 71

The first stage in the appeal process throughout England and Wales, in respect of refusals, suspensions or revocations should be to require the local licensing authority to reconsider its decision. (page 231)

Disagree

Provisional proposal 72

Appeals should continue to be heard in the magistrates’ court. (page 232)

Agree

Question 73

Should there be an onward right of appeal to the Crown Court? (page 233)

Yes
To whom it may concern

We are a small family run business hiring out our classic and vintage cars for the enjoyment of numerous brides and their families. The proposed changes to Taxi and Private Hire Services will put us out of business along with many others, depriving not only the brides of the future, but also many people like ourselves of the income with which to maintain and cherish our classic and vintage vehicles.

At a time when pre 1960 cars are to become exempt from MOT testing, it seems ridiculous, why not keep an MOT for all cars regardless of age? much simpler and affordable.

We implore you to think again and consider our future brides and the fate of our classic cars.

Peter & Joan Yates
**Provisional proposal 1 (Page 160):** Regulation should continue to distinguish between taxis, which can accept pre-booked fares, be hailed on the street and wait at ranks, and private hire vehicles, which can only accept pre-booked fares.

Proposed response: Agreed.

**Provisional proposal 2 (Page 162):** London should be included, with appropriate modifications, within the scope of reform.

Proposed response: Agreed.

**Provisional proposal 3 (Page 164):** The regulation of taxi and private hire vehicles should not be restricted to any particular type of vehicle but should rather focus on road transport services provided for hire with the services of a driver.

Proposed response: Agreed.

**Question 4 (Page 164):** Would there be (and if so what) advantages to restricting licensing to motor vehicles that require a driving licence?

Proposed response: None, pedi-cabs and horse drawn vehicles would be excluded and safety issues may still arise.

**Provisional proposal 5 (Page 165):** Public service vehicles should be expressly excluded from the definition of taxi and private hire vehicles; and taxi and private hire vehicles should only cover vehicles adapted to seat eight or fewer passengers. (Page 165)

Proposed response: Agreed.

**Provisional proposal 6 (Page 165):** References to stage coaches charging separate fares should no longer feature as an exclusion from the definition of taxis.

Proposed response: Agreed.

**Provisional proposal 7 (Page 167):** The Secretary of State should consider issuing statutory guidance to the Senior Traffic Commissioner about the licensing of limousines and other novelty vehicles to assist consistency.

Proposed response: Agreed.

**Provisional proposal 8 (Page 168):** The concept of “in the course of a business of carrying passengers” should be used to limit the scope of taxi and private hire licensing so as to exclude genuine volunteers as well as activities where transport is ancillary to the overall service.

Proposed response: Agreed.
Question 9 (Page 170) How, if at all, should the regulation of taxis and private hire deal with:

   a) carpooling; and
   b) members clubs?

Proposed response:
   a) car pooling should not be licensed.
   b) member clubs should be covered by the regulations.

Provisional proposal 10 (Page 171) The power of the Secretary of State and Welsh Ministers to set national standards should be flexible enough to allow them to make exclusions from the taxi and private hire licensing regimes.

Proposed response: Agreed. If this were not possible and changes sought would require amendment to primary legislation which would cause significant delays. It is felt that proposed changes should be subject to consultation.

Provisional proposal 11 (Page 172) Weddings and funerals should no longer be expressly excluded from private hire licensing through primary legislation.

Proposed response: Agreed.

Question 12 (Page 174) Would there be merits in reintroducing the contract exemption, by means of the Secretary of State and Welsh Ministers’ exercises of the power to set national standards? If so, what modifications could be made to help avoid abuse?

Proposed response: There are merits in the Secretary of State having powers flexible enough to deal with exemptions. An exemption for public sector contracts would be sensible as would a list of specific exclusions, provided the exclusions were subject to consultation.

Provisional proposal 13 (Page 175) Regulation of the ways taxis and private hire vehicles can engage with the public should not be limited to “streets”.

Proposed response: Agreed.

Question 14 (Page 177) Is there a case for making special provision in respect of taxi and private hire regulation at airports? In particular, where concessionary agreements are in place should airports be obliged to allow a shuttle service for passengers who have pre-booked with other providers, or to the closest taxi rank?

Proposed response: This is not relevant to Sevenoaks District as there is no airport within the district.
Provisional response 15 (Page 181) The defining feature of taxis, the concept of “plying for hire”, should be placed on a statutory footing and include:
   a) references to ranking and hailing;
   b) a non-exhaustive list of factors indicating plying for hire; and
   c) appropriate accommodation of the legitimate activities of private hire vehicles.
Proposed response: Agreed.

Provisional proposal 16 (Page 181) The concepts of hailing and ranking should not cover technological means of engaging taxi services.
Proposed response: Agreed

Question 17 (Page 182) Would there be advantages to adopting the Scottish approach to defining taxis in respect of “arrangements made in a public place” instead of “plying for hire”?
Proposed response: Quite possibly but most people understand the concept of “plying for hire”.

Provisional proposal 18 (Page 182) The concept of compellability, which applies exclusively to taxis, should be retained.
Proposed response: Agreed.

Provisional proposal 19 (Page 183) Pre-booking would continue to be the only way of engaging a private hire vehicle and cover all technological modes of engaging cars. This is without prejudice to the continued ability of taxis to be pre-booked.
Proposed response: Agreed.

Provisional proposal 20 (Page 184) Leisure and non-professional use of taxis and private hire vehicles should be permitted. There would however be a presumption that the vehicle is being used for professional purposes at any time unless the contrary can be proved.
Proposed response: Agreed, however it must be very clear that the presumption is that the vehicle is being used for professional purposes at all times unless the driver can prove to the contrary. Also this should only be introduced if the enforcement powers for local authority are increased to empower an officer to stop a licensed vehicle.

Provisional proposal 21 (Page 185) The Secretary of State and Welsh Ministers should have the power to issue statutory guidance in respect of taxi and private hire licensing requirements.
Proposed response: Agreed.
Provisional proposal 22 (Page 185) Reformed legislation should refer to “taxis” and “private hire vehicles” respectively. References to “hackney carriages” should be abandoned.

Proposed response: Agreed.

Question 23 (Page 186) Should private hire vehicles be able to use terms such as “taxi” or “cab” in advertising provided they are only used in combination with terms like “pre-booked” and did not otherwise lead to customer confusion?

Proposed response: Taxi should remain for vehicles that ply for hire or may be hailed. There should be a clear distinction between private hire vehicles and taxis and the terms should not be merged.

A REFORMED REGULATORY FRAMEWORK

Provisional proposal 24 (Page 188) Taxi and private hire services should each be subject to national safety requirements.

Proposed response: Agreed.

Provisional proposal 25 (Page 189) National safety standards, as applied to taxi services, should only be minimum standards.

Proposed response: Agreed

Provisional proposal 26 (Page 189) National safety standards, as applied to private hire services, should be mandatory standards.

Proposed response: Agreed

Provisional proposal 27 (Page 190) Private hire services would not be subject to standards except those related to safety. Requirements such as topographical knowledge would no longer apply to private hire drivers.

Proposed response: Agreed

Question 28 (Page 190) Should local standard-setting for private hire services be specifically retained in respect of vehicle signage? Are there other areas where local standards for private hire vehicles are valuable?

Proposed response: Agreed, currently the Council has almost identical standards for Hackney Carriage and Private Hire vehicles.

Question 29 (Page 191) What practical obstacles might there be to setting common national safety standards for both taxis and private hire vehicles?

Proposed response: None.
**Question 30 (Page 192)** Should national conditions in respect of driver safety be different for taxi services compared with private hire services?

Proposed response: No.

**Provisional proposal 31 (Page 192)** The powers of the Secretary of State and Welsh Ministers to set standards for taxis and private hire vehicles should only cover conditions relating to safety.

Proposed response: Agreed.

**Provisional proposal 32 (Page 193)** The powers of the Secretary of State and Welsh Ministers to set national safety standards should be subject to a statutory consultation requirement.

Proposed response: Agreed.

**Question 33 (Page 193)** What would be the best approach for determining the content of national safety standards? In particular should the statutory requirement to consult refer to a technical advisory panel?

Proposed response: The most appropriate approach in determining the content of national safety standards is in consultation with all the relevant bodies including licensing authorities, private hire operators and representatives from each of the appropriate national associations. If it was possible to draw from these bodies a technical advisory panel which would give first consideration to any proposals before the formal consultation takes place this would be very helpful.

**Provisional proposal 34 (Page 193)** Licensing authorities should retain the power to set standards locally for taxis provided above the minimum national standards. (Page 193)

Proposed response: Agreed.

**Question 35 (Page 194)** Should there be statutory limits to licensing authorities’ ability to set local taxi standards?

Proposed response: Agreed.

**Question 36 (Page 194)** Should licensing authorities retain the power to impose individual conditions on taxi and private hire drivers or operators?

Proposed response: There may occasions where there are local issues which are not able to be covered in national conditions. However, it may be advisable that before this could be implemented it would require the agreement of the Secretary of State.

**Question 37 (Page 195)** Should the powers and duties of licensing authorities to cooperate be on a statutory footing or is it best left to local arrangements?
Proposed response: It would be extremely helpful if legislation made it easier for authorities to work together such as making it easier to enable delegations in one authority to be given to employees of other authorities.

Propositional proposal 38 (Page 196) Neighbouring licensing authorities should have the option of combining areas for the purposes of taxi standard setting.
Proposed response: Agreed.

Propositional proposal 39 (Page 196) Licensing authorities should have the option to create, or remove, taxi zones within their area.
Proposed response: This is not relevant to Sevenoaks District.

Question 40 (Page 197) Would it be useful for licensing authorities to have the power to issue peak time licences which may only be used at certain times of day as prescribed by the licensing authority?
Proposed response: This could be useful and should be explored as it could meet a potential need at peak hours. The vehicle could be highlighted by a different colour plate or some other clearly identifiable means.

Propositional proposal 41 (Page 198) Private hire operators should no longer be restricted to accepting or inviting bookings only within a particular locality; nor to only using drivers or vehicles licensed by a particular licensing authority.
Proposed response: Agreed.

Propositional proposal 42 (Page 199) We do not propose to introduce a “return to area” requirement in respect of out-of-area drop offs.
Proposed response: It is felt that all Taxis and Private Hire vehicles should return to their licensing authority area upon completion of their journey, otherwise the link to the local area could be lost and big national companies could take a far larger slice of the business which could lead to the loss of local companies and local service.

Propositional proposal 43 (Page 200) Licensing authorities should retain the ability to regulate maximum taxi fares. Licensing authorities should not have the power to regulate private hire fares.
Proposed response: Agreed.

Question 44 (Page 200) Should taxis be allowed to charge a fare that is higher than the metered fare for pre-booked journeys?
Proposed response: Agreed as long as the charge is agreed in advance.
REFORM OF DRIVER, VEHICLE AND OPERATOR LICENSING

Question 45 (Page 203) 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?

Proposed response: It should be set out in primary legislation.

Provisional proposal 46 (Page 204) Vehicle owners should not be subject to “fit and proper” tests and the criteria applied would relate solely to the vehicle itself.

Proposed response: Agreed.

Question 47 (Page 205) Should national vehicle safety standards 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? (Page 205)

Proposed response: It should be set out in primary legislation.

Provisional proposal 48 (Page 206) Operator licensing should be retained as mandatory in respect of private hire vehicles.

Proposed response: Agreed.

Question 49 (Page 208) Should operator licensing be extended to cover taxi radio circuits and if so on what basis?

Proposed response: Yes, it is important for parity with the private hire trade. There are no logical arguments why this should not be the case. There is a strong argument with respect to public safety.

Provisional proposal 50 (Page 209) The definition of operators should not be extended in order to include intermediaries.

Proposed response: Agreed.

Question 51 (Page 209) Should “fit and proper” criteria in respect of operators be retained?

Proposed response: Agreed.

Provisional proposal 52 (Page 210) Operators should be expressly permitted to sub-contract services.

Proposed response: Agreed.
Question 53 (Page 210) Where a taxi driver takes a pre-booking directly, should record-keeping requirements apply?
Proposed response: Agreed. There is no difference between this arrangement and that which the private hire trade are subject to.

REFORMING QUANTITY CONTROLS

Provisional proposal 54 (Page 213) Licensing authorities should no longer have the power to restrict taxi numbers.
Proposed response: Agreed.

Question 55 (Page 213) What problems (temporary or permanent) might arise if licensing authorities lost the ability to restrict numbers?
Proposed response: This would not affect Sevenoaks District.

Question 56 (Page 215) 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?
Proposed response: This would not affect Sevenoaks District but where there are restrictions we believe this would prove helpful.

TAXI AND PRIVATE HIRE REFORM AND EQUALITY

Question 57 (Page 217) Should there be a separate licence category for wheelchair accessible vehicles? This could involve:
   (1) A duty on the licensee to give priority to disabled passengers; and
   (2) A duty on the licensing authority to make adequate provision at ranks for wheelchair accessible vehicles.
Proposed response: Agreed. It would seem appropriate that anyone hailing a taxi or putting up to the rank had an appropriate vehicle to be able to carry a disabled person with a wheelchair. However, where authorities currently do not have sufficient provision there should be a phased introduction of appropriate vehicles.

Question 58 (Page 217) Should licensing authorities offer lower licence fees for vehicles which meet certain accessibility standards?
Proposed response: It may be helpful for local authorities to encourage certain types of Private Hire vehicles to be disabled friendly.

Question 59 (Page 217) Do you have any other suggestions for increasing the availability of accessible vehicles, and catering for the different needs of disable passengers?
Proposed response: It may be helpful to require all new vehicles to be disabled friendly.
Provisional proposal 60 (Page 218) We do not propose to introduce national quotas of wheelchair accessible vehicles.

Proposed response: This may assist local authorities in achieving a greater number of wheelchair accessible vehicles.

Provisional proposal 61 (Page 219) National standards for drivers of both taxis and private hire vehicles should include recognised disability awareness training.

Proposed response: Agreed.

Provisional proposal 62 (Page 219)

In order to better address concerns about discrimination, taxis and private hire vehicles should be required to display information about how to complain to the licensing authority.

Proposed response: Agreed.

Question 63 (Page 220) What would be the best way of addressing the problem of taxis ignoring disabled passengers seeking to hail them? Could an obligation to stop, if reasonable and safe to do so, in specified circumstances, help?

Proposed response: Agreed.

REFORMING ENFORCEMENT

Question 64 (Page 222) Should authorised licensing officers have the power to stop licensed vehicles?

Proposed response: We strongly agree to this as Police resources are stretched and therefore their ability to support licensing authorities in their enforcement is more limited as they prioritise their activities.

Question 65 (Page 223) What more could be done to address touting? Touting refers to the offence “in a public place, to solicit persons to hire vehicles to carry them as passengers”.

Proposed response: This is not an issue with our area.

Question 66 (Page 223) Would it be desirable and practicable to introduce powers to impound vehicles acting in breach of taxi and private hire licensing rules?

Proposed response: We agree in principle but there will need to be specific procedures relating to issues such as where and how long the vehicles would be kept, return or sale, cost recovery etc.

Question 67 (Page 225) Should licensing authorities make greater use of fixed penalty schemes and if so how?
Proposed response: Agreed as this is a cost effective method of dealing with minor offences.

Provisional proposal 68 (Page 225) Enforcement officers should have the powers to enforce against vehicles, drivers and operators licensed in other licensing areas.
Proposed response: Agreed.

Question 69 (Page 226) Should cross-border enforcement powers extend to suspensions and revocation of licences? If so what would be the best way of achieving this?
Proposed response: The principle of cross-border enforcement powers extending to suspensions and revocation of licenses is a good idea. The view of this authority is that the option of formal procedures for cross-border co-operation as set out in paragraph 19.25 is the most appropriate way forward. This is because it brings an element of formality to the system and also requires other licensing authorities to take action.

REFORM OF HEARINGS AND APPEALS

Provisional proposal 70 (Page 230) The right to appeal against decision to refuse to grant or renew, suspend or revoke a taxi or private hire licence should be limited to the applicant or, as appropriate, holder of the relevant licence.
Proposed response: Agreed.

Provisional proposal 71 (Page 231) The first stage in the appeal process throughout England and Wales, in respect of refusals, suspensions or revocations should be to require the local licensing authority to reconsider its decision.
Proposed response: Agreed.

Provisional proposal 72 (Page 232) Appeals should continue to be heard in the Magistrates’ Court.
Proposed response: Agreed.

Question 73 (Page 233) Should there be an onward right of appeal to the Crown Court?
Proposed response: Agreed but only on specific issues.
South Northamptonshire Council Response to:
The Law Commission's consultation – Reforming the law of taxi and private hire services 2012

PP1. We do not agree and would prefer a system with a single licensing regime with no distinction between taxis and private hire vehicles. This would be simpler to manage and enforce. Our national licensing regime only exists in its current form because it has evolved from very old legislation.

Many of the proposals are based on the assumption that the existing dual licence regime continues. Out of necessity, and to avoid repetition, we have responded therefore accordingly, but you should note that our overarching response is that there should be one type of licence.

PP2 We see no reason why London should not be included. National standards should be national standards.

PP3 We believe this should be restricted to Taxi and Private Hire vehicles. We do not have the capacity or expertise to include all public service vehicles, especially in relation to vehicle inspections etc.

Q4. We see no advantage to restricting to motor vehicles only as long as other modes of transport e.g. pedicabs have the appropriate public liability insurance and comply with associated conditions.

PP5 Agree

PP6 Agree

PP7 Yes. Different authorities have different arrangements. At the moment we license our limousines but we are aware other of authorities that don’t. needs consistency.

PP8 Yes. We cannot see why for example a pub or club should not provide their own transport for customers as long as appropriate insurances are in place.

Q9 a) This depends whether this is for profit or not. If it is just a case of users taking turns with their vehicles or contributing to cover the cost of the petrol then we see no need for regulation.
b) Wee see this more of an insurance issue rather than a licensing issue. They are not taxi’s or private hire vehicles so why treat them as such.

PP10. Yes

PP11 We believe that they should be excluded if they are only used for that specific purpose.

Q12 We would not want to see this exemption being reintroduced. We are now in a position where we can ensure all drivers are appropriately checked and are fit and proper persons.
PP13  Agree. If limited to streets it would allow opportunities for private hire flagging on private car parks e.g. in a night club car park.

Q14  We are unable to provide a detailed view on this subject as we do not have practical experience of this issue. It does however seem to be a reasonable proposal.

PP15  Agree to this if a two tier system is maintained.

PP16  We disagree. We consider that the use of technology must be accommodated in a rapidly changing and evolving world and cannot be ignored. Technology should be used wherever possible to enhance customer service and provide greater access to public transport.

Q17  We do not see any advantages. This replaces one definition with another and with the inevitable subsequent need for fresh interpretation.

PP18  Agree it should remain

PP19  Agree. No change (but please note our preference for a single licence regime).

PP20  Agree. Many owners/drivers cannot afford two vehicles. Consideration should be given in relation to markings so that a vehicle could be anonymised relatively easily or by introducing “not in use” signage which instantly makes it clear that the vehicle is not available for business.

PP21. Agree

PP22  Agree. The word Taxi should be used. ‘Hackney’ just creates another term to add confusion

PP23  Agree. Using different names causes too much confusion for the public and those not familiar their actual meanings.

PP24  Yes

PP25  Agreed but it is essential that the national minimum standards are set at a sufficiently high enough level to obviate the need for additional local safety standards.

PP26. This is agreed as failure to introduce as a national mandate will lead to inconsistency.
PP27. We do not agree to this. There should be knowledge of the local area and what the conditions set in that local area are.

Q28 Yes we agree. Having local signage retains local identity for the district’s vehicles (e.g. may make the vehicles distinctive). Local standards have often been developed over a long period of time and maybe important for a district’s identity or culture.

Q29 In principle we cannot see the problem with a National Safety Standard but it would need to satisfy conditions set locally bearing in mind the particular issues in the area. There should be a period of grace to allow existing vehicles to meet the standard where it exceeds local conditions.

Q30 No. they should be the same. To have a difference would imply one is safer than the other.

PP31 Yes

PP32 Yes

Q33 There should be consultation and a technical panel as there needs to be hard evidence, provided by experts. as well as opinion.

PP34 Yes. We would not want to reduce our standards if they are higher than the National minimum but it our view that with careful and considered consultation standards (particularly safety standards) should be sufficient to avoid the need for additional local standards.

There should be discretion to set certain local standards, but there should be a transparent mechanism in place which ensures that these are justifiable.

Q35 This should not be necessary if carefully thought out standards are set in the first instance.

Q36 Yes, see PP25 – PP34 and Q35.

Q37 This should be left to local arrangements

PP38 Agree

PP39 We have no views on this, although we see no advantages of taxi zones and believe that this is a matter for market forces.

Q40 No, we cannot see the benefits and feel it would be difficult to enforce.

PP41 We agree in principle, although we are concerned about the effects that this could have and see that this needs careful thought and should be
supplemented with an extension of powers of officers to enforce cross boundary.

The following should be considered:

- the effect on the local economy and potential reduction of the availability of local public transport services (especially in a rural area).
- whether there would actually be a need for local licensing at all if this was no longer restricted

PP42 Disagree, we believe this is currently not happening and technology will impact on the relevance of this in the future.

PP43 This depends on whether there is a single licence regime, but if not we should have the ability to set a maximum for PH fares as with Taxi fares.

PP44. Firstly there should not be different regime for taxi and PH vehicles; both should be the same. We believe that negotiated fares in specific circumstances are part of a contractual arrangement which is normal business practice between a customer and a supplier.

Q45 b) this would take the onus off the licensing authority.

PP46 Agree. The most critical check is ensuring that the driver is “fit and proper”. An owner, who is not the driver, does not have any interaction with the passenger in the vehicle.

Q47 b)

PP48 Yes. It is a method of control and regulation (in a regime where there are two licences).

Q49 We do not have a view on this.

PP50 Agree

Q51 Yes. Need to establish their suitability.

PP52 Yes. Subcontracting happens now and it doesn’t cause a problem.

Q53 Yes and should be agreed nationally. This can be essential should an incident occur.

PP54 Agree

Q55 there maybe an initial increase in numbers but believe this would level out as market forces prevail. Effective national standards and conditions should ensure numbers do not get out of control.
Q56 we have no view

Q57 (1) this should not be mandatory but should be included in robust and more comprehensive driver awareness training
(2) This should be dealt with in other ways such as encouraging greater numbers of wheelchair accessible vehicles in fleets and better spacing on ranks

Q58 No.

Q59 possibly by national incentive/grants/reduction in tax?

PP60 Agree

PP61 Yes, and this should be consistent and apply to all.

PP62 We agree with this but feel it may be impractical on PH vehicles so some thought would need to be given as to where that information would need to be displayed. It should also include general information on what is expected of drivers and passengers (as in London cabs)

Q63 There is already an obligation to stop. These issues are discussed at our induction course. If a problem occurs the victim can complain and we will investigate and take appropriate action. However, we would not be against a nationally set obligation.

Q64 Yes but we would query how a driver would be expected to recognise that he is being stopped by an authorised officer, who will not be in uniform as would a police officer. Safety aspects should also be addressed.

Q65 It is already an arrestable offence. The problem seems to be more about a lack of police resources to enforce.

Q66 Yes. We already have the power to suspend or revoke but we cannot be sure the vehicle is not still being used. Impounding would ensure the vehicle is not being used until rectifications made.

Q67 Yes, we would welcome the ability of Authorised officers to issue FPN’s for minor offences.

PP68 Yes. If national standards are in place then it would be more straightforward to enforce across areas, particularly if fixed penalty notices could also be used.

Q69 Yes. This also would require standardisation of forms and there would have to be robust and demonstrable competency frameworks in place for all officers to ensure a consistent approach

PP70 Yes
There should be robust procedures, regular peer review and safeguards in place, together with competent, trained officers to ensure that the correct decision was made.

There should therefore be no need for the licensing authority to reconsider its decision.

PP72 Yes

Q73 Yes.

7 September 2012
South Northamptonshire Council
Dear Sirs

I am writing in response to your consultations into the taxi and private hire trade.

Having read your 73 proposals my answers are as follows:

1. Agree with retaining two tier system.
2. Agree to London being included, with modifications.
3. No vehicle type restriction - onus on Local Authority.
4. Agree with restricting vehicles to those that require a driving license.
5. Agree with excluding PSV and including vehicles seating up to 8 passengers.
6. Non-committal about references to stage coaches.
7. Disagree with statutory guidance about novelty vehicles.
8. Disagree with excluding volunteers from legislation.
9. Disagree with including (a) car pooling and (b) members clubs.
10. Disagree with making exclusions to national standards.
11. Agree that weddings and funerals should no longer be excluded.
12. Disagree with reintroducing the contract exemption.
13. Disagree, keep scope of engaging with public to "streets".
14. No special provision in respect of regulation at airports.
15. Agree with "plying for hire" being placed on a statutory footing.
16. Disagree that hailing and ranking should not cover technological means.
17. No advantages in adopting the Scottish approach to defining taxis.
18. Agree that the concept of compellability should be retained.
19. Agree that pre-booking is required for private hire vehicle.
20. Agree that non-professional use should be permitted.
21. No, Ministers should not have the power to issue statutory guidance.
22. No, should not refer to "hackney carriages" as "taxis".
23. No, private hire vehicles should not use terms such as "taxi" or "cab".
24. Yes to national safety requirements.
25. Yes, national safety standards should be minimum standards.
26. Yes, national safety standards should be mandatory.
27. Disagree, knowledge is a safety concern.
28. Agree with local standards for signage, but restrict top signs to hackneys. All vehicles not engaged in contract work should have metered fares fixed by Local Authority.
29. No practical obstacles to common national safety standards.
30. No difference in safety standards between hackney and private hire.
31. Yes, the powers of Ministers to set standards should only relate to safety.
32. Yes, the powers of Ministers should be subject to statutory consultation.
33. Yes, a statutory requirement to refer to a technical advisory panel.
34. Yes, licensing authorities should retain the power to raise standards.
35. Yes, statutory limits to licensing authorities’ ability to set local standards.
36. Yes, licensing authorities retain the power to impose conditions.
37. No, cooperation between licensing authorities is best left to local arrangements.
38. No combining of local areas for the purposes of taxi standard setting.
39. No, licensing authorities should not have an option on taxi zones.
40. No peak time licences.
41. No, keep restrictions on private hire operators to their locality.
42. Agree, for all the reasons stated in the proposals, as well as the fact that use of modern technology becomes obsolete in many respects if cars are forced to return to area.
43. Local authorities should regulate maximum fares in all vehicles.
44. Yes, there might be out of town fees for parking and congestion charges.
45. National driver safety standards should be set out in primary legislation.
46. Disagree, the First Proprietor should be subject to "fit and proper" tests.
47. National vehicle safety standards should be set out in primary legislation.
48. Yes, operator licensing should be mandatory for private hire vehicles.
49. No, operator licensing not extended to cover taxi radio circuits.
50. Agree, the definition of operators not extended to include intermediaries.
51. Yes, the "fit and proper" criteria in respect of operators retained.
52. No, operators should not be expressly permitted to sub-contract services.
53. No to keeping records of journeys pre-booked with hackneys.
54. Disagree, licensing authorities should retain the power to limit numbers.
55. In Cambridge the licensing authority stopped restricting numbers, and it lead directly to over-ranking, pollution, congestion, and drivers working longer and unsafe hours.
56. No removal of quantity restrictions.
57. (1) No, all customers have equal priority. (2) No, the requirement already exists.
58. No, there should be no reduced license fee for accessible vehicles.
59. The differing needs of passengers can only be met by providing a range of vehicle types.
60. Agree with no national quotas of wheelchair accessible vehicles.
61. Agree that all drivers should have disability awareness training.
62. Agree with displaying information about complaint procedures.
63. No, the obligation to stop for any customer already exists.
64. Yes, licensing officers should have the power to stop vehicles.
65. Better signage on private hires and better enforcement along with greater public awareness.
66. No, it is impractical to introduce powers to impound vehicles.
67. No, licensing authorities should not use fixed penalty schemes.
68. Yes, but this does not imply agreement with mixing licenses from different authorities.
69. No, only the issuing authority should have the power to suspend or revoke a license.
70. No, the right to appeal should not be limited to the applicant or license holder.
71. Yes, a first appeal should require the licensing authority to reconsider.
72. Yes, appeals should continue to be heard in the magistrates’ court.
73. Yes, there should be an onward right of appeal to the Crown Court.

Yours faithfully,

Andy Cundell
Cambridge Licensed Taxi Proprietor.
OVERVIEW OF PROVISIONAL REFORM PROPOSALS

Provisional proposal 1

Regulation should continue to distinguish between taxis, which can accept pre-booked fares, be hailed on the street and wait at ranks, and private hire vehicles, which can only accept pre-booked fares. 

1. Licensed hackney carriages plus all private hire vehicles that are currently engaged on normal type ‘taxi’ work, ie working on radio circuits taking telephone booking should be licensed as a ‘TAXI’. This will prevent any misunderstanding by members of the general public and make enforcement more efficient.

2. Private hire status should be restricted to only luxury chauffeur driven limousine and stretched limos that accept pre-booking. Volunteer drivers who work on a full time basis and are technically working “in the course of business” should also be licensed as a private hire vehicle.

3. All other voluntary service cars, wedding & funeral vehicles, vintage vehicles such as old cars, fire engines, old buses & coaches or animal drawn (motorised or not) that are used for ‘hire and reward’ should be registered with the Local Authority or Traffic Commissioners, so that their details are known. Local Authorities or Traffic Commissioners should also keep a register of the driver’s details.

REFORM OF DEFINITIONS AND SCOPE

Provisional proposal 2

London should be included, with appropriate modifications, within the scope of reform. 

It would seem sensible to include London within the scope of these reforms.

Provisional proposal 3

The regulation of taxi and private hire vehicles should not be restricted to any particular type of vehicle but should rather focus on road
transport services provided for hire with the services of a driver. (Page 164)

The only way of giving the general public freedom of choice over what type of vehicle they would like to hire is by Local Authorities or Traffic Commissioners licensing a mixed fleet of vehicles. When deciding on vehicle type and safety specifications, Local Authorities or Traffic Commissioners should not only consider the needs of consumers but also the effect that the proposed vehicle specifications will have on the taxi and private hire trade.

Question 4

Would there be (and if so what) advantages to restricting licensing to motor vehicles that require a driving licence? (Page 164)

All passenger-carrying vehicles that do not require a driving licence, which are used for ‘hire and reward’ should be registered with the Local Authority or Traffic Commissioners as stated in Provisional Proposal 1 (3) above.

Provisional proposal 5

Public service vehicles should be expressly excluded from the definition of taxi and private hire vehicles; and taxi and private hire vehicles should only cover vehicles adapted to seat eight or fewer passengers. (Page 165)

There is no justifiable reason why public service vehicles should be included in taxi and private hire vehicle legislation. Taxis and private hire vehicles should be restricted to a maximum of eight seats provided that passengers have unimpeded access to each and every seat.

Provisional proposal 6

References to stagecoaches charging separate fares should no-longer feature as an exclusion from the definition of taxis. (Page 166)

There is no justifiable reason why stagecoaches should be included in taxi and private hire vehicle legislation.

Provisional proposal 7

The Secretary of State should consider issuing statutory guidance to the Senior Traffic Commissioner about the licensing of limousines and other novelty vehicles to assist consistency. (Page 167)

Local Authorities or Traffic Commissioners should use the private hire vehicle licence to regulate chauffeur driven limousines, stretched limousines, executive cars as stated in Provisional Proposal 1 (2) above.
Voluntary service cars, wedding & funeral vehicles, vintage vehicles such as old cars, fire engines, old buses & coaches and animal drawn vehicles should be registered with the Local Authority or Traffic Commissioners as stated in Provisional Proposal 1 (3) above.

Provisional proposal 8

The concept of “in the course of a business of carrying passengers” should be used to limit the scope of taxi and private hire licensing so as to exclude genuine volunteers as well as activities where transport is ancillary to the overall service. (Page 168)

Genuine volunteer drivers who are not technically working “in the course of business” should be exempt from the licensing regulations and be registered under Provisional Proposal 1 (3) above. However those drivers who are volunteering on a full time basis and are technically working “in the course of business” should come under the private hire category as stated in Provisional Proposal 1 (2) above.

Furthermore owners and drivers of classic taxis and cars that might be occasionally hired by members of the general public for weddings and special occasions, etc should (providing it is only done at an amateur level and only in order to cover the cost of maintaining the vehicle) be registered under Provisional Proposal 1 (3) above.

Question 9

How, if at all, should the regulation of taxis and private hire deal with:

(a) carpooling; and

Providing that the driver of the vehicle is already travelling to the destination at the same time for his/her own purposes and only charges no more than the maximum allowable by HM Revenue for expenses then they should be excluded from any licensing resume.

(b) member’s clubs? (page 107)

If the club is running as a business to make a profit for the club funds, then the hiring should come within the licensing resume and be licensed under Provisional Proposal 1 (2) above.

If the clubs only interest is to put interested parties together who are going to the same destination at the same time and only charges the maximum allowable by HM Revenue for expenses, then they should be excluded from any licensing resume.
Provisional proposal 10

The power of the Secretary of State and Welsh Ministers to set national standards should be flexible enough to allow them to make exclusions from the taxi and private hire licensing regimes. (Page 171)

The Secretary of State and Welsh Ministers should only set new national standards or exclusions provided that they are the same throughout England and Wales and only after consulting with the trade and interested stakeholders.

Provisional proposal 11

Weddings and funerals should no-longer be expressly excluded from private hire licensing through primary legislation. (Page 172)

Dedicated Wedding and Funeral vehicles should remain expressly excluded from private hire licensing but should be registered under Provisional Proposal 1 (3) above.

Should they wish to use their vehicles for any other luxury chauffeur driven limousine hiring then they will need to be compliant under the private hire category as stated in Provisional Proposal 1 (2) above.

Question 12

Would there be merits in reintroducing the contract exemption, by means of the Secretary of State and Welsh Ministers’ exercise of the power to set national standards? If so, what modifications could be made to help avoid abuse? (Page 174)

No. They should be either licensed as taxis or private hire vehicles as stated in Provisional Proposal 1 (1) & (2) above.

Provisional proposal 13

Regulation of the ways taxis and private hire vehicles can engage with the public should not be limited to “streets”. (Page 175)

Agreed.

Question 14

Is there a case for making special provision in respect of taxi and private hire regulation at airports? In particular, where concessionary agreements are in place should airports be obliged to allow a shuttle service for passengers who have pre-booked with other providers, or to the closest taxi rank? (Page 177)
Airports should not have exclusive contracts with a single contractor for taxi or private hire services but should be open to allow independent taxis to operate from public ranks.

Provisional proposal 15

The defining feature of taxis, the concept of “plying for hire”, should be placed on a statutory footing and include:

Yes it should so that driver’s know exactly what they can and cannot do, where and when they can ‘ply for hire’.

(a) references to ranking and hailing;

The practice of Local Authorities enforcing the front car policy at taxi ranks should stop.

When customers hire taxis from taxi ranks they are generally required to take the first taxi on the rank, this is convention rather than a legal requirement, which leaves no scope for consumer choice and should be changed. If the customer has no preference then they should go to the first taxi on the rank.

However, consumer choice is especially important in smaller towns where people know each other; some people may not want to use certain drivers, vehicles or firms. The customer needs to be able to exercise their right to choose whichever taxi they wish to hire from the rank, in the same way that they have when booking a taxi over the telephone. The inherent nature of the first in, first out rule at taxi ranks puts the customer in a weak bargaining position, which prevents them taking the taxi of their choice whether it be for the type of vehicle, the service provided, their favoured company or the price.

Furthermore if a customer requires a specific type of taxi like facilitating the loading of a wheelchair or pushchair or carrying more than four people and the required taxi isn’t at the front of the rank, are they expected to wait until the front cars move off the rank? This could be up to 30 minutes or more in the current economic climate. The Disability Discrimination Act/Equalities Commission would, I assume, see this as unacceptable. Plus many older people are unable to get into multi-seater taxis and therefore prefer a saloon car. After all no one tells us which butcher to use or which pub to drink in.

(b) a non-exhaustive list of factors indicating plying for hire; and

Agree.

(c) appropriate accommodation of the legitimate activities of private hire vehicles. (Page 181)

Agree
Provisional proposal 16

The concepts of hailing and ranking should not cover technological means of engaging taxi services. (Page 181)

Agreed, ‘plying for hire’ should relate only to being hired personally at a taxi rank (on street or private land), flag down (on street or private land) or approached direct by a prospective passenger (on street or private land).

Question 17

Would there be advantages to adopting the Scottish approach to defining taxis in respect of “arrangements made in a public place” instead of “plying for hire”? (Page 182)

No, Scottish Law is totally different to English Law with different concepts and meanings.

Provisional proposal 18

The concept of compellability, which applies exclusively to taxis, should be retained. (Page 182)

Yes it should, but retaining the provision to refuse a hiring were driver safety is in question or that the hiring would prevent the driver carrying out pre-booked work, (for example by an independent owner taxi driver).

The concept of compellability should also apply to when the taxi is on the taxi rank. This would give customers much more choice when hiring at taxi ranks and stop the unofficial front car policy, which is operated at many taxi ranks, and enforced by local authorities. If a prospective customer wishes to hire a taxi (irrespective of its position on the rank) approaches a driver the driver should be able to take the hiring and not have to refuse the fare by sending the customer to the front taxi on the rank.

Provisional proposal 19

Pre-booking would continue to be the only way of engaging a private hire vehicle and cover all technological modes of engaging cars. This is without prejudice to the continued ability of taxis to be pre-booked. (Page 183)

Agreed

Provisional proposal 20

Leisure and non-professional use of taxis and private hire vehicles should be permitted. There would however be a presumption that the
vehicle is being used for professional purposes at any time unless the contrary can be proved.’ (Page 184)

Agree, however the burden of proof would far out weigh the advantage suggested by this proposal. It would be far better to keep the current system (operating in England and Wales) of the driver having to hold the appropriate taxi or private hire vehicle licenses. If you are driving a bus or lorry for leisure or non-professional use, you still have to have the appropriate licenses.

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. (Page 185)

Provided that the guidance is applicable throughout England and Wales so that the trade as a whole understand the law or regulations and what is required of them.

Provisional proposal 22

Reformed legislation should refer to “taxis” and “private hire vehicles” respectively. References to “hackney carriages” should be abandoned. (Page 185)

Agree.

Question 23

Should private hire vehicles be able to use terms such as “taxi” or “cab” in advertising provided they are only used in combination with terms like “pre-booked” and did not otherwise lead to customer confusion? (Page 186)

No, this will confuse an already confused public regarding taxis and private hire vehicles. All private hire vehicles that are currently engaged on normal type ‘taxi’ work, ie working on radio circuits taking telephone bookings should be licensed as a ‘TAXI’. This will prevent any misunderstanding by members of the general public and make enforcement more efficient as stated in Provisional Proposal 1 (1) above.

A REFORMED REGULATORY FRAMEWORK

Provisional proposal 24

Taxi and private hire services should each be subject to national safety requirements. (Page 188)
Agree, however all taxis and private hire vehicles should conform to the same safety standard throughout England and Wales so that should a driver wish to move from one licensing district to another, he knows that his/her vehicle will comply.

Provisional proposal 25

National safety standards, as applied to taxi services, should only be minimum standards. (Page 189)

No, safety standards should not just be a minimum standard but a universally accepted standard to protect both driver and passengers alike.

Provisional proposal 26

National safety standards, as applied to private hire services, should be mandatory standards. (Page 189)

Yes, and should not be a minimum standard but a universally accepted standard to protect both driver and passengers alike.

Provisional proposal 27

Private hire services would not be subject to standards except those related to safety. Requirements such as topographical knowledge would no-longer apply to private hire drivers. (Page 190)

Disagree, private hire vehicle drivers should be subject to the same high standards as taxi drivers including topographical knowledge. Otherwise the private hire trade could be run by cowboy or criminal organisations. Who wants a private hire vehicle driver who does not know where they are going and take advantage of the customer by going via the longest route and over charging them?

Question 28

Should local standard-setting for private hire services be specifically retained in respect of vehicle signage? Are there other areas where local standards for private hire vehicles are valuable? (Page 190)

If private hire vehicles are not licensed as taxis as stated in Provisional Proposal 1 (1) above than a national taxi and private hire vehicle signage should be developed so that member’s of the general public know exactly which vehicle is which. For example taxis (except purpose built taxis) could have only white roof signs with the word ‘Taxi’ on it and private hire vehicles have a yellow roof sign with the words ‘Private Hire’ on it. Also white and yellow side plates for the respective vehicles, with the yellow plates in forming passengers that they have to pre-book the private hire vehicle.
Question 29

What practical obstacles might there be to setting common national safety standards for both taxis and private hire vehicles? (Page 191)

There should no be problem setting a national standard for both taxis and private hire vehicles. Passengers should expect to be no less safe in a vehicle from one local authority than that from another.

**For example: Multi-seater vehicles**

Under current legislation a two-door saloon car cannot be licensed as a taxi or private hire vehicle because there are no direct entry/exit doors to or from the rear seats, access is gained by tipping the front seats forward.

However some local authorities will licence a 7 or 8-seater vehicle with the same rear seat configuration as that of a two door saloon car. That is where the centre-seats have to be tipped forward or stowed away to allow free access to and from the rear seats which, do not have their own direct entry/exit doors. All multi-seater fare-paying passenger-carrying vehicles licensed by Local Authorities or Traffic Commissioners should have unimpeded entry/exit access to all seats.

In a letter to me dated 11th January 1999 Ref: g:\roadsafe\tech\coaches\Thorolet.doc RoSPA stated. *“It is the Society’s view that all vehicles designed or used for public transport, and in this category we include Hackney and Private Hire Vehicles, should provide adequate and ready means of access to each and every seat.” “Thus the use of MPV’s, regardless of their size or configuration should enable each and any passenger to exit from the vehicle without recourse to other passengers leaving their seats, or for other seats to be stowed before this exit is made available.”*

*“RoSPA has been, and remains concerned about the general laxity with which many local authorities handle their Hackney and Private Hire and contracted transport operations.” “The Society receives many thousands of enquires each year, a disproportionate number relating directly to safety issues in respect of transport ‘bought’ by the public.” “Undoubtedly driving standards as well as vehicle types, ages and condition remain much in evidence in the enquiries we receive.” “…..”*

In a written report to Hastings Borough Council’s Public Transport Forum Ref: PHV.SAM H:\GROUP2\JO\COMMIT\TFORUM\990111, dated 11th January 1999 by the Head of Environment and Highways under paragraph 2.9 it states. *“The issue has been discussed with Sussex Police who have responded as follows:*

*“Sussex Police would support a condition imposed on private hire vehicles or taxis, by Local Authorities which enhances road safety,*
including conditions to ensure passengers direct access to a door for safe egress in the case of an emergency.”

Question 30

Should national conditions in respect of driver safety be different for taxi services compared with private hire services? (Page 192)

No.

Provisional proposal 31

The powers of the Secretary of State and Welsh Ministers to set standards for taxis and private hire vehicles should only cover conditions relating to safety. (Page 192)

No, the standards for all taxi and private hire vehicles should be to an acceptable high standard (not just safety related) throughout England and Wales so that the trade as a whole understands the law or regulations and what is required of them. Why should passengers in some parts of England and Wales get a lower standard of service than they would in another area?

Provisional proposal 32

The powers of the Secretary of State and Welsh Ministers to set national safety standards should be subject to a statutory consultation requirement. (Page 193)

Yes, national safety standards for the taxi and private hire trade should be subject to consultation so as to get a consensus of opinion from all interested parties so as to obtain an acceptably high safety standard.

Question 33

What would be the best approach for determining the content of national safety standards? In particular should the statutory requirement to consult refer to a technical advisory panel? (Page 193)

The question of the statutory requirement to consult a technical panel is fine provided that it is made up a cross section of members from all parts of the taxi and private hire trade and stakeholders.

Provisional proposal 34

Licensing authorities should retain the power to set standards locally for taxis provided above the minimum national standards. (Page 193)
National standards for all taxi and private hire vehicles should be to an acceptable high standard (not just to a minimum standard) throughout England and Wales. Why is there a need to allow licensing authorities to continue to impose the same situation we have suffered for the last 165 years with every authority setting its own standards above a national minimum requirement?

Question 35

Should there be statutory limits to licensing authorities’ ability to set local taxi standards? (Page 194)

Yes. Why is there a need to allow licensing authorities to continue to impose the same situation we have suffered for the last 165 years with every authority setting its own standards above a national minimum requirement?

Question 36

Should licensing authorities retain the power to impose individual conditions on taxi and private hire drivers or operators? (Page 194)

No, there should be a level playing field; therefore local authorities should not be able to distort the trade by treating drivers and operators differently.

Question 37

Should the powers and duties of licensing authorities to co-operate be on a statutory footing or is it best left to local arrangements? (Page 195)

There should be a national procedure giving guidance to local authorities to ensure the interests of the trade are taken into account and there is a level playing field throughout England and Wales.

Provisional proposal 38

**Neighbouring licensing authorities should have the option of combining areas for the purposes of taxi standard setting.** (Page 196)

Provided that it does not include introducing taxi zones.

Provisional proposal 39

Licensing authorities should have the option to create, or remove, taxi zones within their area. (Page 196)

Local Authorities should only have the power to remove taxi zones. Taxi zones are unwanted by the taxi trade and are confusing to members of the public. The public do not understand why a taxi licensed by the same authority to work in one zone cannot pick up in another zone.
Question 40

Would it be useful for licensing authorities to have the power to issue peak time licences which may only be used at certain times of day as prescribed by the licensing authority? (Page 197)

No, it would be difficult to police and open to abuse.

It would be far better to introduce more part-time taxi ranks, which would operate at peak times, in town centre shopping areas or outside evening entertainment venues. Also it would be a very good argument for making all private hire vehicles currently working like taxis on radio circuits into taxis to operate on the ranks.

Provisional proposal 41

Private hire operators should no longer be restricted to accepting or inviting bookings only within a particular locality; nor to only using drivers or vehicles licensed by a particular licensing authority. (Page 198)

Agree.

Provisional proposal 42

We do not propose to introduce a “return to area” requirement in respect of out-of-area drop offs. (Page 199)

Agree.

Provisional proposal 43

Licensing authorities should retain the ability to regulate maximum taxi fares. Licensing authorities should not have the power to regulate private hire fares. (Page 200)

Local Authorities should regulate a maximum fare for both taxis and private hire vehicles.

Question 44

Should taxis be allowed to charge a fare that is higher than the metered fare for pre-booked journeys? (Page 200)

No, they should be restricted to the Local Authorities maximum fare structure.
Question 45

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? (Page 203)

The national driver safety standards to be a “fit and proper person” should be subject to primary legislation so that it is uniform throughout England and Wales.

Provisional proposal 46

Vehicle owners should not be subject to “fit and proper” tests and the criteria applied would relate solely to the vehicle itself. (Page 204)

Agree, provided that they already hold either a taxi or private hire vehicle driver’s licence or private hire operator licence.

Question 47

Should national vehicle safety standards 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? (Page 205)

The national safety standards for vehicles should be subject to primary legislation so that it is uniform throughout England and Wales.

Provisional proposal 48

Operator licensing should be retained as mandatory in respect of private hire vehicles. (Page 206)

Agree.

Question 49

Should operator licensing be extended to cover taxi radio circuits and if so on what basis? (Page 208)
Most taxis working on radio circuits are already covered by private hire vehicle operator licenses because most circuits also have private hire vehicles as well.

Provisional proposal 50

The definition of operators should not be extended in order to include intermediaries. (Page 209)

Disagree, any organisation taking bookings for taxis or private hire vehicles should have an operators licence so that passengers are confident that they were dealing with a “fit and proper person”.

Question 51

Should “fit and proper” criteria in respect of operators be retained? (Page 209)

Yes.

Provisional proposal 52

Operators should be expressly permitted to sub-contract services. (Page 210)

Yes.

Question 53

Where a taxi driver takes a pre-booking directly, should record-keeping requirements apply? (Page 210)

Yes.

REFORMING QUANTITY CONTROLS

Provisional proposal 54

Licensing authorities should no longer have the power to restrict taxi numbers. (Page 213)

Agree. Local Authorities should not prohibit entry into the trade by restricting the number of taxis; this has created a black market for the sale of taxi licence plates. This restricts entry into the trade in the areas affected by this practice. In 1980 around 65% of all licensing authorities restricted taxi numbers, but by 2004 that figure had dropped to 45%\textsuperscript{1}. In areas where taxis are restricted, the

\textsuperscript{1} CAB Business Solution-Taxi Safe™
number of private hire vehicles excessively outnumbers that of taxis. This clearly shows that there is a very high unmet demand for taxis. Where quantity restrictions are imposed; taxi vehicle licence plates command a very high premium, often tens of thousands of pounds. This indicates that there are people who want to enter the taxi trade and provide a service to the public, but who are being prevented from doing so by these restrictions, this practice is very hard to justify. Likewise in areas where taxis are unrestricted there is a very small demand for private hire vehicles, which indicates a very low unmet demand for taxis in these areas.

Question 55

What problems (temporary or permanent) might arise if licensing authorities lost the ability to restrict numbers? (Page 213)

The loss by local authorities to limit the number of taxi licenses should not be a problem. There should be a gradual phasing out of all quantity restrictions on taxis licenses over a 10 year period, firstly to protect those drivers who have already paid a premium to obtain their plates and secondly to deter the continuation of the practice of restricting future entry into the trade.

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? (Page 215)

See answer to question 55.

TAXI AND PRIVATE HIRE REFORM AND EQUALITY

Question 57

Should there be a separate licence category for wheelchair accessible vehicles?

No. Not all disabled passengers need or can use a wheelchair accessible vehicle so why should there be a separate licence category?

This could involve:

(1) a duty on the licensee to give priority to disabled passengers; and

Should apply to all taxis and private hire vehicles, wheelchair accessible or not.

(2) a duty on the licensing authority to make adequate provision at ranks for wheelchair accessible vehicles. (Page 217)
There should be a duty on Licensing Authorities to make adequate provision at ranks for all taxis not just for wheelchair accessible vehicles. There is a national shortage of rank space.

Evidence from a review of Taxi Accessibility Regulations by Philip R Oxley, Cranfield Centre of Logistics & Transportation in February 1999, stated that taxi services with accessible vehicles, use by wheelchair passengers only accounts for around 0.1% of their total passengers at the lower end of the range and at the other extreme accounts for only around 3%.

A 1999 survey in Brighton and Hove showed that, of those who expressed a preference, 53% of disabled people preferred to use a saloon car rather than wheelchair accessible vehicle. Disabled people’s vehicle preference for taxi journeys in Brighton & Hove were: wheelchair accessible taxi 22%; saloon car 53%; no preference 25%. As disabled consumers very have different needs, several vehicle types are needed to satisfy their varied requirements. Disabled consumers use taxis and private hire vehicle services differently when compared to the UK population as a whole. Disabled people are more likely to use these services for the essential activities of life where they can afford to do so. The research from Brighton and Hove suggests that 80% of disabled people will use taxi or private hire vehicle services for shopping or attending medical appointments. This is in contrast to usage patterns for the UK population as a whole, these show the most common purpose of their last taxi or private hire vehicle trip was for leisure reasons 50% while only 21% last used a taxi or private hire vehicle for shopping and 7% last used a taxi or private hire vehicle to attend medical appointments.

Also in 1999 a Cambridge study showed that just over 40% of wheelchair users said they preferred a “London” style taxi compared with 36% who preferred a saloon car and 24% had no preference. The percentage of disabled non-wheelchair users who preferred the “London” style taxi were lower than for wheelchair users at 13%.

In a 1999 Bedford study 20% of wheelchair users said they preferred a “London” style taxi compared with 32% who preferred a saloon car and 48% had no preference. The percentage of disabled non-wheelchair users who preferred the “London” style taxi was lower than for wheelchair users at 9%

Question 58

Should licensing authorities offer lower licence fees for vehicles, which meet certain accessibility standards? (Page 217)

No.
Question 59

Do you have any other suggestions for increasing the availability of accessible vehicles, and catering for the different needs of disabled passengers? (Page 217)

RADAR, the umbrella organisation representing 450 disability groups, stated in 1999 that disabled people require good workable regulations from the Disability Discrimination Act 1995 to achieve a nationwide transport network. In relation to taxi services this means regulations that allow for personal choice according to an individual’s needs. RADAR only see this being possible if a range of vehicle types can co-exist under the Disability Discrimination Act 1995, each vehicle type complying with one aspect of the DfT regulations, meeting the needs of specific disabilities.

There should be a mixed fleet policy so as to give disabled people the choice of what vehicle they would like to use.

Provisional proposal 60

We do not propose to introduce national quotas of wheelchair accessible vehicles. (Page 218)

Agree.

Provisional proposal 61

National standards for drivers of both taxis and private hire vehicles should include recognised disability awareness training. (Page 219)

There is growing evidence to suggest that the introduction of wheelchair accessible vehicles do actually discriminate against a significant proportion of non-wheelchair bound disabled and elderly passengers.

There are also a number of inherent dangers involved when loading wheelchairs single-handed into taxis with side ramps, both for the driver and passenger. Considerable strength is required to push a wheelchair up the ramp, particularly due to their incapacity, many wheelchair-bound customers weigh more than the average person. So the strength required in pushing a person in a wheelchair up the slope into a confined space is beyond the capability of many drivers, especially female drivers. There is always a danger that a driver loading or unloading a heavy wheelchair passenger (particularly in the wet) in or out of the taxi could lose control of it, spilling the occupant off the ramp and out of their wheelchair. Once inside the vehicle it is then necessary to manœuvre the wheelchair through 45° turn and reverse it in order to secure it properly. It should be noted that when ambulance crews transport wheelchair patients they work double-handed and use rear mounted electric lifts and not ramps to load both wheelchairs and stretchers into their vehicles.
There is also some concern in the taxi trade to suggest that some types of side-ramped wheelchair accessible vehicles are not safe for the transport of wheelchair bound passengers due to the lack of head restraints provided for rear facing wheelchair passengers. This concern is sufficiently strong that a number of local authorities have reportedly banned their use on council contracts.

Provisional proposal 62

In order to better address concerns about discrimination, taxis and private hire vehicles should be required to display information about how to complain to the licensing authority. (Page 219)

Agree.

Question 63

What would be the best way of addressing the problem of taxis ignoring disabled passengers seeking to hail them? Could an obligation to stop, if reasonable and safe to do so, in specified circumstances, help? (Page 220)

I do not consider there to be a problem because 99.9% of taxi drivers would not refuse any type of fare. The main reason why a taxi will not stop to pick-up a flag down is because it is mobile to pick-up a pre-booked fare or already hired. Most disabled passengers pre-book their taxis in advance except when arriving at a transport termini. In my 41 years in the taxi trade a disabled person in a wheelchair has never hailed me.

REFORMING ENFORCEMENT

Question 64

Should authorised licensing officers have the power to stop licensed vehicles? (Page 222)

No.

How would a taxi driver know who the authorised licensing officer was (who may not be a taxi-licensing officer) without a Police Officer in uniform with him?

Question 65

What more could be done to address touting? Touting refers to the offence “in a public place, to solicit persons to hire vehicles to carry them as passengers”. (Page 223)
Licensed private hire vehicles illegally picking up fares, that are not pre-booked, carry out the majority of the touting. If all currently licensed private hire vehicles that are engaged on normal ‘taxi’ type work and operating on radio circuits should be licensed as a ‘TAXI’ as stated in Provisional Proposal 1 (1) above. This will prevent any misunderstanding by members of the general public and make enforcement more effective because licensing officers would then only have to deal with un-licensed vehicles that are outside of the licensing resume.

Question 66

Would it be desirable and practicable to introduce powers to impound vehicles acting in breach of taxi and private hire licensing rules? (Page 223)

Agree.

Unlicensed and uninsured vehicles that are outside the licensing resume should be impounded to give the owners of such vehicles a clear message that they acting in breach of taxi and private hire licensing regulations.

Question 67

Should licensing authorities make greater use of fixed penalty schemes and if so how? (Page 225)

No.

Provisional proposal 68

Enforcement officers should have the powers to enforce against vehicles, drivers and operators licensed in other licensing areas. (Page 225)

Enforcement officers should be able to enforce the regulations when taxi and private hire vehicles from another licensing district are operating illegally within their district. It would be helpful if the taxi and private hire vehicle licensing regulations are uniform throughout England and Wales.

Question 69

Should cross-border enforcement powers extend to suspensions and revocation of licences? If so what would be the best way of achieving this?

Licensing regulations should be the same throughout England and Wales so that every taxi and private hire vehicle driver is fully aware of exactly what the regulations are in every licensing district. This would make enforcement easier with offences out of district, the same as in their home district. This
way a driver could not use the defence that he/she was not aware that it was an offence elsewhere.

REFORM OF HEARINGS AND APPEALS

Provisional proposal 70

The right to appeal against decisions to refuse to grant or renew, suspend or revoke a taxi or private hire licence should be limited to the applicant or, as appropriate, holder of the relevant licence. (Page 230)

Agreed.

Provisional proposal 71

The first stage in the appeal process throughout England and Wales, in respect of refusals, suspensions or revocations should be to require the local licensing authority to reconsider its decision. (Page 231)

I do not believe that a licensing authority, which has already decided not to renew, suspend or revoke a license holder, would give the licensee a fair hearing when reconsidering their decision. If local authorities are going to review a licensee’s non-renewal, suspension or revocation, then the licensee should be able to ask another authority to carry out that review (as is done with complaints about the conduct of police officers ie by a neighbouring force).

Provisional proposal 72

Appeals should continue to be heard in the magistrates’ court. (Page 232)

Yes.

Question 73

Should there be an onward right of appeal to the Crown Court? (Page 233)

Yes.

CONCLUSION

1.41 It is not possible in a summary of this length to introduce all of our provisional proposals. Consultees are therefore encouraged to refer to the full Consultation Paper available on our website. Please send responses by 10 September 2012.
Dear Sirs,

I am a Hackney Carriage operator in Torbay, my husband also has a Drivers Licence, and we are extremely concerned about the new proposals for the change to private hire regulations. We cannot think that this has been seriously thought out, particularly in regard to areas like this in Torbay, where there is limited trade in winter, and the seasonal trade in summer is erratic. At present the Hackneys and Private Hire work reasonably well together, and most people are able to make a living. However Torbay, and in particular Torquay is very restricted for parking, and the Taxi Ranks have already been reduced because of lack of space and congestion. We have problems at times with even the limited number of Hackneys being able to get space on the ranks, if Private Hire were allowed as well, whatever the time of day or night, it would be chaos, and if operators from other areas were allowed as well, then in the summer months the traffic would be gridlocked from here to Exeter and Plymouth. Our towns of Torquay, Paignton and Brixham are small, and the traffic system is not the best, with a lot of one way and bus only areas, particularly in Torquay, and we just could not accommodate the volume of town centre parking these new proposals would permit. It may be good for a city, but for a small area like this it is not practical, and the ensuing traffic chaos would be insufferable. I must also add that I think the idea of operators from other areas being free to roam the country is a recipe for disaster - where is the passenger safety in that, and what is to stop unauthorised taxis from abusing the system. At the moment most of the drivers are known to each other, and that in itself is a safeguard for the public, but where would we be with hundreds of drivers coming down here - which is what would happen - and no-one to police the system.

Torbay at the moment has a system which works well for us, and the Council, Hackney and Private Hire drivers, and the public seem happy with. To make these changes here would just not be viable. The roads would be choked up in summer with out of town taxis added to our own, buses, delivery drivers, holiday makers, and the land train, not to mention the residents. A small town like this, as we have said cannot take all that traffic, and nor is there enough business to make these proposals viable here. We cannot think this review has been thought out properly for areas like this, and more consultation is needed. A visit from you would probably put this into perspective from our point of view here, and prove to you that these proposals just would not work here in Torbay.

We sincerely ask you to think again, because this is our livelihood you are trying to change, and it could put a lot of people out of work.

Yours faithfully,

David & Wendy Tinegate. HC32 & SN3 (seasonal plate)
In regard to the law commissions proposal,

“remove the exemption for wedding and funeral cars from primary legislation”

I can see that some changes are required, regarding taxi and private hire, however, the Wedding business is TOTAL different to taxi and private hire vehicles.

1. If this is to level the playing field, then all I can say is one is hardly likely to see a classic wedding car plying for business at the hospitals or airports or driving around towns looking for customers.

2. The cost involved in even trying to comply with the current private hire / taxi law, would put 99% of wedding car operators out of business ..... Overnight.

3. Why is there no proposal to lift the 10 year rule applied to private hire vehicles ? How would a classic car say 40/50 years ever get a license ?

4. Safety can hardly be an issue as all "Classic" wedding cars are owed by enthusiasts and they already have a MOT. Every year, and we are of course heavily insured.

5. I feel that this one part of the proposal has not been thought out in detail, and to the implications, and hardship it would incur.

I run a classic wedding car business and it is, like all of this type of business, it is by the very nature ..... PART TIME. We do not do Proms or party nights or corporate events etc, as the council already forbids this under current laws.

With only some 25 or 30 weddings per year during the wedding season from April to November, we are off the road between December and March. Owing to the weather impact on our prized classic cars.

Limo's would be come more prevalent in order to fill the gap left by us all closing down, they are already far too big for some small country lanes and villages / churches that we attend.

If this proposal were to go through then this would result in the loss of yet another one the Great British Traditions ..... We have very precious left.

This is not just about money, although it will shut down a complete "part time" industry that keeps our classic cars on the roads for all to enjoy.

Yours Sincerely

Jonathan Brooks.
AMPA, ABIPP, Hon. FSWPP. Mphotog. (USA)
Dear Sir/Madam

I wish to protest about the above consultation paper in particular to the items pertaining to the inclusion of wedding and funeral cars. I am sure you have had numerous points raised as to why this should not be enacted, some of which I have copied below, and others that I have added myself. I can only add that I agree totally with all of the points and objections raised.

Whilst using the list below to confirm that the points raised do apply to my Company I have included some information about my company as well.

Company Information

We are a small Wedding Car company based in Berkshire with 7 Wedding Cars and a number of drivers who drive for me on an ad hoc/as required basis. We run 1940’s/50’s and 60’s classic Jaguar and Morris cars exclusively for Weddings in the Berkshire area.
General Points for Consideration

1. Prohibitive costs will put most small companies who run classic cars for weddings out of business (please see note 6 below)
2. Our cars cover less than 3000 miles per annum.
3. Wedding cars are not Taxis or Private Hire vehicles. Wedding cars do not do the vast mileages that Taxis and Private Hire vehicles cover and as a consequence do not earn the vast amounts of income that Taxis and Private Hire vehicles earn.
4. It will cost around £261 to licence each car, provided the cars ‘pass’ first time and do not require adaptations to be fitted.
5. The cost to us for registration as a licensed ‘Operator’ will be in the region of £200.
6. Each of our drivers will cost £400 to become licensed. This includes a DSA driving test, a medical, a CRB check and a ‘local knowledge test’. We as a company would have to pays this on the drivers behalf as the would not want to pay this amount out of their own pocket as it would not be financially viable for them.
7. I estimate that if we had to implement this change we would be looking at a minimum cost of £5000.00 for the first year of operation. This is a sum that our company could not afford and we would have to look at closing the business down and selling all our cars.
8. Some Local Authorities may refuse to licence a vehicle if it is more than 5 years old as they do not currently have a process to handle this issue. – the average age of our cars is 49 years
9. Once licensed, a car can only be driven by a licensed driver, which means we owners of classic cars would have to be licensed, just to go to the shops, or to a classic car show or promotional event – some of which are for charity.
10. By implementing this proposal most of the Classic vehicles that are in Wedding service would not be available for future Brides on their Wedding Day and thereby destroying a great British institution of Classic Cars for Wedding transport.
11. Putting Wedding Cars businesses out of work would severely depress the market for classic cars as so many would hit the market at the same time. This would also have a huge consequential effect on the classic car parts and repairs service / supplies businesses.
12. It is also out of step with the current Governments position in trying to help small business grow thereby helping the economy recover and also out of step in the Governments position in trying to reduce Red Tape for small business. Needless to say, I believe it will be a bureaucratic nightmare if this proposal was implemented.
13. Most people I speak to, see the need to regulate the private hire industry for all the right reasons, however no one I know can see why this should include the minimal use of classic cars for weddings doing a fraction of the work. We are required to have specific wedding insurance, MOT’s and already maintain our vehicles to a high standard – this is a completely unnecessary step and entirely in contradiction to the recent relaxation of MOT requirements for pre-1960 vehicles. For the common good, and if for nothing other than plain common sense, I implore you to remove Provisional Proposal 11 from the legislation before it goes before the House.
14. As mentioned previously, I am sure that you have heard all of the points and comments above before. However, the fact that you have heard them before means that there is a great wave of
concern about the proposal and I would respectfully suggest that you should take into consideration the depth of feeling about this proposal.

Jim Wells
Director
Berkshire Classic Wedding Cars
Dear sir /madam, as a concerned London taxi driver who has recently invested £42k in a purpose built vehicle, I would like you to read the report from the Irish examiner relating to the taxi trade when it was deregulated in 2000, the problems it has caused and now re thinking of reversing the decision. Regards Peter west

Sent from pjw I pad
Exemption for wedding and funeral cars from primary legislation

Dear Sirs,

I would like to object to the clause wanting to “remove the exemption for wedding and funeral cars from primary legislation” I am not a private hire / taxi company and operate in a completely different way to them so please take the information detailed below into consideration before any change in legislation is recommended

1. My wedding car (a 1950 Bentley) is normally used once or twice a week throughout the wedding season (April – September), usually on a Saturday.

2. The wedding car has to be 100% correct and as reliable as I can make it. I have a big responsibility on the wedding day and the thought of a vehicle not getting the bride to the church on-time does not bear thinking about. The Bentley could not be used as a Taxi or for private hire business.

3. The wedding car would never attend more than one wedding per day – not so for a private hire or taxi business.

4. The annual mileage of my wedding car is low – around 1,000 miles. Typical taxi mileage would be 20,000 to 30,000 annually

7. The wedding car is garaged and kept in show-room condition – being cleaned inside and out and mechanically checked every time it goes out. It is also maintained regardless of cost – unlike taxi and private hire vehicles.

8. Some of my bookings are taken 2 years in advance – this is not the case with taxi or private hire vehicles.

To summarise

I’m a specialist wedding car company who work within a specific industry, I do not provide the Bentley as a taxi service (a taxi service is a means of getting from A to B) but as a bespoke service to somebody as part of their special day.

I understood the Law Commission was trying to dispense with red tape and wanted to simplify things – but the wedding car industry is specialized and would not survive if the cars or the service they provided was anything less than first class. Therefore please do not treat the wedding car business as a taxi or private hire company.
Classic and vintage wedding cars cannot comply to the taxi / private hire regulations as set by the local council, it is impossible for them to do so given their age and design limitations.

I have never heard of any issues or safety concerns regarding the wedding car industry .. but looking around at some of my so called local council licensed vehicles I wonder how they got passed for hire.

Please do not destroy this industry and the great British tradition of a beautiful classic or vintage wedding car by unnecessary legislation.
Should you require further information please do not hesitate to contact me.

Yours sincerely

Douglas Newton
Elegant Wedding Cars, Hanslope, Bucks
Dear Law Commission

The coalition Government is committed to localism because the best form of government is one that lets people govern themselves. If decision making is devolved and power dispersed, problems are more easily defined and better solutions can be found, better taxi services can never be delivered through a one size fits all approach. Every local community is different.

“So if they are to be efficient and profitable then taxi services must obviously meet the specific needs of specific local communities.” (Norman Baker).

In restricted areas consumers benefit because PHVs are compelled to run a fetch and carry service. Deregulating, allowing them access to taxi ranks gives them a choice and taxi ranks are more lucrative because customers come to you. You don’t have to go to them.

Consumers also benefit in regulated areas because taxis generally employ drivers and work shift patterns covering ranks in less busy periods. In deregulated or derestricted areas drivers choose not to work shift patterns. In the OFT report 4.11 since Sheffield derestricted “The results from the rank observations may lead us to believe that these extra hackneys are not filtering through to the ranks and that they have adopted a policy of seeking alternative means of earning revenue.”

A5 in the OFT report “Licensing authorities with quantity controls have significantly higher number of drivers per taxi vehicle than licensing areas without quantity controls. Table A6 clearly shows that the combination of PHVs and taxis in restricted areas significantly outnumber those in derestricted areas and that combined with the higher number of drivers per taxi vehicle equals less waiting time and higher satisfaction levels as indicated in the OFT report. So there must be more drivers and driver hours worked. This predicates a better system.

The ramifications of deregulation on drivers who have only recently paid a premium to own a taxi plate, some of them will be financially disabled through no fault of their own.

Regarding taxi touts and illegal taxis, re-regulating would solve the problem. Looking at the figures used in the OFT Report Taxi Omnibus Survey, regulated areas had absolutely no problems with touts or illegal taxis. The problem proliferates in London, a deregulated area where 29% of people asked admitted to using an illegal taxi in a twelve month period.

In regulated areas there is healthy competition between taxis and private hire. Taxis are metered so prices are more or less the same. If you think it is a good idea to dispense with rank discipline and compete on price from the back of the rank, we would be delighted to arrange for some of the braver members of your staff to trial the new system of competing on price from the back of the rank (possibly in Glasgow).

Yours Sincerely

Steve Scadden
Dear Law Commission,

Me and many other experienced Hackney Carriage drivers are still unable to get our Hackney Carriage Vehicle License – thus preventing us to own our own Hackney Carriage Taxi, despite the fact I have been driving a Hackney Carriage for 12 years.

Therefore we strongly approve of this new recommendation, by your selves to abolish this law, which limits the amount of Hackney Carriage vehicles per area.

King Reards,
Mr Ikram Dar.
Manchester Hackney Carriage Driver - HD9922
Oxford City Council’s Liberal Democrat group broadly support the proposals made by the Law Commission regarding the regulation of taxi and private hire services, and believes they would benefit both customers and employees of the industry in Oxford. We would especially welcome the introduction of national minimum safety standards. We, however, have reservations regarding provisional proposal 54. While the consultation poses the question of whether quantitative restrictions are good policy, we submit that a more valid question would be who should make that decision.

Our preference would be for the decision on whether to limit the number of taxis in a given locality to remain with local authorities. Conditions vary considerably from one authority to another and it would be desirable for local councillors, the democratically elected politicians with the most local knowledge, to be allowed to make a judgement about whether quantitative restrictions are appropriate for their area.

We take the Commission’s point about the unsuitability of unmet demand tests and in a spirit of localism we advocate that this bureaucratic constraint on the discretion of local authorities be removed.

We also advocate some form of regulation of the mechanisms by which taxi licences are allocated by local authorities that opt for quantitative restrictions. We strongly endorse the position taken by the High Court in Royden v Metropolitan Borough of Wirral (2002) that taxi licences cannot be considered to be the property of their holder and that consequently the holder has no entitlement to sell the licence as if it were a personal possession. It follows that the secondary market in licences that has evolved in many areas is illegitimate. It is particularly unsatisfactory that potential new entrants to a market have to enter a business relationship with an existing operator to purchase something they need to operate legally, and such a situation is potentially antithetical to competition. We propose that a vehicle owner no longer wishing to retain its licence should return it to the council so it could be re-allocated to another individual in a fair and transparent manner. Furthermore, we believe that if councils choose to operate quantitative restrictions they should have an obligation to do so in such a way that secondary markets in licences do not emerge.
To: Public Law Team (Taxi and Private Hire)  
Law Commission  
Steel House  
11, Tothill Street  
London SW1H 9LJ  
E mail: tph@lawcommission.gsi.gov.uk

Response to the consultation on “Reforming the law of taxi and private hire services”  
(Consultation Paper 203)

Members of Wales Official Tourist Guides Association (WOTGA) are the only guides officially recognised by Wales Assembly Government to guide in Wales. All have undergone extensive training, passing both practical and academic guiding examinations.

Many members have the prestigious ‘Blue Badge’ guide qualification, a mark of quality and expertise for over 50 years. Others hold ‘regional’ or ‘site specific’ qualifications. Currently WOTGA has over 100 members all of whom are self-employed providers of tourist guiding services.

We are pleased to have the opportunity to engage with this consultation exercise and our comments related specifically to the following provisional proposals:

Provisional proposal 8
The concept of “in the course of a business of carrying passengers” should be used to limit the scope of taxi and private hire licensing so as to exclude genuine volunteers as well as activities where transport is ancillary to the overall service.

Provisional proposal 10
The power of the Secretary of State and Welsh Ministers to set national standards should be flexible enough to allow them to make exclusions from the taxi and private hire licensing regimes.

Tourist guiding services include the provision of walking tours and guiding on client’s coaches, but in a rural country such as Wales there is a significant demand for driver guiding services. Some WOTGA members have met their Local Authority’s private hire services requirements and are operating legally as driver guides. However there are a number of others who would wish to do so but face a number of strong disincentives including being required to undertake tests that are irrelevant to the job they do (e.g. topographical knowledge of a city).
It is also apparent that as driver guiding is one of the ‘Grey areas in Private hire licensing’ where Local Authorities have been taking different approaches (as described in paragraph 3.66 of the consultation document). Specifically Paragraph 8.27 of the consultation document refers to the situation where driving is an ancillary part of the overall service, giving driver guides as a specific example of this. It is stated that the Department of Transport published guidance 23 suggested that such activities would typically not require a licence, but that this guidance was not binding or consistently applied. The experience of WOTGA members would support this.

We welcome the recognition in paragraph 3.70 of the consultation document that the Department for Transport guidance does not address the position of driver guides (tourist guides who also provide transport), and of the significant problems the private hire licensing regime poses for them, given that the services they provide are very different from those envisaged by the said regime.

We would welcome the devolvement of power to the Welsh Ministers to set national standards in respect of taxi and private hire licensing requirements which would allow them the flexibility to make appropriate exclusions from the licensing regime. This would give WOTGA the opportunity to engage with the Welsh Government directly with the aim of agreeing national standards for driver guides that are appropriate, and equitable across Wales.

Signed: Selwyn Walters Chairman, Wales Official Tourist Guides Association

Date: 4 September 2012

Address:

Telephone:

E mail:
Dear Sir/Madam

On behalf of our eight owner/drivers of Classic cars, who are all happy to offer them for wedding hire, I would like to register our objection to the proposed changes in legislation to Taxi Private hire legislation.

At present we are able to offer enjoyment of our vehicles to Brides and Grooms on their wedding day for the modest cost of extension of the Classic Car policy to cover the wedding. The proposed changes would involve considerable additional expense and registrations that will stop most private owners using their cars for weddings. It is unlikely that private owners will continue, hence no additional revenue will accrue and the losers will be those who would like to share the enjoyment of beautiful classic cars.

Please do not confuse the genuine private owner with those who seek to make a living out of vehicles and may own a fleet of Beauforts, Brenchleys, other replica vintage cars and stretch limousines.

I urge you to consider the genuine vintage and Classic car owner when reviewing this legislation.

Yours sincerely

Nick Lacy-Hulbert

http://
Dear Sir/Madam,

I have been made aware of a proposal to amalgamate the distinction of wedding and funeral cars with taxis. I own and run a wedding car business in East Lancashire and wish to register my objection on a number of counts:

1 One of the beauties of our country is the opportunity of choice, choice for a bride in the type, style, age and colour of vehicle for her special day, I provide that choice, as many other professionals do.

2 It is my understanding that to qualify as a taxi the vehicle must be less than 10 years of age, my vehicles range in age from 83 years to 37 years of age and so I would have to close my business, I suspect many others would have to do the same thing so restricting the choice which people would have and (if you have children yourself) denying them the choice of a vintage vehicle for their future wedding day.

3 In all the 23 years I have been providing a wedding car service, first with one car up to the level of four cars we have now, I have followed the path of the classic British business, I have worked the business as a second job, saved, reinvested, worked again etc to reach the level I am now. I can not calculate the amount of fuel duty revenue I have contributed over the years (my cars run between 7 and 20 mpg). My weekend fuel bill is of the order of £120 and so again a loss to the Revenue of the duty element of this money if I have to close.

4 In all the 23 years of providing a wedding car service, we have been involved in only one accident, which was accepted as the other drivers fault. I engage the assistance of retired people as drivers and generally have many years of driving experience under their belt.
5 If there was a call for a change in regulation due to the 'risky' nature of the cars, drivers or occupation, surely that would have been a reflection in the amount of insurance monies charged for me to insure my cars. The fact I can insure four cars, fully comprehensive, for any driver of my choosing, with restricted mileage of 1,500 per year per car, for hire and reward for less than £1000 per annum in total indicates that the way the wedding car industry is run now does not constitute a problem to be dealt with and is not viewed that way by people with a host of historical data available to them (the Insurance Industry).

I do hope that the views I have made above are taken into consideration when the bill is discussed.

Kind Regards

Peter and Annette Cornwell
I have owned and run a TAXI business since 1989 but i still cant call myself a TAXI driver i have great difficulty explaining this to the customers can you help

From: Stephen Murray
To: "tph@lawcommission.gsi.gov.uk"
<tp@lawcommission.gsi.gov.uk>
Sent: Saturday, 8 September 2012, 16:42
Subject: Re: Why should the need for Taxi Licences be set by surveys on unmet demand?????

The 2 tier system has had its day this is a phone driven business The Hackneys rely on end of night trade most of whom are drunk

Sent from my iPhone
William Preston Liverpool badge 1424. 26 years hackney driver. No limit on cab numbers will be very bad news for consumers and drivers alike, more cabs = less jobs= higher price fares. Most limited number cabs have a day and night drivers, unlimited have one driver. Either finishing evening time (shortage of cabs, as on Wirral, or drivers working up to 18 hours) both bad for consumer. What's the police response to the congestion of traffic that will result, you can put safeguards in, but the quality of vehicles and drivers will drop (guaranteed) not good for consumer, a lot of the tran.select comm. made sense, please don't let political ideology stand in the way of making the right decisions. NO DELIMITATION.

Thank you.

William Preston.

From: [REDACTED]
To: tph@lawcommission.gsi.gov.uk
Subject: delimitation
Date: Wed, 29 Aug 2012 18:39:22 +0000

William Preston Liverpool badge 1424. 26 years hackney driver. No limit on cab numbers will be very bad news for consumers and drivers alike, more cabs = less jobs= higher price fares. Most limited number cabs have a day and night drivers, unlimited have one driver. Either finishing evening time (shortage of cabs, as on Wirral, or drivers working up to 18 hours) both bad for consumer. What's the police response to the congestion of traffic that will result, you can put safeguards in, but the quality of vehicles and drivers will drop (guaranteed) not good for consumer, a lot of the tran.select comm. made sense, please don't let political ideology stand in the way of making the right decisions. NO DELIMITATION.

Thank you.

William Preston.
Good afternoon,

Cannock Chase Council welcomes the opportunity to respond to your consultation document and looks forward to the future reform of the taxi licensing legislation.

The answers below are in direct response to the proposals and questions given on pages 234-241 of the consultation document and are offered in the strict order that they are asked.

1) Yes
2) Yes
3) Yes
4) No advantage.
5) Yes, Yes.
6) Agree
7) Yes
8) Yes
9) Exclude both
10) Yes
11) Agree
12) No
13) Agree
14) No
15) a) Yes  b) Yes  c) Yes
16) Agree
17) No
18) Yes
19) Yes
20) No
21) Yes
22) Yes
23) No
24) Yes
25) Yes
26) Yes
27) No, disagree.
28) Yes, Yes.
29) Its not easy to see any significant difficulties. The MOT standard is currently used as a national benchmark and might therefore be used as a minimum standard which might be enhanced and possibly increased to provide a high safety standard for all licensed vehicles.
30) Disagree, they should remain the same. The interaction between driver and passenger is the same with both types of vehicle.

31) No. Their considerations should also cover passenger comfort and permit some local considerations required by the licensing authority.

32) Yes
33) Yes
34) Yes
35) Yes
36) Yes
37) Local arrangements.
38) We agree that this should be an option not a requirement.

39) Yes
40) Yes
41) Disagree
42) Agree
43) Agree, Agree.
44) No
45) a) No  b) Yes
46) Disagree
47) b
48) Yes
49) Yes
50) Agree
51) Yes
52) Yes
53) Yes
54) Agree
55) Short term increase in demand for licences. Longer term with issues with market forces controlling the numbers.

56) No
57) Yes
58) Yes
59) This authority currently prohibits the licensing of vehicles which only rear load less able passengers. This policy was adopted some years ago as a response to public safety concerns. There is now a suggestion from the Trade that these concerns are no longer as valid as they were and as a result we would welcome a review of this situation. Vehicles which only rear load can be cheaper than purpose
built WAV’s. This would make them easier to afford and encourage the use of a wider range of vehicles.

60) Agree
61) Yes
62) Agree
63) An obligation to stop may be of assistance to less able passengers but we also believe that better driver training combined with appropriate enforcement will also be effective.
64) Qualified yes as we can see that there may be several potential problems with this. Licensing officers may be exposed to some road safety dangers and the Trade may face possible difficulties with personation of licensing officers and of non uniformed officers attempting to stop them whilst they may be driving at speed or in heavy traffic.
65) The Council believes that better training will assist in this regard.
66) Yes
67) Yes, but we believe that they should match legislation and be used only as part of wider enforcement regime.
68) Yes, in particular the use of Fixed Penalty Notices.
69) No
70) Yes
71) No
72) Yes
73) Yes

I trust this information is of assistance to your consultation process.

Regards,

Sean O'Meara

Senior Licensing Officer

Cannock Chase Council
RESPONSE to the Law Commission Advisory Group on Taxi & Private Hire Regulation – April 2012

1). Historically private hire was ‘born’ to assist the Hackney Carriage trade around the Christmas peak trading. It was never intended to be a permanent tier.

It is without doubt that there are no peaks in the trade and they have not existed for a number of years; due in the main to ‘at home’ drinking of substantial loss leading promotions from supermarkets. When the temporary private hire concept was devised there was no selling of alcohol in small shops or at garages and supermarkets. There were no ‘dial-a-drink’ companies either. All alcohol consumption was in the main carried out inside a licensed public house with the exception of a small amount of pub off-sales. This is verified by the closure of four pubs every single week.

- The Local Government (Miscellaneous Provisions) Act 1976 (11) should be repealed in relation to private hire

2). Without doubt save for a few singular exceptions; attacks on women and other vulnerable persons have almost always been carried out by private hire drivers in private hire vehicles or ordinary cars purporting to be private hire vehicles. Detection is difficult because the vehicles can blend back in to the background with the simple removal of door signs etc.

A private hire vehicle is a saloon. It is not an icon such as the purpose built taxi and as such trawls the area unnoticed. By virtue of its distinct size and worldwide recognisable shape taxi cab is instantly recognised. It is in effect self- policing because with its distinct features fellow drivers recognise the vehicle and if one is seen without licence plates or is a stanger to the area it is instantly noticed and dealt with according to the law.

3). Private hire operations tend to be ‘fronts’ for the laundering of money from the drugs trade and other criminal activities.

OUTLINE OF KEY PROPOSED CHANGES

1.9 (1) To introduce national minimum safety standards for taxis and private hire vehicles would require the repeal of the ’76 act. Private hire vehicles are standard manufactured cars for domestic use. They are not designed for high mileage public passenger work.

Hackney Carriages whether they are the LTi TX series or the E7 from Cab Direct are purpose build for the role that they perform with continual development.

1.9 (2) If this commission failed to protect the public with the repeal of the ’76 act then the standard-setting, additional local standards, above the national standards must apply to
private hire and the imposition; monitoring and policing of such should remain with the local authorities and local police whom are best placed to carry this out.

1.9 (3) This would be one of the greatest dangers ever to impose on the travelling public. Taxis and private hire vehicles convey the vulnerable; disabled and inebriated through drink and drugs. This would be impossible to police. At present if a complaint is made to say; Cheshire Police; the call is routed through the divisional system that covers the area of the complaint. In that area it is accepted that on the receipt of a complaint it is more than likely that; for example; there would only be one private hire red Vauxhall Vectra with the licence plate 666. If the commission’s proposal is adopted then there could be several and it is unlikely that the complainant will be able to distinguish which licencing area which issued the plate. A recipe for disaster.

1.9 (4) London should remain as it is similarly to the arrangements for buses.

1.9 (5) Is this commission led consultation really about de-regulation? The bus industry was de-regulated in 1985 under the Transport Act and we can all see what a mess that is in. The commission should note well that in the areas that removed limits; taxi services fell dramatically and the licencing authorities in question re-instated numerical controls. Removal of the limits will effectively see the disappearance of the fully accessible taxi cab. The profession will become part-time with drivers going about the job having already been in regular employment for some twelve hours prior. It is dangerous to say the least. Historically, this happened in Halewood, Liverpool and this should be remembered when considering ‘peak time licencing’. A Ford Motor Company employee completed his twelve hour production line shift and went about in his ‘private hire’ car picking up passengers for hire and reward during the then ‘peak time’ night time economy. The car had four passengers. The ‘peak time’ driver crashed. Four people died. Is this what the Law Commission advocates?

1.9 (6) Agreed.

1.9 (7) Agreed.

1.9 (8) There is no requirement. This is a prosecution matter for the LA; Police and CPS to be decided upon by the judiciary.

1.9 (9) No requirement.

1.9 (10) The existing rule should remain extant.

1.9 (11) Pedicabs are inherently dangerous. They are not type approved and offer no protection to passengers.

1.9 (12) This is already abused and should be closed.
1.9 (13) No requirement. This should rest with the Local Authority whom are best placed with the right to appeal the decision before the magistrates court. This is extant and works. Do not try to fix what is not broken.

1.10 You ask questions 1 – 6 (page 3)

1). A new category of wheelchair accessible vehicles

- Historically this was looked at some years ago. Hooper (Metrocab) went bust after spending time and money on this research for it to remain on the shelf un-adopted.
- The LTi TX series and the Cab Direct E7 have class leading disability access and features which are constantly evolving with continual review from real time experience and consultation with the disabled sector of society and representative organisations.
- The possible use of the term ‘taxi’ in respect of PH services must remain as is. This will cause confusion and will lead to the continual abuse of the law.
- The contract exemption was closed by the Road Safety Act 2006 and must remain closed.
- The ‘peak time’ taxi licence introduces a new class of driver. A driver whom is exhausted before commencing work having completed a day’s work. I refer you to 1.9 (5) above.
- If we say that the ‘peak-time’ is from 22.00 hours to 02.00 hours and under the Commission’s proposals on of these ‘new breed’ ‘peak–time’ drivers is ‘plying for hire on a rank and has been sitting there without a job for an hour or more as is often the reality; and at the magical hour of 02.00 hours; do you seriously think that this ‘new breed’ will leave the rank because he knows that his insurance would be void if he continued to work? Whom do you think would enforce this? Perhaps you contemplate making this ‘new breed’ drive a pink car so that they can be identified as ‘peak time only’? Quite frankly if this wasn’t so serious; it would be laughable. This ‘new breed’ would not be able to finance a purpose built taxi on ‘peak time’ takings of a realistic figure of forty pounds – believe me that is a good night!
- In this time of severe austerity with cuts to bus grants; cuts to BSOG etc bus services are being slashed. Community Transport initiatives are having core grants from councils slashed and services are being withdrawn daily. If the Commission introduces these half-baked ideas where will the fully accessible taxi come from to replace these bus service cuts?

The Need For Reform

1.12 The 1976 Act Part 2 needs to be repealed. There is no longer the market for private hire. The requirement is for professional fully accessible taxis operated on a full time basis in readily identifiable vehicles designed to withstand the rigours of
modern traffic and road conditions whilst coping with high mileages and the abuse thrown at them by many users.

1.13 Taxis have for many years used ‘radio-circuits’ as the Commission wrongly refers to them as PHV used only. Most Taxi companies now use the modern data despatch system. The Commission needs to understand that the Taxi no longer carries a bale of hay!

1.14 Safety comes as standard in a taxi. Safety is compromised by saloon cars being licenced under the ill-thought 76 Act. Safety is an issue that is best managed locally by the Local Authority which is scrutinised by democratically elected Members of Council. People whom live and work in the community and are as such best placed.

1.15 This is the Commissions hidden agenda. To ‘legalise cross-border hire and to de-regulate. Is it any wonder that the proprietor of a major PHV circuit donated a large sum to this coalition government? Local Authorities are the best means of control for the taxi industry. Cross border undermines all the safe guards and makes policing impossible. I say this a former Police Officer; Road Safety Officer and Police driver.

1.16 Again this is the remit of those best placed – the local authorities with the checks and balances that are already in place. Halton Council for instance regularly meets with the taxi trade throughout the year with its Taxi Consultative Forum. Wider consultation takes place via the media and by publication and internet.

**The Main Themes For Reform**

1.17 Minor modifications could be carried out to the existing Town Police Clauses Act and the 1876 Act should be repealed.

1.18 As previously covered licencing administration and enforcement is best placed with the LAs.

**Retaining A Two Tier System**

This has been covered previously and I reiterate that the ‘private hire’ concept is no longer required and it’s temporary provision should end with the repeal of the 1976 act.

**Taxis And The Local Connection**
1.25 The hidden agenda again. Everywhere that de-regulation has taken place i.e. where numerical limits were removed; have reinstated those limits. Is this really too difficult?

1.26 This has been previously covered. If the Commission makes the serious error of judgement and retains ‘private hire’, then the LAs are the best placed to administer and enforce according to local requirements with the build in scrutiny of democratically elected members and the magistracy.

1.28 Again we revisit the second over-arching principle of this hidden agenda and that is cross border hire as demanded by the PHV circuits donating to the coalition. There are sufficient firms in every town to provide competition. On a recent night out in Liverpool I was flagging a taxi and was concerned at the number of out of area PHV’s that would stop to try to lure me in to their un-licenced and un-insured vehicles with one offering me some drugs! I opted for a taxi using a sealed taxi meter.

If cross border hire is given the green light by this Commission then licencing may as well be abandoned. The police cannot add this burden to their workload.

**Increased Enforcement Powers**

1.30 Agreed for the need for increased enforcement powers but these should stop short of impounding vehicles except for those without insurance i.e. cross border unlawful plying for hire. When a PHV has dropped in another licencing area; that vehicle must as is with Taxis, head back to its licenced area.

Extra enforcement should be grant funded to LAs by central Government.

**Private Hire And National Standards**

The Commission is at best confused about ‘radio-circuits’. The Commission should at practice beyond London.

**Cross Border**

The Commission advocates more enforcement powers but seems hell bent on the hidden agenda of making matters worse by legalising cross border hiring. Does the Commission seriously think that when a customer telephones an out of town “radio-circuit” that that “circuit” despatches a vehicle from that area specifically for that
customer? In reality these out of town PHV’s are touting in nearby town and city centres and by virtue of their on-board advertising; promote their out of town company. The Commission appears of the ill-informed opinion that cross border hiring is more competitive. In reality it is anything but. If I enter a locally licenced taxi; the fare charged is that shown on the taxi meter set by the licencing authority having been scrutinised by the committee and consulted upon by the local people. If five or more board a cross-border MPV we are charged at least one and a half times the meter rate. PHVs can set their own individual prices. Taxis can charge the fare on the meter. This is the maximum charge. I can observe the meter making the charge as the journey progresses. I cannot observe a paper chart concealed behind a sun visor.

**Equality And Accessibility**

This consultation could effectively end the provision of fully accessible vehicles. Fully accessible vehicles or regulated taxis are purposely designed and built and are instantly recognised.

It is widely accepted that converted cars are not acceptable as accessible vehicles for hire and reward. Taxis have side loading on either side of the vehicle with specially designed one piece ramps to cater for all types of wheelchair and motorised chairs. In the event of a rear end or front end or even a side impact; a wheelchair passenger can still be safely removed from a taxi. This is not the case with a fold-a-way ramp accessed through the boot or hatch. In the event of rear impact the wheelchair user is trapped and has to be cut free. In the case of fire that person is likely to be burned to death.

**Overview Of Provisional Reform Proposals**

PP 1. Agreed if the 76 Act is not repealed and PHVs abolished.

PP 2. London should be treated separately as with buses.

PP 3 Covered in aforementioned submission above.

Q 4. Taxis should require a separate class of licence similarly to buses. The standard of driving a taxi and if extant; PHV should be higher than that required of the standard driver. Such driving requires higher concentration and skills. If a new licence class was introduced it could help to prevent the greatly increasing numbers of bogus taxi/phv vehicles.
PP 5. Agreed.

PP 6. Agreed.

PP 7. Agreed.

PP 8. Disagree. There are no mechanical checks or insurance checks on volunteer drivers. There are no medical checks. I have experience of drivers whom have had their taxi licences revoked for medical reasons going on to drive all manner of vehicles including 52 seat coaches under the ill thought out community bus permits.

Q 9. Carpooling provided it is not for profit is acceptable. However, Members Clubs such as Pink Ladies have driven a coach and horse through the legislation and this has been exacerbated now that the community permit scheme has been extended to vehicles carrying eight or fewer passengers. Members Clubs **MUST be brought under taxi licencing by LAs.** Members Club vehicles are similar to volunteer vehicles. They are neither mechanically checked or maintained to the same standard as taxis; their drivers are not checked or licenced either criminally or medically. This is one area that is woefully lacking regulation and is urgently in need of addressing.

PP 10. Standards are the remit of LAs.

PP 11. Agreed in respect of funerals but disagree with weddings.

Q 12. This exemption allowed for the un-licenced; un-insured and un-checked drivers of children and vulnerable persons. This was rightly closed by the Road Safety Act 2006.

PP 13. This must remain streets. It is already wide spread practice by PHVs to ‘rank up’ outside licenced premises and shops in order to take passengers unlawfully before the ordered taxi arrives. This places the public in danger.

Q 14. No. Concessionary agreements should be unlawful. An airport is a public place and the RTA applies.

PP 15. Agree with (a) (b) with local consultation but PHVs should be excluded. They should return to their licenced premises after each job and await their next task.

PP 16. Disagree. This is a form of private hire by IT and therefore, the full recording of activities should be undertaken by a licenced operator.
Q 17. As with Scottish law; Scotland should not feature in the review of English law.

PP 18. Agreed and extended to PHV if retained.

PP 19. Agreed if PHV retained.

PP 20. This is unenforceable. The current situation should remain.

PP 21. Disagree. This is with respect similar to the Law Commission undertaking this consultation. Lawyers should stick to the law and Government ministers should stay with task in hand. Local Government has served this industry well and is best placed.

PP 22. Disagree. This distinction is required for public and legal benefit.

Q 23. No this confuses the issue. It is essential that this remains as it is because the public need to know that they are not insured in a PHV unless it is pre-booked. To use ‘taxi’ in connection with PHV is dangerous.

**A Reformed Regulatory Framework**

PP 24. This has been covered. LAs are best placed to control this.

PP 25. National Safety Standards have no place in this sphere. LAs are best placed to control this.

PP 27 Disagree. Topographical knowledge is essential. Why shouldn’t it apply to all? How would this help somebody making an urgent journey if the driver didn’t know where he or she was going? Sat Nav devices are not reliable and without ‘the knowledge’ a sat nav suggestion might not be the correct place.

Q 28. Agreed. Local standard setting for PHV should be specifically retained in order for uniformity and to warn the public of the legal aspects of pre-booking.

Q 29. National safety standards have been covered elsewhere in my submission. LAs are best placed.

Q 30. No. This is obvious isn’t it ?!

PP 31. LAs best placed. LAs consult nationally through the membership of their Enforcement Officers in the National Association of Licencing Enforcement Officers. A national best practice is adopted.
Q 36. In the interests of the general and travelling public this is essential.

Q 37. Local arrangement.

Q 40. This has been covered else-where in this submission.

PP 41. Back to the hidden agenda again. Disagree as previously stated.

PP 42. This is the root cause of the problem. Again back to the hidden agenda. He who pays calls the tune.

PP 43. Licensing Authorities should retain the ability to regulate maximum taxi fares and this should apply to private hire vehicles. Charges should be made on a sealed taxi meter.

Q 44. No provided the journey is as was quoted for.

Reform Of Driver, Vehicle And Operator Licensing

Q 45. A fit and proper person should be set out in primary legislation.

PP 46. Disagree. This must apply to all.

PP 47. Set out in primary legislation and type approval must apply to all forms and modes of taxi and private hire.

PP 48 Agreed.

Q 49. The Commission is outdated and ill-informed about the task in hand. All vehicle hire services should be licensed by the local authority.

PP 50. Agreed.

Q 51. Yes, retained in the interests of safety and the public.

PP 52. The Doncaster Case would best be referred too.

Q 53. Yes in a prescribed format set by the local authority with numbered pages. Subject to at least an annual audit.

Reforming Quantity Controls
PP 54. All the evidence points to this being fool hardy. LAs are best placed to enforce quantity controls and maintain standards. Everywhere that such controls have been removed; they have been re-introduced.

Q 55. Look at the crass situation in the borough of Wirral. Quantity controls reinstated.

Q 56. Yes but through consultation with trade unions and representative groups.

**Taxi And Private Hire Reform And Equality**

Q 57. (1).

It would be fundamentally wrong for one class of people to receive priority status over another. I don’t think it will be welcomed by disabled people and may be positive discrimination.

Q 57. (2).

This is long overdue. Such provision is made at bus stops but considering that taxis are supposed to form part of the integrated transport solution there is little evidence to suggest that anything is being done; not even lip service.

Speed cushions and ramps are a barrier to wheelchair users and create no go zones for taxis. Fully accessible taxis would be more freely available if LAs moved away from cushions and ramps and adopted build outs from the kerb to restrict the width to one vehicle passage i.e. chicanes.

Q 58. Yes. There is no incentive to provide fully accessible vehicles. With the purchase price being thirty thousand pounds and upwards; added fuel and insurance costs; it encourages drivers to opt to provide cheaper cars. Additionally to licence incentives there should be a scheme similar to the Bus Service Operators Grant.

Q 59. There are no incentives. Licencing and testing of fully accessible vheicles should be free of charge. A taxi operators grant (fuel) should be introduced and in the short term the re-introduction of the Hackney Carriage Vehicle Excise Licence Class for fully accessible hackney carriages which used to be ten pounds. Currently fully accessible vehicles face the higher VEL duty because they have bigger engines which is costing in the region of four hundred pounds plus.
PP 60. Agreed. Best left with LAs.

PP 61. Agreed. The Level 2 NVQ being the base level with incentives to go higher including membership of the institute of advanced motorists etc.


Q 63. Yes.

Q 64. No and in any case this would require a change in the Road Traffic Act as only a Police Officer in uniform may do so with exception to a Fire Officer in the absence of a Police Officer.

Q 65. Since the driver would not be insured to tout; impound the vehicle under s165 RTA or under proposed extended enforcement officer powers.

Q 66. For insurance offences only.

Q 67. Yes but all income from such should be retained by LA and ploughed back in to taxi licencing. Similar FPN schemes already exist under environmental legislation for LAs.

PP 68. Agreed.

Q 69. Yes, by increasing the enforcement officer powers and better training opportunities of police officers; especially traffic officers. Power could also be given to Highways Traffic Officers.

Reform Of Hearings And Appeals

PP 70. No requirement for change.

PP 71. Agreed. And then on appeal to the Regulatory Committee (LA) and then to the magistrates.

PP 72. Agreed.

Q 73. Such an appeal would be prohibitive to most. I would consider an ombudsman type appeal.
RESPONSE to the Law Commission Advisory Group on Taxi & Private Hire Regulation

Referring to the booklet “Reforming the law of taxi and private hire services” and with particular reference to the section entitled, “Taxi and Private Hire Reform and Equality – Question 57 (1) a duty on the licensee to give priority to disabled passengers....

Firstly, reference should be made to the Equality Act 2010. Positive discrimination is equally unlawful.

Secondly, due regard should be given to the stated case; Hunt v Morgan KBD [1953]. Although this case was concerning a taxicab driver in London; namely on Victoria Street, London SW1 the ramifications of such apply across England and Wales. My learned friend Mr James Button agrees. The taxicab was not hired and the flag was in the ‘For Hire’ position. The person was stood on an island in the street and he attempted to hail the cab by signalling and shouting. It was held upon appeal that a taxicab driver commits no offence under the Act of 1853 by refusing to stop when hailed and can only be required to accept when the cab is on a rank or in certain circumstances is stationary in a street.

The best way forward to improve disabled access to taxis would be to incentivise licensees. Currently there is no incentive to provide a fully accessible taxi. This is a downside to private hire. As the night time economy disappears along with the income, more and more licensees will opt to licence private hire saloons. These are most often second hand family saloons purchased for a few thousand pounds; typically £2500 to £3000. A fully accessible taxi costs upwards of £30,000.

A vehicle excise licence for a TX4 costs over £400.00. A vehicle excise licence for a saloon costs from zero to £137.50 on average.

A saloon car returns up to 50 mpg. A TX4 returns around 23mpg.

As can be seen there is no incentive to provide fully accessible vehicles. The BSOG (bus service operators grant formerly fuel duty rebate) does not extend to fully accessible vehicles. There are many initiatives that do not apply.
Historically there used to be a vehicle excise class named, ‘Hackney Carriage’ and this was a reduced rate of £10. Other initiatives could revolve around licensing and testing.

**Pedicabs & Tuk Tuks**

I wish to draw your attention to the Taxi Talk magazine (September 2012) page 22 which is about Pedicab(s).

Pedicabs and Tuk Tuks are three wheeled ‘vehicles’. The former is driven by pedalling and the latter has a motor. They have no type approval. They have not been crash tested. They have no anti-roll bar protection. They cannot meet Euro 5 emissions. They are third world transport. If the Commission were foolhardy to advocate their licensing I would be inclined to assume that they would not be capable of obtaining insurance cover for hire and reward.

I wish to refer you to the Edinburgh Evening News in which it reports on the death of a soldier (aged 26) whom suffered severe head injuries after falling from a rickshaw in Edinburgh.

The 26 year old injured himself after falling out of the pedicab as it travelled along a road at 12 mph.

The driver alleged that the soldier was drunk. Is it not the case that the majority of work that a taxi cab carries out; especially during the night time economy involves the transportation of persons under the influence of drink or drugs? Whichever way he came to part company with the moving pedicab is simply because unlike a taxi cab a pedicab has no means to protect the passenger. Taxi cabs have motion lock devices fitted which are activated on the cab attaining a speed of just 3 mph or by the application of the footbrake by the driver. In the case of the E7 manufactured by Cab Direct there are additional locking mechanisms which are in addition to the aforementioned and which prevent the operation of the door handles both inside and outside the vehicle. These systems are overridden in the event of a collision similarly to the SRS (airbag). It is worthy of note that the pedicab does not have air bags either!

Hackney Cabs have to be capable of taking people on all types of roads and comply with the disability legislation. Pedicabs and Tuk Tuks are not capable.
They are prone to tipping over if used on uneven surfaces and also if accidentally mounting a kerb or similar object with one wheel. There is no protection from pollution or weather.

**Sec 3 Theft Act 1978 & Sec 11 Fraud Act 2006**

Whilst considering the responses on Taxis and Private Hire Regulation due regard should be given to the above legislation which is woefully inadequate and leaves drivers un-protected and open to prosecution when attempting to deal with fare evaders.
Dear Sirs,

We would like to add our objections to the above proposals, which would add an unnecessary extra burden on small business operators.

At a time when there are already some two and a half million unemployed it would seem nonsensical to risk putting small firms out of business with the additional overheads these proposed changes would entail.

Yours faithfully

Mr & Mrs F R Lowry
To whom this may concern,

Reading the recent article in the Classic Car Weekly I have to say it fills me with fear that my business may have to come to an end. Since my fiance died in 2008 I have put all of my time, effort and money in to trying to keep my wedding car business going and growing for my son to join me in the running of it when he leaves school in 2013. This business yet small with just a fleet of 4 cars could become a financial nightmare for me. You must think of the impact it will have on small businesses like mine and please don't make life anymore difficult than it already is. Yours Faithfully

Sharon Dunn (S&P Dunns vintage cars) North East.
We are writing to you as Hackney Plate holders for the Licensed Taxi trade in Torbay.

There are presently 165 of Hackney Carriage Plates in the Torbay area, of which 6 are seasonal plates. These numbers have been historically restricted by the local authority as in the view of the local authority and Taxi trade in this area, it is the most efficient and sensible way of licensing Hackney Carriages in this area.

You may be aware from substantial press coverage that on 10th May 2012, the Law Commision presented a consultation with a number of suggestions all of which involve national decisions that effect local areas.

This is not the first time a consultation of this nature has arisen. In 2002, the Office of Fair Trading (OFT) conducted an almost identical consultation. In respect of that consultation a report was produced by the House of Commons Transport Committee which we think it would be fair to summarise in saying that the OFT's consultation was heavily criticised.

We quite simply cannot understand, particularly in the present financial climate, why a government funded quango would seek to repeat a consultation which has already been thoroughly dealt with within the last 10 years. There have been no substantial change in the Hackney Carriage and Private Hire market in the last ten years, and it appears to be virtually a complete duplication.

It is the position of this association now as it was in 2002, that decisions regarding local transport services including Hackney Carriages and Private Hire vehicles should be made by local authorities and not any form of national government. This is for good reason in that local areas have specific local problems. Some areas may be suitable for unrestricted issue of Hackney Carriage plates, and some may not. Indeed in the Torbay area we have a number of seasonal plates, because of local demographics. That is not repeated in other local authorities. How would a central authority be sensitive to such issues?

We would like to impress on you, that bringing out consultations of this nature are a serious issue for the taxi trade. They destabilise the market,
and in particular prevent prospective Hackney Carriage owners investing in their business due to the uncertainty of possible market changes. The 2002 report went on for approximately 3 years and during that period the Taxi market in Torbay was completely unstable. We would like to impress on you and in turn would like you to impress upon the appropriate minister that a repeat of such unstable conditions should be avoided, particularly when there is no good reason for a second consultation.

It feels very unfair to us that we have paid many thousands for our plate and are still paying for it, which will become worthless leaving us in debt which is out of our control.

The solicitor to the Association, Nigel Frost, dealt with the 2002 consultation and is going to deal with this consultation for us as well. He also holds a Taxi Licence, and is a member of the Association as well. You may actually recall him, as he has been to see you recently about another consultation involving the court service. He would be able to see you to discuss this matter further if you so wish.

Yours faithfully

Roger and Kate Neate
Re the new style Ford Galaxy;

Liverpool will only licence this vehicle for 5 passengers due to the difficulty in entering the rear of the vehicle. Wirral will NOT licence it all due to the run flat tyres, however if you go the local scrap dealer, buy a spare tyre and put it in the boot you can have a licence for 6 passengers! Chester West will straight away licence the vehicle for 6 passengers. These three areas are next to each other. Wirral are looking at the situation and have been for 18 months and I understand by "accident" Liverpool have licensed some Galaxy's for 6 and are trying to rectify the situation.

The North West Ambulance Service runs a hospital car collection and drop off service for patients. The drivers have no licence or CRB check and in many instances run on normal car insurance. They are paid between 38/40 pence per mile. Several retired persons drive for 40 hours a week and use this to top up pensions yet no action is ever taken for no insurance etc by any of the local police forces. Is this a level playing field!

Steve Quayle
Quaytime Chauffeur Services
The report seems to acknowledge that there will be issues with congestion, and pollution but then dismisses them. These are real concerns, and should not be dismissed. In my town Torquay there is already overcrowding on ranks. Sometimes it is not uncommon to drive around the town’s one way system two or three times until a space becomes available. This is expensive and polluting.

If taxis in Torbay were to become deregulated, and more people came into the industry I think it would become uneconomic for me to carry on. My income has halved in the twelve years I have had my plate. At 57 years of age I think I would struggle to wind other work.

There must be lots of towns in the country like Torbay that have their unique set of circumstances. So therefore surely local authority's are best placed to decide what is best for their own areas. Not a one size fits all policy from central government.

One last thought there are a number of widows who are pensioners that rent their husbands plates out. This must form a substantial part of their income. Also it provides an income for the person renting the plate.

Robin Lander
HC 29
Torbay
1) LAWS

1. The enactment of laws and regulations does not mean they will be enforced.
2. In the case of taxi law, the mechanisms for ensuring the laws are enforced are apparently ineffective.
3. There are many examples of unlawful or illegal acts which appear to currently go unchecked set out below.

2) LACK OF QUALITY CONTROL ON THE LEGAL AND ADMINISTRATIVE BUREOCRACY

1. It seems to me that Guildford Borough Council, the Surrey Police, and the Transport Police refuse to enforce the existing taxi laws fairly and impartially. I believe they are directed politically and by self serving institutional self interest.
2. I believe that the watchdog bodies of the IPCC, the Ombudsman, and the Surrey and Transport Police seek to bury or disregard inconvenient complaints. The Information Commissioner is thwarted by deliberate delay on the part of the Council in responding to investigations, leaving complaints of serious criminal misconduct unresolved.
3. There is no effective quality control on the magistrates courts, police, or councils due to resource and risk imbalance. Individual taxi drivers or even small groups cannot afford to take on the bureaucracy which has unlimited taxpayer funds at it's disposal. Collective actions should be enabled whereby national, local, or regional petition mechanisms should be arranged so groups of taxi drivers can be formed if need be. Left to themselves drivers will never organise.
4. Further, there has been evidence of systemic dishonesty and incompetence in the public services in connection with taxi regulation. I believe the bureaucracies are not fit for purpose, and basic tests should be introduced to assess intelligence, honesty and all public employee's transactions with the public should be recorded in the same way as is done widely in the private sector.

3) COUNCILS

1. Councils do not follow or enforce their own policies or statutory or bye laws.
2. They license for wheelchair access, vehicles that have only single tailgate access for disabled passengers, and which would trap the passenger in the event of a rear end collision. Two exits are required by the Councils own policy document, but they ignore that requirement.
3. They profiteer from the issue of licenses. For several years Guildford Borough Council has avoided proper disclosure of the calculation of licence fee costs.
4. Councillors and Council Officers are complicit in empire building departments full, of people carrying out tasks which are not necessary for the management of taxi services.
5. Drivers are loaded with unnecessary, costly requirements
6. Councils do not know how many people in their borough are wheelchair bound. And therefore do not know what provision of wheelchair accessible vehicles should be made.. Wheelchair accessible vehicles are not suitable for all types of disabled, and 95% of registered disabled prefer saloon cars, in addition to the
7. Lack of proper enforcement of work permits,
8. Drivers who cannot read and write English are deemed fit and proper persons.
9. Drivers who are not anchored here and who can commit offences and easily move beyond the reach of the UK authorities are deemed fit and proper persons.
10. There should be a permanent principal abode requirement as part of the fit and proper person.
11. Council's overcharging and profiteering from hackney carriage and private hire driver and vehicle license fees.
12. Illegal soliciting for hire in a public place by a private hire firm outside Guildford Mainline and London Road stations goes unchecked.
13. Ranking up of private hire vehicles in public places and on station premises is ignored.
14. Soliciting by private hire drivers is ignored.
15. Minutes of Councillors and Council Officers meetings appear to be forged or otherwise interfered with, or suppressed or not taken at all to provide deniability.

4) POLICE

1. Police are partial as to how they enforce the laws concerning taxis and private hire, and they act according to the whims of their political masters.
2. Police go out of their way to allow the public not to pay taxi fares, referring to it as a “civil matter”.
3. Illegal soliciting for hire in a public place by a private hire firm outside Guildford Mainline and London Road stations goes unchecked.
4. Ranking up of private hire vehicles in public places and on station premises is ignored.
5. Soliciting by private hire drivers is ignored.
6. Police are slow to respond, if at all, to assaults on drivers, or their vehicles and are generally ineffective.
7. Criminal acts are misreported by downgrading them.
8. The Police are only keen to act when the offence is the political flavour of the month, usually set by the local politicians so they can get self congratulatory media coverage.
9. The police complaints authority acts as if it is complicit in suppressing inconvenient complaints as is the Local Government Ombudsman.
10. There appear to be police employees and officers who's job is to bury inconvenient matters in delay and obfuscation.

5) CROWN PROSECUTION

1. The Crown Prosecutor in Guildford appears to be unwilling to prosecute Guildford Borough Council.

6) INFORMATION COMMISSIONER

1. The Freedom of Information Act is thwarted by deliberate delay by Councils, so
the time limit for action is passed.
2. There is evidence that minutes of consultation meetings between Councillors and taxi drivers have been falsified.

8) COUNCIL DISCIPLINARY COMMITTEES

1. Council disciplinary panels are star chambers who are likely to prefer the uncorroborated evidence of passengers. They impose draconian sentences way out of proportion to the offences, they have on occasion suspended an innocent drivers licences for over a year.
2. Councils have arbitrary and politically driven disciplinary proceedings. It is easier for Councillors to find a driver guilty. There is no cost to the council even when they are wrong.

9) Guildford Borough Council STANDARDS ASSESSMENT SUB COMMITTEE

Detail of Complaint
The complainant alleged that Councillor Westlake fraudulently altered the handwritten contemporaneous version of his notes of the Taxi Advisory Group meeting held on 29 September 2011. The complainant believes that in doing so Councillor Westlake enabled an increase in taxi

The Sub-Committee concluded by a unanimous vote that the conduct of Councillor Westlake (if proven) would not constitute a breach of paragraphs 5 and 6(a) of the Members' Code of Conduct as alleged. Accordingly, the Sub-Committee resolved that no action should be taken in respect of the allegation.

1. This allegation was made to and rejected by the Council, an appeal was also rejected. The Council’s Chief Legal Officer did not appear to bring this to the attention of the Council Executive as appeared to be his statutory duty.

10) Guildford Borough Council CONSULTATION WITH TAXI TRADE

1. The successive lead councillors have in turn disregarded requests from the trade, [Redacted], [Redacted] or finally not had minutes or meetings at all.

11) LOCAL GOVERNMENT OMBUDSMAN

1. Appeals mechanisms both within councils and outside are almost totally useless. Ombudsman, Information Commissioner IPCC. Councils flout the FoIA with impunity. Councils legal officers do not perform their statutory role.

12) COMPETITION

1. Cross border hiring will lead to monopoly providers a la stagecoach did with buses.
2. Market share limit of 30% in each borough.
14) MAGISTRATES COURTS

1. The appeal procedure is useless because of its expense.
2. Magistrates inexperienced in motoring appear to be unable to grasp basic concepts, appear to be regularly mislead by police witnesses, appear to misdirect themselves in law and are not in my belief corrected by the Clerks.
3. The Prosecutors and Magistrates must know that police appear to regularly lie to them, yet they say nothing.

15) DISTRICT AUDITOR

1. The District Auditor did not in my opinion produce an impartial report on alleged overcharging for vehicle and driver license fees by Guildford Borough Council.

16) REGULATION

1. Cromwell's idea of a good behaviour bond should be reintroduced for new drivers.
2. Repetitive sittings of knowledge tests leads to a lower local knowledge for drivers.
3. Hackney drivers should do a minimum of 3 years training as a private hire driver before getting hackney license.
4. The regulation of the number of taxis has been shown to be advantageous in many of the reports referred to in the OFT report. Most US cities that deregulated in the 70's have re-regulated. The US report details how the regulation didn't work:
   1. From the Schaller Report

6.1 Open entry in the cab stand/street hail market
   When implemented in walk-up markets, open entry has consistently led to an oversupply of taxis. Oversupply has resulted in fare revenues being spread too thinly among cab drivers to support quality vehicles, acceptable driver incomes and industry accountability for service. With a few notable exceptions, cities and airports with open entry policies in sizeable walk-up markets have abandoned open entry in favor of entry restrictions. These impacts are documented in detail for cities such as San Diego, Seattle, Wash., Sacramento, Calif., Phoenix, Ariz., Tucson, Ariz., Kansas City, Mo., Cincinnati, Ohio, and Indianapolis, Ind., that have deregulated since the 1970s. These cities,
which generally issued taxi vehicle permits to drivers who operated independently of cab companies, experienced a sharp influx of individual owner-operators who primarily if not exclusively worked taxi stands at airports and large hotels. (Teal and Berglund 1987, Frankena and Pautler 1984, ITRE 1998 and La Croix et. al. 1992) The arrival of additional drivers did not improve taxi availability since prior to deregulation there was no shortage of taxi service at these stands. Proliferation of cabs did result in drivers waiting a longer time for their next trip. This led to “a reduction in drivers’ productivity and real earnings” (Teal and Berglund 1987, p. 53). The financial pressures in turn resulted in upward pressure on fares and “aggressive solicitation of passengers and confrontations among drivers” as drivers sought to obtain the most lucrative trips and avoid unprofitable short trips. (PriceWaterhouse 1993, p. 15) Open airport systems were found to be “unworkable,” with “price gouging, dirty drivers, unsafe cabs, and unfair competition.” (La Croix et. al. 1992)

Other cities with open entry policies such as Dallas, Tex. (prior to 2003) and San Jose combined open entry with company-level entry requirements. It is notable that, even with the inclusion of company-level entry requirements, Dallas and San Jose also experienced an oversupply of cabs at airport cab stands. Driver incomes, service quality and accountability suffered as a result of oversupply conditions. As long as drivers are willing to pay lease fees to companies for use of their permits, companies have little incentive to limit the number of cabs in their company. The requirement that drivers go through companies to gain entry to the industry did not stem the flow of drivers into the industry.

As a result of oversupply and deteriorating service, most cities that were deregulated at one time or another have adopted entry restrictions. Entry restrictions were adopted in New York City, Chicago, Ill., Boston, Mass., Baltimore, Md., Toronto, Ont., Montreal, Quebec, Winnipeg, Manitoba, and Vancouver, B.C., when these cities experienced oversupply in the 1920s and 1930s. (Gilbert and Samuels 1982; Davis 1998)
PriceWaterhouse (1993) found that 14 of 18 cities that removed entry limits from the mid-1960s to the mid-1980s later restricted entry at airports or throughout the jurisdiction. Other cities such as Dallas and Sacramento have also closed entry in recent years. Contrary to free market expectations, oversupply at cab stands is not a transitory step toward a market equilibrium. The persistence of oversupply conditions is attributed to low entry costs, lack of information, low skill levels of drivers and lack of other employment opportunities which lead drivers to be “willing to accept subsistence level earnings in order to be self-employed.” (Teal and Berglund 1987 p. 53) At airport cab stands, drivers “who often speak poor English and have little experience with radio dispatch work, find it easier to wait in line at the airport for a fare than to work the radio dispatch business in town.” (La Crois et. al. 1992) Officials in Dallas and Indianapolis have offered similar explanations for the oversupply of drivers at airports in those cities. Consistent with the experience of cities that deregulated and re-regulated, four open entry localities report unsatisfactory experiences. Indianapolis has experienced an oversupply of cabs at the airport, with drivers waiting three to four hours for their next passenger. State of Arizona officials report that cabs lack proper liability insurance and fail to obtain vehicle and meter inspections, and report the presence of many unlicensed and uninsured cabs in the Phoenix and Tucson areas. In Orange County, Fla., cabs fail to meet acceptable service and vehicle standards. These jurisdictions experience a high turnover of drivers and vehicles and lack of accountability for service problems.

Washington D.C. is the one city in North America with open entry in a dense downtown cab stand and street hail market. As a result of open entry, cabs are readily available in downtown Washington and in the Capitol area. However, concerns about service quality have led city officials to consider changing the system to a closed entry medallion system or some other type of system that would effectively limit entry. No actions have been
taken, however, and Washington remains the only large open entry city with dense cab stand and street hail activity. Oversupply appears to occur only in areas with active cab stand and street hail markets. PriceWaterhouse (1993, p. 19) notes that four smaller cities (Spokane, Wash.; Tacoma, Wash., Berkeley, Calif. and Springfield, Ill.) retained “fully deregulated system[s.]”

6.2 Open entry in the dispatch market
While open entry has affected walk-up markets in similar ways across different cities, the effects on dispatch service depend on whether open entry is applied across-the-board or is limited to the dispatch portion of the market. Open entry shows negative effects on dispatch service where it has been applied in both dispatch and walk-up markets. This was the case in most of the cities that deregulated approximately a quarter century ago. Cities such as San Diego and Seattle experienced a decline in the quality of dispatch service as new entrants focused on airport and downtown taxi stands. (Teal and Berglund 1987)

Under open entry in Atlanta, Ga., service to minority neighborhoods decreased despite a doubling in the number of cabs; most new entrants focused on the airport. (Frankena and Pautler 1984) Prior to the city’s closing entry in 2003, the main dispatch company in Sacramento reported an average response time of 30 minutes. (Nelson/Nygaard 2004)

Because of the long waits experienced by drivers at cab stands, open entry weakened the financial viability of cab companies and drivers who provide dispatch service. Prior to deregulation, these drivers worked a combination of dispatch and cab stand trips. Under open entry, these drivers avoided the long lines at cab stands and focused more exclusively on dispatch trips, losing 10 to 25 percent of their customer base in the process (Teal and Berglund 1987 p 54). These drivers had difficulty making up for the loss of cab stand trips with additional dispatch trips. In San Diego, “the real earnings of drivers in the largest company in the city have fallen 30 percent since deregulation” (Teal and Berglund 1987 p 46).
Washington D.C. follows a pattern similar to the experience in cities that deregulated. The District has only three major dispatch companies despite having one of the largest taxi industries in the country. There are chronic complaints about dispatch response times, particularly in minority neighborhoods. (Lyons 1983; Georges 1993; Pearlstein 2004) Dispatch companies have difficulty attracting drivers to work dispatch trips due to their easy access to cab stand and street hail business. Fear of crime in some neighborhoods also discourages drivers from switching from hail and stand trips to dispatch trips. Jurisdictions that controlled access to walk-up but not dispatch markets show more positive results. Etcetera.....


17) WHEELCHAIR ACCESSIBLE VEHICLES

1. Too much weight is being given to special interest groups like the disabled.
2. Huge numbers of wheelchair accessible vehicles, expensive, uncomfortable, unsuitable for the general public including 95% of disabled are foisted on drivers and public alike.
3. The authorities cannot even say how many wheelchair bound people they have in the local area.
4. Representatives of the disable don't attend Council meetings to justify their claims, and don't respond to requests for discussion.

18) ECONOMICS

1. The Commission should take full account of the economists report referred to in this submission and the further reports, including United States based reports contained therein, and also the House of Commons Transport sub Committee report on deregulation.
2. Markets are only useful when supply and demand result in approximate equilibrium. However the oversupply of potential drivers will collapse the market price below a sustainable level with adverse consequences on quality and disorder at taxi ranks. There is a difference between the theory and the reality, and professional economist's reports have highlighted that.
4. The net loss to the economy in productive efficiency of the market taking into account both the increase in costs and the improved quality of service resulting
from the reduced passenger waiting time is between £8 million and £29 million per year. Or between 10 and 36 pence per trip. OFT 6.30
5. Approximately 62,000 taxis in 2003 OFT Chart A5.2
6. Average License premium were £30,000 in 2003 OFT E49
7. Total value of licence premium destroyed by deregulation would be £1.86 billion (£30,000 x 60,000 licenses)
8. Total passenger trips by taxi were 76 million per year, and total passenger savings were between £2 and £5 million, or between 2.6 and 6.5 pence per trip. Any savings per trip have been miniscule.
9. £1,800 million of taxi driver property has or will be destroyed to produce a net annual loss to the national economy of between £10 and £25 million per year.
10. Deregulation and de-restriction of taxi numbers is a multi billion pound confiscation of taxi drivers assets which produced a system which runs at a net annual loss to the economy.
11. The cause of the loss is that the amount of time taxi drivers wait between fares has increased in both restricted and de-restricted areas, but with considerably larger increases in de-restricted areas. In our sample LAs the average increase in driver waiting time of taxis hired at taxi ranks was 77 per cent more in de-restricted than in restricted areas. This increase in driver waiting time is significantly greater than the reduction in passenger waiting times......This suggests a decrease in the productive efficiency of the taxi industry – the benefits to consumers in terms of decreased waiting time are more than offset by the costs to taxi drivers of providing an improved service. OFT 1.16
12. We have produced best-guess estimates of two elements of consumer benefit from de-regulation in the street and rank hiring segment. First the observed reductions in waiting time have been combined with values of time published by Department for Transport (DfT) to give estimated annual savings across all of the LAs that have de-restricted since 2003 of between £1 million and £3.5 million. We have also estimated the potential consumer benefit that would be realised if de-restriction were to be extended to those areas that continue to operate quantity restrictions. This potential benefit is in the range £2 million to £10 million. OFT 1.17
13. The second element in consumer benefit comes from additional taxi journeys as a result of the improved service following de-restriction. For this we have estimated the increase in utility or value to customers of the taxi service compared with using a pre-booked car or other transportation modes. The annual benefit in de-restricted areas is estimated to be around £1 million with a corresponding potential benefit of around £3 million in areas that currently remain restricted. 1.18
14. Taking these two elements together, the effect in the 48 LAs that have de-restricted since 2003 has been estimated annual consumer benefits in the street and rank hiring segment ranging from about £2 million to £5 million, depending on assumptions. The potential benefit from further derestriction is in the range £5 million to £13 million.
15. We have also estimated the additional cost of providing taxi services in de-restricted areas resulting from the additional driver waiting times that we have observed. We have adopted two alternative approaches. First we have estimated the cost to existing taxi drivers based on the elimination of the licence
premium. Without quantity restriction there is no need to pay for a premium for a licence when you can get one for a nominal sum from the LA. 1.20

16. We have taken the licence premium as a proxy for the higher taxi utilisation achieved under quantity regulation. This suggests an annual cost per taxi of around £3,000. Grossed up over the number of taxis prior to de-restriction, this gives an estimated annual increase in costs following de-restriction of £15 million. An alternative approach is based on the observed increased waiting times after de-restriction valued either at the same values as we have used for passenger waiting or at the value of the minimum wage. This gives increased costs in the range £12 million to £31 million per year. The fact that both these estimates point to increased costs on a similar scale provides a valuable 'sense check' in the presence of uncertainty about the data. 1.21

17. We have estimated the value to consumers of these reduced waiting times and a corresponding further potential benefit if de-regulation was extended across the whole market. There was no explicit valuation of this benefit in the 2003 study. In addition we have estimated a loss in productive efficiency associated with the increase in driver waiting time following de-regulation. This effect was not addressed in the 2003 study.

18. There are several main conclusions from our estimations of the welfare impacts of de-restrictions. First, de-restrictions in the 48 LAs that have de-restricted since 2003 have led to realised annual consumer benefits ranging from about £2 million to £5 million, depending on assumptions. Second, the same de-restrictions have led to driver cost increase, and the magnitude of the realised annual driver cost increase ranges from about £12 million to £30 million, also depending on assumptions. This is consistent with the findings of OXERA literature review (2003).

19. As a specific example, it cited Toner and Mackie (1992), which considered the impact of de-restriction. It found that, in the scenario where entry control was abolished but fares control was maintained at the existing level, this led to an increase in consumer surplus, as taxi numbers increase substantially, but a reduction in overall welfare, as the same increase in taxi numbers led to cost increases. Office of Fair Trading Evaluating the impact of the taxis market study [http://www.oft.gov.uk/shared_oft/reports/Evaluating-OFTs-work/oft956.pdf](http://www.oft.gov.uk/shared_oft/reports/Evaluating-OFTs-work/oft956.pdf)

20. The results of ten case studies conducted in England following the quantity de-regulation in the taxi market that has been widely applied since 2003, carried out for a report commissioned by the Office for Fair Trading and gathered data on the number of taxis, (showed) the trend in waiting times for both taxi drivers and taxi customers as well as taxi users' perceptions of changes in quality. Our results suggest that de-restriction is appropriate for those authorities that fail to regulate the market properly, but also that quantity restrictions may be a characteristic of a well managed taxi market. (Quantity De-restriction in the Taxi Market, Results from English Case StudiesAuthor: Aquilina, Matteo, Source:Journal of Transport Economics and Policy (JTEP), Volume 45,Number 2, May 2011 , pp. 179-195(17) [http://www.ingentaconnect.com/content/lse/jtep/2011/00000045/00000002/art00002](http://www.ingentaconnect.com/content/lse/jtep/2011/00000045/00000002/art00002)
19) PUBLIC ORDER

1. There is a real risk of a return to the public disorder and touting referred to in Cromwell's Ordinance. If there are too many taxis, extra legal methods of restricting the use of ranks may well be employed possibly leading to gangsterism controlling access to taxi ranks. In Guildford the town Police Inspector at the time, [REDACTED] (who as far as I know has never before or since expressed any interest in taxis) maintained that an increase in taxis as a result of deregulation would supposedly reduce public disorder. It turned out that public disorder was not reduced, [REDACTED] was promoted rapidly, although that was obviously not connected with his intervention at the relevant Guildford Borough Council meeting. It is possible however that Councils use their power of patronage to induce the answers they want.

20) PRESSURE GROUPS

1. Large London mini cab firms and private hire trade associations appear to be trying to design laws to suit themselves, whilst the tens of thousands of Hackney Carriage drivers voices are not being heard.
2. Large firms must not be able to use predatory pricing to create monopolies, as may have happened with buses.

21) DEMOCRACY

1. Taxi policy has become a political football, with parties wedded to policies that have no majority public support.
2. Council consultations results are ignored or consultations are repeated till the “right” answer is given.
3. Local authorities do not have specific mandates for specific taxi policies, so when they put forward a policy which doesn't have public approval like de-restriction of numbers, or wheelchair accessible vehicles, and the consultation fails the Council then refuse to do what the public wants because that conflicts with their political dogma. So nothing gets done, paralysis.
4. Councillors with responsibility move on to other things in a relatively short period of time. They start with consultations, then action plans, then try to avoid the actions, then leave. There is no continuity or responsibility.

22) LACUNA

1. There is no statutory responsibility on Councils, or other public or quasi public bodies to provide sufficient taxi rank space and there should be.
2. Assault of a taxi driver should be made a special offence with a minimum penalty.
3. Video recorders in taxis should be mandatory and form basis for safety and prosecutions of offenders.
4. The Police should be instructed to prosecute people who don't pay their taxi fare.
23) HUMAN RIGHTS

1. Councils have breached taxi drivers human rights by the disproportionate act of complete de-restriction of numbers. De-restriction has not produced any material benefit to consumers and has indeed resulted in a net loss to society and a grossly disproportionate loss to taxi license holders.

2. Taxi drivers human rights were breached as their property rights in the plate premiums (worth £1,800 million) were and will if the policy is pursued, be destroyed.

3. The deregulation was apparently an illegal act that went uncorrected because of an apparently perverse and unappealed High Court ruling by Sir Christopher Bellamy QC in Royden, R (on the application of) v Metropolitan Borough of Wirral [2002] EWHC 2484 (Admin) (08 October 2002). That matter should be referred to the European Human Rights Court for reassessment.
Submission 2

My responses in italics

LIST OF PROVISIONAL PROPOSALS AND QUESTIONS

OVERVIEW OF PROVISIONAL REFORM PROPOSALS

Provisional proposal 1
Regulation should continue to distinguish between taxis, which can accept pre booked fares, be hailed on the street and wait at ranks, and private hire vehicles, which can only accept pre-booked fares. (Page 160)

On no account should the word “taxi” be used in relation to private hire cars.

Provisional proposal 3
The regulation of taxi and private hire vehicles should not be restricted to any particular type of vehicle but should rather focus on road transport services provided for hire with the services of a driver. (Page 164)

Should include regulation of rickshaw type vehicles.

Question 4
Would there be (and if so what) advantages to restricting licensing to motor vehicles that require a driving licence? (Page 164)

Yes. No need for vehicles which aren't part of general vehicle licensing.

Provisional proposal 13
Regulation of the ways taxis and private hire vehicles can engage with the public should not be limited to “streets”. (Page 175)

Should include all public places.

Question 14
Is there a case for making special provision in respect of taxi and private hire regulation at airports? In particular, where concessionary agreements are in place should airports be obliged to allow a shuttle service for passengers who have pre-booked with other providers, or to the closest taxi rank? (Page 177)

Monopoly concessions should not be allowed at airports or other public places.

Provisional proposal 15
The defining feature of taxis, the concept of “plying for hire”, should be placed on a statutory footing and include:
(a) references to ranking and hailing;
(b) a non-exhaustive list of factors indicating plying for hire; and
(c) appropriate accommodation of the legitimate activities of private hire

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vehicles. *(Page 181)*

*Should include going about the business of carrying or soliciting passengers. Private hire offices should be excluded from advertising in public places, for example at railway stations and airports.*

**Provisional proposal 16**
The concepts of hailing and ranking should not cover technological means of engaging taxi services. *(Page 181)*

**Question 17**
Would there be advantages to adopting the Scottish approach to defining taxis in respect of “arrangements made in a public place” instead of “plying for hire”? *(Page 182)* Yes

**Question 23**
Should private hire vehicles be able to use terms such as “taxi” or “cab” in advertising provided they are only used in combination with terms like “prebooked” and did not otherwise lead to customer confusion? *(Page 186)*

*No use of word “taxi” or “cab” in context of private hire vehicles.*

**Question 28**
Should local standard-setting for private hire services be specifically retained in respect of vehicle signage? Are there other areas where local standards for private hire vehicles are valuable? *(Page 190)*

*Yes, local people should be able to recognise a local taxi, for safety reasons.*

**Question 35**
Should there be statutory limits to licensing authorities’ ability to set local taxi standards? *(Page 194)*

*No, but best practice guidelines can be issued from time to time. Statutory mechanism is too rigid and difficult to change.*

**Question 36**
Should licensing authorities retain the power to impose individual conditions on taxi and private hire drivers or operators? *(Page 194)*

*Yes*

**Question 37**
Should the powers and duties of licensing authorities to cooperate be on a statutory footing or is it best left to local arrangements? *(Page 195)*

**Question 40**
Would it be useful for licensing authorities to have the power to issue peak time licences which may only be used at certain times of day as prescribed by the licensing authority? *(Page 197)*

*Maybe, but it would be very difficult to enforce.*

**Provisional proposal 41**

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Private hire operators should no longer be restricted to accepting or inviting bookings only within a particular locality; nor to only using drivers or vehicles licensed by a particular licensing authority. (Page 198)

Care must be taken to avoid large companies acting in a predatory manner, driving local firms out of business and then establishing local monopolies. A la Stagecoach buses.

Provisional proposal 43
Licensing authorities should retain the ability to regulate maximum taxi fares.
Licensing authorities should not have the power to regulate private hire fares. (Page 200)

The non regulation of private hire fares will lead to a “free for all” driving down driver and vehicle standards and service.

Question 44
Should taxis be allowed to charge a fare that is higher than the metered fare for pre-booked journeys? (Page 200)

Yes, especially in case of adverse weather, heavy snowfalls, ice, fog, high winds, flooding.

REFORM OF DRIVER, VEHICLE AND OPERATOR LICENSING

Question 45
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? (Page 203)

Include in general powers, must include provisions as to whether driver is a danger to the public, literacy and numeracy, ability to understand and speak English.

Question 47
Should national vehicle safety standards 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? (Page 205)

Include within general powers.

Question 49
Should operator licensing be extended to cover taxi radio circuits and if so on what basis? (Page 208)

No need

Provisional proposal 50
The definition of operators should not be extended in order to include intermediaries. (Page 209)

Yes it should include anyone arranging the provision of private hire services.

Question 51
Should “fit and proper” criteria in respect of operators be retained? (Page 209)
Yes. We don't want unsuitable people running taxi companies.

Question 53
Where a taxi driver takes a pre-booking directly, should record-keeping requirements apply? (Page 210)

No need.

Provisional proposal 54
Licensing authorities should no longer have the power to restrict taxi numbers. (Page 213)
Yes they should be able to restrict numbers. See other submission.

Question 55
What problems (temporary or permanent) might arise if licensing authorities lost the ability to restrict numbers? (Page 213)
Lack of rank space
Disorder on taxi ranks and streets as drivers fight for business. See Cromwell's original ordinance.

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? (Page 215)
Yes

TAXI AND PRIVATE HIRE REFORM AND EQUALITY

Question 57
Should there be a separate licence category for wheelchair accessible vehicles? This could involve:
(1) a duty on the licensee to give priority to disabled passengers; and
(2) a duty on the licensing authority to make adequate provision at ranks for wheelchair accessible vehicles. (Page 217)

Maybe, but the authority should also have a duty to provide rank space for taxis in general as they are there as a public service.

Question 58
Should licensing authorities offer lower licence fees for vehicles which meet certain accessibility standards? (Page 217)

Question 59
Do you have any other suggestions for increasing the availability of accessible vehicles, and catering for the different needs of disabled passengers? (Page 217)

Wheelchair accessible vehicles should only be provided in sufficient quantities for those who can only move in their wheelchairs. The vast majority of the disabled and most wheelchair users prefer to travel in a saloon car, as do the rest of the general public. Any vehicles licensed for the disabled must have two exits through which passengers can exit in the event of an accident, whilst still in their wheelchairs.

Provisional proposal 60
We do not propose to introduce national quotas of wheelchair accessible vehicles. (Page 218)

Provisional proposal 61
National standards for drivers of both taxis and private hire vehicles should include recognised disability awareness training. (Page 219)

**Is there any evidence of need?**

**Provisional proposal 62**

In order to better address concerns about discrimination, taxis and private hire vehicles should be required to display information about how to complain to the licensing authority. (Page 219)

**Is there any evidence that there should be real concern about this issue?**

**Question 63**

What would be the best way of addressing the problem of taxis ignoring disabled passengers seeking to hail them? Could an obligation to stop, if reasonable and safe to do so, in specified circumstances, help? (Page 220)

**Is there any evidence this is a problem?**

15

**REFORMING ENFORCEMENT**

**Question 64**

Should authorised licensing officers have the power to stop licensed vehicles? (Page 222)

**Question 65**

What more could be done to address touting? Touting refers to the offence “in a public place, to solicit persons to hire vehicles to carry them as passengers”. (Page 223)

*The existing law should be codified more clearly to make sure that only taxis are able to stand or ply for hire in a public place. Private hire and their offices should be prevented from soliciting*

**Question 66**

Would it be desirable and practicable to introduce powers to impound vehicles acting in breach of taxi and private hire licensing rules? (Page 223)

*No*

**Question 67**

Should licensing authorities make greater use of fixed penalty schemes and if so how? (Page 225)

*Licensing authorities are not fit for purpose with regard to quasi judicial matters*

**Provisional proposal 68**

Enforcement officers should have the powers to enforce against vehicles, drivers and operators licensed in other licensing areas. (Page 225)

*Should be referred to the police.*

**Question 69**

Should cross-border enforcement powers extend to suspensions and revocation of licences? If so what would be the best way of achieving this? (Page 226)

*No*

**REFORM OF HEARINGS AND APPEALS**

**Provisional proposal 70**
The right to appeal against decisions to refuse to grant or renew, suspend or revoke a taxi or private hire licence should be limited to the applicant or, as appropriate, holder of the relevant licence. *(Page 230)*

**Why?**

**Provisional proposal 71**
The first stage in the appeal process throughout England and Wales, in respect of refusals, suspensions or revocations should be to require the local licensing authority to reconsider its decision. *(Page 231)*

Yes

**Provisional proposal 72**
Appeals should continue to be heard in the magistrates’ court. *(Page 232)*

Yes

**Question 73**
Should there be an onward right of appeal to the Crown Court? *(Page 233)*

Yes, important matters should always have a route through the appeals process. We have seen an innocent driver have his license suspended for over a year, losing his income, on the say so of a Council disciplinary committee who have every reason to opt to in effect find a driver guilty without a proper hearing.
Restriction of numbers has been necessary historically, especially in times of high unemployment or on the availability of low cost immigrant labour.

See Cromwell's:

June 1654: An Ordinance for the Regulation of Hackney-Coachmen in London and the places adjacent.

Number of hackney-coachmen in London, etc., from June 24, 1654, limited to 200.; Hackney-coaches to 300.; Hackney-horses to 600.; To be under control of Court of Aldermen.; Names of 13 of the first 200 hackney-coachmen.; Directions for making up number to 200.

For as much as many Inconveniences do daily arise by reason of the late increase and great irregularity of Hackney Coaches and Hackney Coachmen in London, Westminster and the places thereabouts: For remedy thereof, Be it Ordained by his Highness the Lord Protector, with the consent of His Council, that from the four and twentieth day of June, One thousand six hundred fifty and four ensuing, the number of persons keeping Hackney-coaches and Hackney horses for Coaches, within the City of London, Westminster and six miles about the late lines of communication, do not exceed at one time two hundred; nor the Hackney-coaches to be used by them, three hundred; nor their Hackney Horses for Coaches do not exceed the number of six hundred. And for the better Ordering and Governing the said Hackney-coach-men, Be it Ordained that the Government and Ordering of them shall from time to time be in the Court of Aldermen, of the City of London, in such manner as is hereby Ordained. And that Benjamin Francis, Andrew Clark, John Saltmarsh, Arthur Willis, Thomas Stephens, Anthony Hart, William Hockley, Thomas Graham, William Deacon, William Norwell, John Bray, Richard Heyborn, and William Clark, be thirteen of the first two hundred persons who shall keep Hackney-coaches, and Hackney-Coach-horses as aforesaid; which said thirteen persons, or the greater number of them, meeting in some convenient place for that purpose, shall nominate and present to the said Court of Aldermen two hundred persons, out of which two hundred persons, nominated and presented as aforesaid, or such other persons as the said Court of Aldermen shall think fit, the said Court shall elect and chuse one hundred eighty and seven persons, to make up the Thirteen Master Hackney-Coachmen aforesaid, to the number of two hundred, who shall thereupon be admitted and entred to be Master Hackney-Coachmen within the Limits aforesaid; And that no other persons dwelling within the Limits aforesaid, not of the number, nor entred and admitted as aforesaid, shall keep to hire out any Coaches.

Directions for appointing new hackney-coachmen in case of death or other vacancy.

And it is further Ordained, That if any of the said two hundred Master Hackney-Coach-men shall dy, depart from the limits aforesaid, or be removed, that then the said Remaining Master Coachmen shall nominate and present to the said Court of Aldermen, double the number of such persons as shall dy, depart the Limits, or be removed as aforesaid, out of whom, or such others as the said Court of Aldermen shall think fit, the same Court shall
Submission of Mark Rostron Secretary Guildford Hackney Association

from time to time elect and choose so many as shall make up the number of two hundred persons as aforesaid.

Stage-coaches not affected.

Provided, That nothing herein contained, do extend to the prejudice or restraint of the Coaches commonly called Stage Coaches, coming to, or going from London into remote places.

Hackney-coachmen to pay admission fee of 40s.

And be it further Ordained, That all and every of the said two hundred persons to be first admitted, and all that shall hereafter be admitted to keep Hackney-Coaches, as aforesaid, shall at their first admittance pay for his and their admission the sum of fourty shillings a-piece, towards raising a Stock, and for defraying the common Charges of the said Company.

Court of Aldermen may make rules and bye-laws for hackney-coachmen, subject to approval of Lord Protector.

And lastly, For the better Ordering and Governing of the said Hackney-Coachmen, and those employed under them, It is Ordained, That the said Court of Aldermen shall from time to time have power to make and ordain Rules, Directions, and Bye-laws, for and concerning the distribution of Coaches amongst the said Coach-men, their places of Standing, their Rates for Carriages, Penalties for disobedience by them, or others, to the provisions of this Ordinance, or to the said By-laws; Also for due Recovering of the same Penalties, and for removing of such as shall be offenders, and for any other thing tending to the well-ordering of the said Coachmen, and to the due execution of this Ordinance; Which Rules, Directions, and by-Laws, being from time to time presented to and Allowed by His Highness the Lord Protector and his Council for the time being with such Alterations and Additions as shall by the said Lord Protector and his Council, be made thereunto, shall be binding to all parties, and accordingly be duly executed.

Submission of Mark Rostron Secretary Guildford Hackney Association

Submission 4

The consultation should take on board ALL the Schaller Consultancy reports:

Entry Controls in Taxi Regulation: Implications of US and Canadian experience for taxi regulation and deregulation
Should taxi regulators adopt "open entry"? What are the effects of open entry, medallion caps and other types of entry control? What is the most effective regulatory approach?

This paper assesses these issues based on the experiences of 43 communities in the United States and Canada. The analysis shows that without entry controls, the cab stand and street hail market experiences an oversupply of cabs, leading to deterioration of vehicle and driver quality. Applied to the dispatch market, however, entry restrictions often lead to deficiencies in taxicab availability.

A major challenge for officials charged with regulating taxi entry is to reconcile the disparate needs of dispatch and cab stand/street hail markets, particularly in places with substantial trip volumes in both markets. Approaches to this challenge include two-tier systems, flexible forms of entry control, company-level entry qualifications, geographic restrictions and service requirements. These approaches and implications for regulation are discussed.

Summary of findings:
1. Numerical limits are essential in cities with a large number of trips obtained at cab stands and by street hail. Examples of such markets include airport cab stands and dense downtowns in New York, Chicago, San Francisco, Boston, Toronto and other major cities. Without numerical limits, cities have experienced oversupply of cabs that leads to deterioration in driver and vehicle quality.
2. Communities with a predominance of telephone order (dispatch) trips and few if any cab stand trips typically authorize cab companies to operate a specific number of cabs. This number may be set by regulation, in which case it needs to be adjusted regularly if demand for cab service is growing. Companies may also be given flexibility in adjusting the number of cabs they operate and may be allowed to add (or subtract) cabs from their fleets without regulatory approval.
3. Cities with a mix of dispatch and cab stand/street hail trips generally limit entry, in order to prevent oversupply of cabs (see #1 above). These cities often experience shortfalls in service in outlying areas, however, as cabs cluster in active downtown and airport cab stand/street hail markets. To achieve geographic balance in service levels, cities may adopt:
   Geographic restrictions, such as cabs not allowed to pick up in the Las Vegas "Strip", or franchise zones used in Los Angeles. (Other examples: Miami, Chicago, Orange County/Anaheim, and airport restrictions in Orlando, Ottawa, Toronto, San Jose, Seattle, San Diego, St. Louis.)
   Service requirements, such as companies or drivers required to serve a certain number of trips in underserved areas. (Example: Chicago.)
   Two-tier industry structures, in which separately licensed industries are authorized for cab stands/street hails and for dispatch. The number of cabs authorized for stand/hail
work is regulated; the number of vehicles operated by companies licensed for dispatch only may or may not be regulated. (Examples of two-tier industries are New York City, Newark and London.) Effectiveness of these measures are discussed in more detail in the full paper.

U.S. Taxi and Livery Issues

**Entry Controls in Taxi Regulation: Implications of US and Canadian experience for taxi regulation and deregulation**

Should taxi regulators adopt "open entry"? What are the effects of open entry, medallion caps and other types of entry control? What is the most effective approach? This paper assesses these issues based on the experiences of 43 cities in the United States and Canada. Advantages and disadvantages of regulatory approaches ranging from deregulation to strict medallion caps are analyzed, and seven specific implications for entry control are discussed. Published in *Transport Policy*. (2007)

**8 Keys to Keeping Taxi Issues From Becoming a Political Hot Potato**

This article discusses eight elements that characterize well functioning taxi systems. Cab operators and regulators can use these elements as reference points in thinking about how to improve the regulatory system and industry structure in their city -- and thus keep taxi issues out of the political kettle. (2005)

**The Changing Face of Taxi and Limousine Drivers: U.S., Large States and Metro Areas and New York City**

Twelve percent of Americans used a taxi or limousine service in the previous month. Who are the men and occasionally women who deliver taxi and limousine services? What are their backgrounds, how much do they work, how much do they earn? Based on U.S. Census data, this report shows the increase in immigrant drivers and the predominance of men (although the number of female drivers is growing) in a wide ranging profile of taxi and limo drivers. (2004)

**A Regression Model Of The Number Of Taxicabs In U.S. Cities**

In cities that control the number of taxicabs by law or regulation, setting the number of cabs is one of the most important decisions made by taxicab regulators and elected officials. This study identifies primary factors related to demand for taxicab service in the United States. Published in *Journal of Public Transportation*, 2005.
2006 Taxicab Fact Book
(pdf file)

Revised in March 2006, this is the "indispensable" guide to the New York City taxicab industry, says the Financial Times of London. Information on taxi ridership, trip purposes, fares, customer satisfaction, service availability, industry finances, driver earnings, medallion prices, cars, accidents, driver quality, driver background and nationality, and history and development of the NYC taxi industry.

The Taxi Vehicle in the Ideal Taxi System

The cab fleet is not just 13,000 individual vehicles -- it also forms a spatial, economic, environmental and social system. This essay, written as part of the Design Trust for Public Space's 2005 Designing the Taxi project and exhibition, assesses the current taxi system and proposes possible systemic changes to improve service.

Taxi and Livery Crashes in New York City, 2004

New York City cabbies are less crash-prone than other drivers; as a result, passengers are less likely to be injured as a passenger in a taxicab or livery car than as an occupant of other vehicles. The report presents a wide-ranging analysis of NYC crash data. (2006)

Higher Pay, Safer Cabbies
(pdf file)

This report examines data collected over the past decade to assess the relationship between driver earnings and motor vehicle crashes involving taxicabs. The study finds that there appears to be a strong relationship between taxicab crash rates and driver incomes. Higher driver incomes are associated with lower crash rates. (2004)

Elasticities for Taxicab Fares and Service Availability
(pdf file)

This published study utilizes a unique dataset from New York City to quantify how taxi fare increases affect trip demand and the availability of taxi service, in the first published statistically-significant estimates of taxi fare elasticities.

Cab Availability and Ridership, 1990-99
(pdf file)

At the end of the century, the NYC taxi industry set new records for ridership, revenue and occupancy. At the same time, service availability neared its lowest point in at least a decade. This report summarizes comprehensive data on taxi ridership, availability and industry finances.
Issues in Taxi Regulation

Who drives taxicabs and why? What are their major problems? How do their problems affect the industry and passengers? How is the taxi industry organized? Is the famous (or infamous) taxi medallion system good or bad? What is leasing? Why do drivers hate it? Are their complaints merited? How has leasing affected the industry? And what can be done about the "taxi mess"?

This 3-part series of papers examines these questions and evaluates a range of policy solutions. Published in the journal *Transportation Quarterly*, Fall 1995, Winter 1996 and Spring 1996.

- **Brief Summary** and table of contents for each paper
- "Factors of Production in a Regulated Industry: Improving the Proficiency of NYC Taxicab Drivers" shows how service problems in the taxi industry stem from inadequate driver wages and difficult working conditions.
- "Villain or Bogeyman? New York's Taxi Medallion System" evaluates the widespread notion that the medallion system is the root of service problems, and finds that the growth of taxicab leasing over the last 15 years has had a far more pernicious effect on service quality than has the medallion system.
- "Fixing New York City Taxi Service" looks to the future, analyzing nine strategies for improving service, evaluating the likely efficacy of recent city regulations and the potential of market-based policies.

Hi
Could you include the following message and attachment in the Guildford Hackney Association submission?
Thanks
Mark Rostron
Secretary - Guildford Hackney Association
Mark Rostron

---------- Forwarded message ----------
From: "Mark Rostron"
Date: Nov 25, 2012 10:37 AM
Subject: Taxi time recording revised data to allow for the 14 months included in data provided

Dear Sirs

According to data provided by the Licensing Manager in the attached spreadsheet (Time recording 2012 user and category totals), average time charged for the issue of a taxi driver’s license is 5 hours 35 minutes average for private hire drivers is 7 hours 18 minutes.

Average time charged for the issue of a hackney carriage license is 5 hours and 10 minutes, but for private hire vehicles it is 1 hour 52 minutes.

Clearly it doesn’t take over 5 hours to issue a hackney driver’s license and over 7 hours to issue a private hire drivers. This is prima facie evidence that time is being fraudulently charged to hackney carriage and private hire drivers licenses.

In addition it cannot possibly take 5 hours to issue a hackney carriage licence especially as the time taken by the Woking Road depot is charged and accounted for separately, and why does it take 3 hours less to issue the private hire vehicles license?

The Licensing department have produced no evidence to show that any time charge has been charged properly and no evidence that they have been properly audited since the Council accepted that an allegation of criminal fraud had been made.

Please take this as formal notice that I request you to take the proper steps to investigate this matter and charge drivers proper legal fees.

Yours truly

Mark Rostron - Secretary - Guildford Hackney Association

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In case of problems, please call your organisation’s IT Helpdesk.
Communications via the GSi may be automatically logged, monitored and/or recorded for legal purposes.
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3630:02:00
3630
14 Months
3111.428571 Annualised

500 Drivers every 3 years
500 Cars

4.667142857 Hours each event

15.66857143 If only 1 hour allowed for each car
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From: eve morgan [mailto:]
Sent: 13 August 2012 19:41
To: tph@lawcommission.gsi.gov.uk
Subject: Vintage & Classic Car hire government review.

Dear Sir

I am very concerned that the proposals will also apply to very special exemptions which currently allow classic and vintage vehicles to be excluded from regulations, very sensibly applied to mini cabs and taxis.

I refer to the use of classic & vintage cars used exclusively for wedding and funeral hire. This is a very limited but also a great British tradition which has benefited thousands of newlyweds and graced the solemn occasion fulfilling in many instances the wishes of the deceased.

Legislation currently permits the hire of these, in many cases rare and valuable vehicles, to be used for weddings and funerals without being subject to the need for taxi or minicab regulations. The owners take great pleasure in providing something rare and special for a special day. The income gained helps owners like me to maintain these cars for future generations. In turn we provide work for specialist mechanics, part time drivers and give enormous pleasure to many.

As I understand it the regulations under consideration are recommending that this special exemption from taxi and minicab legislation solely for cars used for wedding and funeral hire is to be withdrawn.

The implications if this happens are obvious and very serious indeed. In addition to the effect on the wedding and funeral industry, it will also effect the private owners of vintage and classic cars and everyone involved in the restoration and maintenance of these vehicles. I am also led to believe that 99% of the owners of classic and vintage cars vote conservative!!

The cost of testing, licensing of both cars and drivers including standby drivers will be prohibitive. Bearing in mind most weddings take place on Saturdays in the summer months, the cost of licensing and all that goes with it will be too expensive. If these costs were passed on to the customers they would become too costly for them to hire and therefore
the majority of owners would opt out of hiring their cars out for weddings and funerals. The end result would be a surplus of vehicles on the market that nobody would want causing serious financial problems to all enthusiasts throughout the country and reducing the value of hard earned rare and valuable assets to worthless piles of metal.

Specialist repairers and restorers, both coach building and mechanical could well find themselves suffering from the results, losing jobs and incredible skills renowned throughout the world.

I would commend to you that you do not allow this legislation to be amended and continue as before.

Yours faithfully

Nigel Morgan (Vintage and classic car enthusiast)
Dear Sir,
I feel that the proposal to include wedding and funeral cars in the same category as Taxis and private hire cars plying for hire should not be made Law.
They should remain exempt for the following reasons:-

Using these vintage cars is a British tradition.

Our local council has a rule that cars for taxi hire have to be less than 8 years old (our cars are 1920's cars so fall outside of this requirement).

Mostly weddings are only at the weekend during the summer months with a few exceptions so the pro rata costs to licence the cars and drivers would be astronomical. As a result our business would cease to exist..

As far as safety reasons are concerned there has recently been a decision made that cars older than 1960 will no longer require an MOT test because cars of this age rarely fail the test due to the way the owners maintain them, these proposals contradict this decision for cars that are the age of ours. These cars can only be MOT tested at this time with regard to the way they were manufactured i.e. there are no seat belts, the lighting requirements are different etc. Will the private hire test take these things into consideration????

It would hardly be appropriate for a 1920,s car with no heating system picking up a patient from hospital in mid winter or to collect a shopper from a supermarket when there is no boot on the car and so nowhere to put the shopping bags. So how can this be regarded as a level trading platform.

Yours Sincerely
Tony Wroblewski
ANSWERS TO PROVISIONAL PROPOSALS AND QUESTIONS

CHAPTER 13 - OVERVIEW OF PROVISIONAL REFORM PROPOSALS
Provisional proposal 1  No *1

CHAPTER 14 – REFORM OF DEFINITIONS AND SCOPE
Provisional proposal 2  Yes
Provisional proposal 3  Yes
Question 4  -
Provisional proposal 5  Yes
Provisional proposal 6  Yes
Provisional proposal 7  Yes
Provisional proposal 8  Yes *2
Question 9  Yes
Provisional proposal 10  Yes
Provisional proposal 11  Yes
Question 12  No
Provisional proposal 13  Yes
Question 14  Yes
Provisional proposal 15  Yes
Provisional proposal 16  Yes
Question 17  No
Provisional proposal 18  Yes
Provisional proposal 19  Yes *3
Provisional proposal 20  Yes
Provisional proposal 21  Yes
Provisional proposal 22  Yes *4
Question 23  Yes *5
CHAPTER 15 – A REFORMED REGULATORY FRAMEWORK

Provisional proposal 24  Yes
Provisional proposal 25  No
Provisional proposal 26  Yes
Provisional proposal 27  Yes *6
Question 28  No *7
Question 29  -
Question 30  No
Provisional proposal 31  No
Provisional proposal 32  Yes
Question 33  Yes *8
Provisional proposal 34  No
Question 35  Yes
Question 36  No
Question 37  Yes
Provisional proposal 38  Yes
Provisional proposal 39  Yes *9
Question 40  No *10
Provisional proposal 41  Yes *11
Provisional proposal 42  Yes
Provisional proposal 43  No *12
Question 44  Yes *13

CHAPTER 16 – REFORM OF DRIVER, VEHICLE AND OPERATOR LICENSING

Question 45  Yes (a)
Provisional proposal 46  Yes
Question 47  Yes (a)
Provisional proposal 48  Yes
Question 49  Yes
Provisional proposal 50      Yes
Question 51                        Yes
Provisional proposal 52      Yes
Question 53                        No    *14

CHAPTER 17 – REFORMING QUANTITY CONTROLS
Provisional proposal 54          No
Question 55                        *15
Question 56                        Yes

CHAPTER 18 – TAXI AND PRIVATE HIRE REFORM AND EQUALITY
Question 57                        Yes
Question 58                        Yes    *16
Question 59                        *17
Provisional proposal 60          Yes
Provisional proposal 61          Yes
Provisional proposal 62          Yes    *18
Question 63                        Yes

CHAPTER 19 – REFORMING ENFORCEMENT
Question 64                        Yes
Question 65                        -
Question 66                        No
Question 67                        Yes
Provisional proposal 68          Yes
Question 69                        No

CHAPTER 20 – REFORM OF HEARINGS AND APPEALS
Provisional proposal 70          Yes
Provisional proposal 71          Yes
Provisional proposal 72          Yes
Question 73                        No
COMMENTS

A. RURAL TAXIS

In rural areas (e.g. Cubert, Perranporth, St Agnes, Portreath on the N. Cornish coast) the difference between Hackney and Private Hire is not meaningful and not understood by customers. “Rural Plates” (hackney plates allowing ranking/hailing but restricted to a specific country area, i.e. a type of zoning) were earlier used successfully by Carrick District Council but ruled illegal in a legal case. Ref. § No.1 + 22, 23, 39.

B. ‘VOLUNTEER DRIVERS’

There is no problem with genuine volunteers, i.e. driving a few times a week. But there are many drivers racking up thousands of miles. They get paid mileage in both directions, but with effectively no overheads (licences, taxi insurance, council requirements, medicals etc.) they can tender for contracts at levels where no legitimate Taxi/PH business can compete. This is totally unfair competition but it’s a grey area, and councils are not interested in acting, as that would remove their source of cheap transport. Ref. § No.8.

C. PRE-BOOKING REQUIREMENTS

At present Cornwall Council requires twelve separate pieces of information per booking, effectively impossible to comply with except using the most sophisticated computerised system.

a) How can this system be adapted to suit small (1-3 vehicle) businesses?

b) How can this excessive amount of information on grounds of “security” be reconciled with zero information requirements for Hackneys?

c) Small (1-3 vehicle) companies normally have no separate controller. The phone is diverted to a driver, i.e. driver = controller. Does a customer at the car window – in our area often with no signal on his mobile phone – have to be refused until he phones the person he is speaking to face to face? Rural Plates (see Point A above), or removal of the distinction between HC and PH, would avoid this. Ref. § No. 19 + 53.

D. TOPOGRAPHICAL KNOWLEDGE/VEHICLE SIGNAGE

Requirements are in any case set by individual councils, and are not a legal norm. It would be best to restrict council freedom to details (e.g. what type of sign, how detailed the knowledge) in certain areas and exclude other areas (e.g. all safety issues). Ref. § No.27, 28, 33.

There is already no PH restriction to locality as long as the phone is based in the area. Ref. § No. 41.
E. PART TIME LICENCES

Also relevant to the de-regulation issue and the removal of zones. Large numbers of taxis at peak times = many part-time drivers with alternative day jobs. These are not available to provide service to customers at non-peak times. They also take income needed by full-time drivers providing coverage at low profit times. To summarize: part-time drivers with “day jobs” operate only at times (weekends) and places (e.g. in Cornwall, seaside in summer, town in winter) where “big bucks” are to be made. Other times and places will remain unserved – and full-time businesses will be unable to survive. Ref. § No. 40 + 55, 39.

F. FARE STRUCTURE

The city/big town situation (A>B>C>D etc.) is radically different from the rural situation (A>B fare, B>A empty: A>C empty, C>A fare etc.). This is normally reflected in the council fare structure, which our company uses as a base for PH fare charges. Quotes must also take so-called “dead mileage” into account (A>B empty, B>C fare, C>A empty), otherwise it is not economically viable to transport rural customers, e.g. Goonhavern > Newlyn East, Trevellas > Penhallow. Ref. § No. 43 + 44.

G. ACCESSIBLE/LARGER VEHICLES (6-8 seater)

All kinds of methods could be considered to compensate for higher purchase price/higher running costs/extra time and trouble with loading and unloading passengers. These could include grants towards purchase, lower licence fees, some sort of bonus on fares for wheelchair passengers etc. Also higher fares could be charged for a greater number of passengers: in Carrick District this used to be 50% on the basic fare, but is now only 20%. Ref. § No. 58 + 59.

H. INTERNAL SIGNAGE

An internal plate for easy passenger recognition should be a legal requirement. (In our area vehicles only have an external plate to the rear, which is not easily visible to waiting passengers.) The internal plate should include council details for ANY form of complaint. Ref. § No. 62.

E.G.CALOW, ST AGNES TAXIS
Law Commission,
Steel House,
11, Tothill Street,
London.

7th September 2012.

Dear Sirs,

Re; Law Commission Consultation on Taxis and Private Hire.

I write to you on behalf of the Torbay Cab Company Ltd. We are the largest and longest established Hackney Carriage firm in Torbay.

It has been brought to our attention that the Law Commission is preparing a report regarding the regulations concerning Taxis and Private Hire vehicles. This would appear to be a duplicate of the report prepared in 2002 by the Office of Fair Trading. That report was examined in some depth by the Transport Select Committee who highlighted several errors and miss-calculations and concluded that the majority of the report was inaccurate and the findings could not be relied upon.

It would therefore appear to be most inappropriate in such a financial climate that a government department would want to repeat a process which was extensively dealt with only ten years ago. Especially considering that circumstances within the trade have not changed significantly in that time period.

I am sure that Torbay is not the only area within the United Kingdom where the population fluctuates according to the time of the year. As a result, the local authority processes seasonal licenses to cope with the anticipated increase in trade. Leaving such decisions to central government would inevitably result in inappropriate numbers of licenses throughout the year.
Several points within the previous report are flawed within their basic concept and would result in creating not solving problems. The idea of cross border working is a particular point. Different authorities incorporate different tariffs depending on their locality, geographical positioning, whether they are urban or rural. To permit cross border working would mean that each vehicle would have to incorporate every tariff applicable. This would cause confusion for the general public and open a potential for unscrupulous drivers to take advantage of the situation.

At present, although Torbay has nearly 200 hackney carriages plates, the drivers all know which cars are licensed. Allowing cross border working would result in so called ‘bogus’ taxi drivers going undetected. Local news full of such instances.

Newcastle driver convicted of illegally plying for hire. Unlicensed Maidstone driver jailed for rape of clubber. Prison for Bradford driver who ferried drugs. Jail for driver who brutally attacked Cardiff City fan. Coventry driver murdered woman and dumped body in canal. These are all recent events. Council’s need to have strict control of drivers working within their area. Allowing cross border working will seriously undermine the safety of the general public.

Local authorities at present have difficulty providing sufficient rank space for hackney carriage vehicles within their area. To allow cross border working would exasperate the situation even more, as each authority would be completely oblivious to the number of vehicles working their area at any particular time.

Several local authorities have discussed the matter of deregulation very recently and have all come to the same conclusion; it is simply not a viable proposition. The City of York Council’s Gambling, Licensing and Regulatory Committee agreed at a recent meeting that they did not want to lose their power to restrict licenses. They are of the opinion that if the cap was lifted it would lead to unnecessary and additional pollution and congestion.

Aylesbury Vale District Council’s licensing committee also held a meeting recently and decided that if restrictions were lifted the town would be flooded with taxis and the quality of service would go down.

Paul Landau who chairs the Leeds Hackney Carriage branch of the union
Unite has concerns regarding the possible increase in organised crime should Section 16 of the Transport Act 1985 be scrapped. Deregulation in Tokyo and Dublin had disastrous consequences.

Richmonshire District Council however undertook a very detailed analysis of their own situation and has reached an amicable compromise. They have concluded that a total scrapping of the restriction on hackney plates would cause immense problems due to the present infrastructure. They have therefore increased the number of licenses by 14% which they consider will provide the correct number of taxis to meet the current demand without putting unnecessary pressure on the taxi trade.

It must be asked whether the Law Commission is preparing to undertake a ‘Risk Assessment’ on the possible outcome of such drastic revisions of the trade.

Both the hackney carriage and private hire trades within Torbay work hard and together to provide a reliable and sustainable service to the general public. The people working within these trades undertake long and often very unsociable hours to provide this service. With the immense increase in fuel charges, a surge in insurance fees, a rise in local authority charges to cover the costs of ‘unmet demand’ surveys and the ever increasing financial demands that need to be met, neither of the above trades is in a position to make vast amounts of profit. In fact both trades simply make an acceptable annual income. To withdraw any restrictions on the number of hackney carriage licenses in any particular area and allow an indefinite number of additional taxis would inevitably result in a financial crisis to the trade. This could result in a dramatic increase in applications for working tax credits or even a rise in unemployment nationwide.

It must also be noted that whilst the previous report was being prepared, the hackney carriage and private hire trades within Torbay entered a period of instability with people unsure of investment within the trade. A renewal of this same process would inevitably have the same effect.

Each local authority provides its own level of examination in order for an applicant to acquire a hackney carriage licence. Some include a written local general knowledge exam; some use a verbal form of examination. Whichever method is utilised, it is essential that taxi drivers have a good and in depth knowledge of the area they are working in. This ensures that the customers can be guaranteed to be taken the shortest, safest and most appropriate route. To allow cross border working will inevitably result in a
serious risk to customers. It is totally impracticable to expect a driver living and working in one demographic area to have intimate knowledge of other areas he may choose to work in. Certain matters cannot be overcome simply by the use of a sat-nav. Drivers within our area know what restaurants accept children, they know what attractions are undercover in times of inclement weather, they know which establishments provide live entertainment. Drivers working cross border would not have this knowledge and the customer would be the loser.

We cannot impress on you enough the risks and potential dangers of allowing an unrestricted number of taxis in any one area with the capability of cross border working. Local authorities would in no way be able to police or supervise such a practise and the eventual losers would be both the taxis drivers and the paying general public.

We would therefore advise you to consider all the above points and the devastating effect such revisions to the present system could have. Inevitably your responsibility lies with the safety and security of the general public and well being of those presently engaged in the taxi and private hire trades.

Yours sincerely,

Christopher J Prowse
Operations Manager
From: Samuel, Jackie on behalf of Communications Law Com  
Sent: 10 September 2012 14:41  
To: Gray, Hannah  
Subject: FW: Taxis and Private Hire Consultation

Jackie Samuel  
Tel: 0203 334 0216  
Fax: 0203 334 0201

The Law Commission  
Steel House  
11 Tothill Street  
London SW1H 9LJ

From: Chris Prowse  
Sent: 09 September 2012 07:52  
To: TPH  
Cc:  
Subject: Taxis and Private Hire Consultation

Torbay Cab Company

Law Commission,  
Steel House,  
11, Tothill Street,  
London.

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Yours sincerely,

Christopher J Prowse
Operations Manager

The largest Hackney Carriage Company in the bay. Established since 1981
Visit our website at:
Have a question? email

Email End

We accept:

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Dear Sirs

I am writing in response to your consultations into the taxi and private hire trade.

Having read your 73 proposals my answers are as follows:

1. Agree with retaining two tier system.
2. Agree to London being included, with modifications.
3. No vehicle type restriction - onus on Local Authority.
4. Agree with restricting vehicles to those that require a driving license.
5. Agree with excluding PSV and including vehicles seating up to 8 passengers.
6. Non-committal about references to stage coaches.
7. Disagree with statutory guidance about novelty vehicles.
8. Disagree with excluding volunteers from legislation.
9. Disagree with including (a) car pooling and (b) members clubs.
10. Disagree with making exclusions to national standards.
11. Agree that weddings and funerals should no longer be excluded.
12. Disagree with reintroducing the contract exemption.
13. Disagree, keep scope of engaging with public to "streets".
14. No special provision in respect of regulation at airports.
15. Agree with “plying for hire” being placed on a statutory footing.
16. Disagree that hailing and ranking should not cover technological means.
17. No advantages in adopting the Scottish approach to defining taxis.
18. Agree that the concept of compellability should be retained.
19. Agree that pre-booking is required for private hire vehicle.
20. Agree that non-professional use should be permitted.
21. No, Ministers should not have the power to issue statutory guidance.
22. No, should not refer to "hackney carriages" as "taxis".
23. No, private hire vehicles should not use terms such as “taxi” or “cab”.
24. Yes to national safety requirements.
25. Yes, national safety standards should be minimum standards.
26. Yes, national safety standards should be mandatory.
27. Disagree, knowledge is a safety concern.
28. Agree with local standards for signage, but restrict top signs to hackneys. All vehicles not engaged in contract work should have metered fares fixed by Local Authority.
29. No practical obstacles to common national safety standards.
30. No difference in safety standards between hackney and private hire.
31. Yes, the powers of Ministers to set standards should only relate to safety.
32. Yes, the powers of Ministers should be subject to statutory consultation.
33. Yes, a statutory requirement to refer to a technical advisory panel.
34. Yes, licensing authorities should retain the power to raise standards.
35. Yes, statutory limits to licensing authorities’ ability to set local standards.
36. Yes, licensing authorities retain the power to impose conditions.
37. No, cooperation between licensing authorities is best left to local arrangements.
38. No combining of local areas for the purposes of taxi standard setting.
39. No, licensing authorities should not have an option on taxi zones.
40. No peak time licences.
41. No, keep restrictions on private hire operators to their locality.
42. Disagree, vehicles should return to their area.
43. Local authorities should regulate maximum fares in all vehicles.
44. Yes, there might be out of town fees for parking and congestion charges.
45. National driver safety standards should be set out in primary legislation.
46. Disagree, the First Proprietor should be subject to "fit and proper" tests.
47. National vehicle safety standards should be set out in primary legislation.
48. Yes, operator licensing should be mandatory for private hire vehicles.
49. No, operator licensing not extended to cover taxi radio circuits.
50. Agree, the definition of operators not extended to include intermediaries.
51. Yes, the “fit and proper” criteria in respect of operators retained.
52. No, operators should not be expressly permitted to sub-contract services.
53. No to keeping records of journeys pre-booked with hackneys.
54. Disagree, licensing authorities should retain the power to limit numbers.
55. In Cambridge the licensing authority stopped restricting numbers, and it lead directly to over-ranking, pollution, congestion, and drivers working longer and unsafe hours.
56. No removal of quantity restrictions.
57. (1) No, all customers have equal priority. (2) No, the requirement already already exists.
58. No, there should be no reduced license fee for accessible vehicles.
59. The differing needs of passengers can only be met by providing a range of vehicle types.
60. Agree with no national quotas of wheelchair accessible vehicles.
61. Agree that all drivers should have disability awareness training.
62. Agree with displaying information about complaint procedures.
63. No, the obligation to stop for any customer already exists.
64. Yes, licensing officers should have the power to stop vehicles.
65. Better signage on private hires and better enforcement along with greater public awareness.
66. No, it is impractical to introduce powers to impound vehicles.
67. No, licensing authorities should not use fixed penalty schemes.
68. Yes, but this does not imply agreement with mixing licenses from different authorities.
69. No, only the issuing authority should have the power to suspend or revoke a license.
70. No, the right to appeal should not be limited to the applicant or license holder.
71. Yes, a first appeal should require the licensing authority to reconsider.
72. Yes, appeals should continue to be heard in the magistrates’ court.
73. Yes, there should be an onward right of appeal to the Crown Court.

I would also like to take this opportunity to draw to your attention, that if you -(LC) draft this reform correctly, then hopefully it will sit comfortably, with "no major issues", - but if not, it will become chaos within the trade, addressing none of the trades problems, and will be criticised through the senior court rooms for years to come.
Yours faithfully,
Karl Stamper
Dear sirs
In response to your proposals regarding Taxi de-regulation I would like to highlight the following.
1. As an owner of a blue plate in Torbay I have invested a huge amount of money in purchasing my plate and it is my retirement fund. I find your flippant dismissal of the investment working families have made in this business alarming and the fact that no compensation is offered or recommended dismal. This will put a bigger strain on the public purse as more families will become state dependant at retirement age that could be self sufficient if you left the system as is.
2. In Torbay already at times you need to circle the one way system 2-3 times before being able to get on a rank so increasing the carbon footprint, expenses, overheads, wear and tear etc. With more cars able to use the ranks this situation will just get worse and the cost to the consumer and the environment will rise.
3. Deregulation will not make a better service as you will get more semi-retired people working odd hours here and there to top up their pensions and parents of school age children working in school hours so leaving a deficit when needed in early hours of the morning when the clubs are kicking out.
4. When the alcohol laws were changed drivers hours increased over night but spend hasn't changes so just working longer hours to generate the same revenue.
5. There has already been 3 surveys held in Torbay and the findings have shown the system is working very well here.
6. It is not fair to compare Torbay with any other place like Coventry, London etc as it is not fair to compare them with us either. Each town should be able to run on its own merits and systems that work and are agreed by its constituents.
7. By having a limit on the number of plates available gives the consumer a better service as people have to invest in these plates and therefor have more pride and a genuine interest in the way the trade is run to make it better for all concerned. Therefor the consumer gets a better standard of car, better service from the car provider, a standard price that is set by the local council and a more reliable system and less open to rogue traders.

yours sincerely
Jared Spencer
Torquay Taxis Ltd
Dear Sir/Madam,

I would like to object to the new proposals for vintage and classic wedding cars we run 10 cars classic and vintage wedding cars if this bill goes through it will put thousands of people out of work and lose millions of lost revenue for the treasury also it will close down hundreds of garages body shops and upholsters who repair these vehicles in the ten years we have run these cars we have never had an accident or claim if this bill goes through it will be extremely for my business.

Yours Sincerely  Julie O'Sullivan.

Romsey Carriage Carriage.
Dear Sir/madam,

I am writing to express my views about wedding cars keeping their exemption from primary legislation.

Wedding cars never have a single passenger, unlike taxis or limousines, therefore no need for CRB checks. Most wedding companies employ retired/part time drivers, as there is not enough work to employ full time staff. Most wedding cars are pre-booked a year or more in advance. Very rarely do wedding cars operate after 6.00 pm. Most weddings are during the weekend, therefore having to license vehicles or drivers for every day adds unnecessary cost to an already expensive business. If wedding cars need to be licensed, will grooms cars also need to be licensed? But mainly, where do you draw the line for licensed wedding vehicles. ie...if a friend or family member offer to transport the bridal party, will they need to be licensed?

I think licensing these vehicles will just put many wedding car companies out of business, as the profits are not great and the prices will need to be increased to compensate, therefore resulting in less people using such vehicles. This would be a great shame, as many of the beautiful vintage vehicles are being kept alive by these companies.

I hope this helps in you making the right decision.

Yours Faithfully,

Mr Levey.
Dear Sir Madam,

I would like to object to the new proposals for classic and vintage wedding cars we run two vintage wedding cars and have two more classic Daimlers that have just been restored and ready for weddings next year I also Repair and restore classic and vintage wedding cars so if this bill goes through this would be would be a disaster for me.

Yours Sincerely,

Michael O'Sullivan
As 2 licensed taxi and private hire drivers of 76 years experience in Portsmouth we would like to respond to reforms you are suggesting in the 16 page summary you have issued.

1. National minimum standards:- It has been proved in Portsmouth, where we now have a mix of wheelchair accessible, and saloon cars. This seems to work very well. Safety standards over and above the MOT test should be universal.
2. Changes to standard setting:-This point is fraught with danger whereby maybe a driver could operate in an area with no local knowledge. Who would monitor his suitability and conduct if he was operating all over the country? Local authorities currently do this aspect of licensing competently, "if is not broken why fix it"?
3. Private hire services operating on a national basis: Same response as 2 - but I would say that Private Hire companies successfully do airport and long distance fares both to and from locations outside their licensing authority. This system already works well, remembering people still have the choice and they do use it. No need for change.
4. London regulations:- No issues - good idea

5. Taxi numbers:-Whilst you say you do not wish to blindly pursue deregulation at all, it is important that you realize each licensing authority has treated deregulation on its individual merits which are pertinent to its town or city.

Portsmouth is a case in point whereby the City Council has deregulated on two separate occasions. It then "re-regulated" when it was demonstrated by taxi numbers - suitable wheelchair accessible vehicles, rank spaces to vehicle numbers and market conditions, all of which supported the number of licences it issued. Portsmouth Council has implemented regular surveys in order to ensure that the
balance of taxi licences meets the City's needs. Putting it simply we in Portsmouth feel that the number of licences is correct to our individual City's needs - in simple terms "it is not broken so why try and fix it ?
6. Enforcement powers for licensing officers:-No issues - good idea
7. Disability awareness training :-Good suggestion. Make it mandatory - some licensing authorities are already doing it.
8. Statutory definition of plying for hire :- No issue
9. Wedding and funeral vehicles:-No experience - so cannot comment objectively.
10. Leisure use of vehicles:- As long as the vehicles insurer is OK with it then do it.
11. Bringing more vehicles into the licensing category:- Suggest you consult with the Licensing Officers - they know best.
12. Exclusions to volunteers and childminders :- No issues - good idea.
13. Binding statutory guidance :- Not sure how this would work. But you cannot lose sight of the fact that each authority knows how to best legislate.

1.10
1. New category for wheelchair accessible vehicles :- The vehicles currently available to the trade are both suitable and serve the needs of our disabled passenger. Surely all licensing authorities are already doing this now ?
2. Extending taxi radio circuits. Private hire bookings already extend to out of area pick ups i.e airport and club runs. No need for change here.
3. Use of the word taxi :- See what the licensing officers say - they know best.
4. Contract exemption - Not sure what you mean, ask the licensing department ?
5. Improving enforcement powers of licensing officers:- No issues - liaise with the licensing department - they know best.
6. A peak time taxi licence would be unenforceable - imagine a driver has sat for 2
hours to get to the head of the rank - then his time expired - anarchy would ensue! Drivers would certainly abuse the hours available to their licence. Let the authority decide if there is a demand for more licences - as Portsmouth have capably demonstrated.

Whist we appreciate the merits of a uniform statute it is our humble opinion that reforms and changes already in place are in the main working OK. In our view you should not consider change without firstly engaging with the professional licensing officers who know the logistics and needs of the industry.

Mr C Dixon & Mr VJ Young
8th September 2012

Public Law Team (Taxi and Private Hire)

Law Commission

Steel House

11 Tothill Street

London

SW1H 9LJ

Dear Sir or Madam,

I had been a taxi driver for 14 years, until recently when I was diagnosed with Parkinson’s.

As a result, I was unable to carry on working, however I still own my Hackney Blue Plate and was trying to sell it when I reached the age of 65 back in July.

However due to the current situation, this has been made impossible.

Your proposal that any car from anywhere can sit on the rank would only mean a bigger risk to the public with rogue taxi drivers and total traffic mayhem.

Torbay is a seasonal town therefore we are very quiet in the winter and bussier in the summer, (although not that much more these day’s), this helps to get us through the bad months, but what your proposing allows other taxis to take the better months and go. this can only mean a lot of job losses, is this what you want more people unemployed ? because they could not make a living

The Hackney carriage trade has been well established for almost two centuries, but standardised by the Town Police Clauses Act 1847, it work’s !!! why do you feel the need to change it for a system that is flawed with problems from the start.
What works in a city does not unnecessarily mean that it works in a town like Torbay.

To prove my point a few years ago a private hire company from Plymouth took a lot of business from a lot of taxi company’s there. They then moved into the Bay thinking they would do the same here, big posh office, good telephone number, but the one thing they didn’t have was local drivers, just Polish drivers needing sat navs, they failed, why? because the public didn’t want it, worked in the city, not in the bay

This is a retirement area therefore we have a lot of older customers who get to know the drivers and feel safe and secure as apposed to someone that has no knowledge of the area. At, the best of times the fare always thinks their being taken the long way around what’s going to happen when their right.

And as we all know sat navs are not infallible and this could lead to dissatisfied customers.

The current situation in Tor bay is, we have 165 Hackney carriage plates and some summer plates, and think I am right in saying, nearly 400 Private hire plates. we do not have enough rank space to accommodate the Hackney blues, how on earth with the merger of blue and red plates would possibly work is unthinkable.

I feel that only the local authority with full knowledge of the area, and know all the problems, are the best people to make local decisions.

There are other issues that are involved, such as health and safety, insurance, meters, maintenance and cleanliness of vehicles CRB checks etc etc

Torbay Council have always keep a tight control and I would hate to see that change.

Thanking you in anticipation.

Yours Faithfully.
Dear Sirs

REF:  REFORMING THE LAW OF TAXI AND PRIVATE HIRE SERVICES – Consultation Paper

We are a family-run private hire business, licensed with the Borough of Poole, Dorset. We do not have taximeters in our vehicles and do not do any “local-circuit” work. All our work is carried out on a fixed-price basis. We have a mix of Business Account work (where we invoice the client when the booking has been completed, for payment within 30 days of month end) and Non-Account work (mainly leisure travellers or individual business people who pay before or at the date of travel). Around 80% of our work is Account work and we are registered for VAT.

The following are examples of situations arising from our Account work.

1. One of the largest employers in Poole has an account with us to transfer their own staff to and from the London airports and to meet their incoming global-based staff and visitors. Not all of their staff actually live in Poole. For example, on a regular basis we will collect a person from, say, the Weymouth area and transfer to Heathrow Airport, or vice versa. So our journey is neither starting nor ending in Poole although the cost is being invoiced to a Poole company address.

2. A global company based in Southampton has an account with us because they have a handful of key personnel that live in the Poole/Bournemouth area. Several years ago a senior member of their staff, who lives in Poole, used our company to take him and his family to & from Gatwick Airport for holiday travel. He was very pleased with our service and asked us to send details to his company to enable them to open an account with us so that he and his colleagues living in this area could use us for travel to the London airports. Not all of his colleagues actually live in Poole, some in the surrounding areas which are covered by other licensing authorities, e.g. Bournemouth, East Dorset. Again, our journey may not be either starting or ending in Poole and in this example we are invoicing to a Southampton address.

3. Another company that has its global HQ in Christchurch has an account with us that is mainly used by its overseas subsidiaries (USA, Europe) although, again, they sometimes book with us for members of their staff who live more on our side of the Poole/Bournemouth/Christchurch conurbation. The overseas bookings are usually placed by their own PA’s who are not aware of any restrictions, they simply know that their senior executives like using us. All work for this company, irrespective of where the booking is made from, is invoiced to the Christchurch address.

With regard to our leisure-travel clients the following situations exist:-

1. If you draw an arc at 10 miles radius from the Poole town centre the area actually covers districts that are licensed by 3 Unitary Authorities (Poole, Bournemouth and Christchurch) and 3 District Councils (Purbeck, North Dorset & East Dorset). How are ordinary members of the public supposed to know that they cannot use a company that has been recommended to them by friends or family but is situated, say, 3 miles away and is, technically speaking, not allowed to take their booking because they are licensed by a different authority?

2. If you access www.yell.com and type Airport Transfers in Poole, Dorset in the search fields, of the first page of 16 results that comes up only 7 are actually Poole-licensed companies!! Some of the companies shown are registered up to 15 miles away. When we spoke to our Yell rep about this he said that they are unable to stop this from happening as they cannot restrict to such small areas.

3. On the few occasions that we have tried to turn away work from outside of our area, we have had upset enquirers asking “what about our freedom of choice?” when they have been recommended to us.
Response to Provisional Proposals & Questions

1. **YES.** The restrictions that apply to taxis are not suitable for pre-booked Private Hire work. Please see my opening comments for reasons to support this.

2. **YES.** If new regulation is to be enforced nationwide, why should it not apply nationwide? For example, why is it legal for London-based private hire companies to be able to sub-contract outside of London but not for the rest of us to be able to sub-contract outside of our licensing area? This is sometimes an unfair restriction on the service we are able to provide to our clients. For example, recently one of our most loyal clients living in Poole was flying into Gatwick but needed to get to Heathrow because he had flown out from there and his car was parked there. He contacted us to see if one of our cars was going to be in the area and could provide the transfer for him. Unfortunately this was not the case. The concessionary taxi/private hire company registered at Gatwick are not the cheapest people around purely because they have a captive customer base and therefore don’t need to be!! But we could not shop around for him to find a more reasonably priced service provider because it is against the terms of our licence. But if we were licenced in London we could have done so. How is this fair? If it good enough for London-based operators then it should be good enough for all operators.

3. **YES.** We have heard of wedding car companies taking people to airports etc based on the fact that it was booked as part of the wedding cars “package”. They are not licenced to do this type of work. It can also happen, although less often, with funeral cars.

4. **YES.** Not sure that we have any real reason for this, it just seems logical.

5. **YES.** As 4.

6. **YES.**

7. **YES.** As 4.

8. **YES.** It seems to be a fair way of dealing with the situation.

9. As long as they are not a profit-making organisation they should not be treated as taxi/private hire.

10. **YES**

11. **YES.** See answer to 3, but hearses would be a natural exclusion to this!

12. **NO.** Regardless of whether a driver & vehicle is driving on a contract or not, they should still have to be of a safe standard and suitably insured.

13. **YES.** What about hotel, station and airport forecourts? Anywhere that members of the public wish to travel to or from, be dropped at or picked up from, should be covered by the regulations.

14. **NO.**

15. **YES.**

16. **YES.**

17. **NO.**

18. **YES**

19. **YES**

20. **YES.** “Leisure” – although this issue does not affect us personally, we know that it is very difficult for Owner-drivers to be able afford to have another “family” car in the current economic situation. “Non-professional” – with 4/5 vehicles there are frequently times when a vehicle needs to be taken for servicing / MOT / re-fuelling / cleaning. To have to use a PH-licenced driver when they could be out driving and earning money is a waste of resources when a member of the office-based staff could easily do these things but it is not allowed!
21. YES

22. YES

23. NO. Although we never use the word “taxi” in our advertising or literature and never refer to ourselves as a taxi, it is quite common to hear passengers on the phone in our cars saying “I am in the taxi, we’ve just left the airport” so I don’t think you are ever going to stop the public perception of PHV’s as taxis. BUT THAT DOES NOT MEAN THAT THE TRADE AND ITS LEGISLATION SHOULD NOT BE SEEN TO RECOGNISE THE DIFFERENCE.

24. YES

25. YES

26. YES Particularly in view of PP41

27. YES If you have read my opening comments and examples you can see just how irrelevant a topographical knowledge test for the area of Poole is to our business!! We have tried numerous times to explain this to the Poole Licencing Department but to no avail. When we try to recruit new drivers we stress that we do not do “Local Circuit” work and most of the applicants are people who specifically prefer the distance driving that we do. But when they make their application to the Licencing Dept. for a Private Hire Driver’s licence they are told that they have to take the knowledge test in case they do local work. This makes us look as though we are not being truthful with them and they do not continue with their application. We have lost a high number of potentially good drivers over the years because of this. And yet, if we were situated just 3 miles West or 3 miles North of our current location we would be licenced by two different District Councils that do not require a knowledge test. This situation just seems so unfair, not to say PLAINLY WRONG!!

28. NO I think this is another area where a national standard should be applied. I am regularly driving on the motorways and trunk routes in the south. Frequently I am following or passing private hire vehicles with signage almost all over them; sometimes the signage is for another local, none private hire or taxi, business for which they are obviously earning money. I’m not concerned with advertising other people’s businesses but I don’t see why I should not be able to advertise my own to my best advantage. I have signage on both rear doors of my vehicles that complies with the council regulations. However, because most of my vehicles’ journeys are on major roads, often with congested traffic, I had my business web-site address put on the lower part of rear of each vehicle, just above the bumper and in a discreet single colour. I was made to take this off or not have my vehicles licensed, as I could not have any advertising on the rear of the vehicles as well as the two rear passenger doors. When I responded “Well, in that case I need to have the Poole area advertising sticker taken off as well because that is also advertising!” I was told that that wasn’t necessary as it was allowed!! This is a clear case of discrimination. The taxis in Poole are allowed to have as much advertising as they like, it is only the PHV’s that are restricted.

29. Why should there be any obstacles? There is a national standard for MOT’s for all vehicles. Why should it be any more difficult to set national standards for taxis and PHV’s?

30. YES Private hire drivers do not have the same degree of “compellability” that is placed on taxi drivers and the operator/driver has the chance of refusing a job if he thinks there may be anything wrong. Also, PHV companies often build up a high degree of loyalty and customer service with their clients, who may feel offended by having a barrier placed between them and the driver. However, if a PHV company feels that its’ drivers are particularly at risk they should not be prevented from installing extra driver safety measures within guidelines (such as not invading the passengers’ right to privacy).

31. NO They should be able to set national standards for anything deemed appropriate. For example, see my answer to Q28

32. YES But the consultation group should include some representation from the trade to ensure that the standards set, while resulting in a good level of safety for the public, are not set unrealistically high and impose too great a financial burden on the trade in the current economic climate.
33. **YES** The consultation panel should include representatives from the Highways and Road Accident groups, the Taxi and PHV trades, the licensing authorities and the Motor Trade. The reason I would include the Motor Trade is so that the advances in the Motor Industry can be explained to the Licensing authorities e.g. no spare wheel, a puncture kit instead!

34. **YES** But there should be a regulatory requirement that the Licensing Authority consults with the local trade before implementing any new standards.

35. **YES** See comment on Q34

36. **YES** See comment on Q34

37. **YES** It should be on a statutory footing.

38. **YES**

39. **YES**

40. **YES**

41. **YES** See my opening comments

42. **Yes** Again, please see my opening comments

43. **YES** In total agreement with this proposal.

44. **YES** Provided the operator provides the customer with proof of the price agreed. Otherwise there could be instances where the driver could claim a higher price that what was agreed.

45. **YES** As I am not a lawyer aren’t A & B the same thing? I would be in favour of the higher level of legislation, whichever it may be.

46. **YES**

47. Please see my answer to Q45

48. **YES**

49. **YES** On the basis that members of the public should be able to expect the same level of accountability when pre-booking with taxi radio-circuits as they have with a private hire co.

50. **YES**

51. **YES**

52. **YES** Please see my opening comments.

53. **YES**

54. I have no firm opinion on this.

55. See above

56. See above

57. **YES**

58. **NO** I provide an executive vehicle which is a higher purchase cost because that is what some of my clients expect. If I was to purchase a WAV because that was also a justified cost due to my clients’ needs, why should that be any different?

59. **NO** I don't have any suggestions

60. I have no firm opinion on this
61. NO  Except that it should be introduced with a separate licensing category as proscribed in Q57.

62. YES

63. I think this would be very difficult to enforce. Just because a taxi is empty, the driver could be on their way to a pre-booked pick up.

64. YES

65. The only real answer is public awareness and education.

66. YES  However, the question of whether a vehicle was also used for leisure purposes may have to be taken into account. (Q20)

67. I have no firm opinion on this but I do agree that it is something that needs to be looked at in the future, after this reform has been completed.

68. YES  Especially if there is a National standard

69. YES

70. YES

71. YES

72. YES
Public Law Team (Taxi & Private Hire)
Law Commission
Steel House
11 Tothill Street
London
SW1H 9LJ

9th September 2012

Dear Sirs

With reference to the “Private Hire & Taxi Licencing” proposed regulation and in particular proposal 11.

We as independent Funeral Directors, are strongly opposed to our present status being changed with regard to our vehicles.

Funeral limousines are specifically manufactured to a high standard. Our fleet, at present, consists of three Mercedes Benz E Class vehicles of the highest quality and not more than three years old.

We are able to accommodate disabled people without difficulty. The limousines also carry a wheelchair and can also carry a persons own wheelchair as needed.

With reference to the status of the current drivers, they are all chauffer trained and experienced persons within the funeral profession.

We feel that altering our status would do considerable damage to the funeral profession in these difficult economic times. Possibly due to the extra cost involved, prohibit the trading by the small, independent Funeral Directors, who are the core of the profession.

Yours Faithfully

Frank G T Newing K.S.G
Shane Morgan DipFD, LMBIFD
Tom Newing & Sons Ltd
## CHAPTER 13 - overview of provisional reform proposals

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<td>Provisional proposal 1</td>
<td>Agreed</td>
<td>Consideration of new terminology for &quot;private hire&quot;</td>
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<tr>
<td>Regulation should continue to distinguish between taxis, which can accept pre-booked fares, be hailed on the street and wait at ranks, and private hire vehicles, which can only accept pre-booked fares. (Page 165)</td>
<td>Agreed</td>
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### chapter 14 – reform of definitions and scope

| Provisional proposal 2 | Agreed | |
| London should be included, with appropriate modifications, within the scope of reform. (Page 162) | |

| Provisional proposal 3 | Agreed | |
| The regulation of taxi and private hire vehicles should not be restricted to any particular type of vehicle but should rather focus on road transport services provided for hire with the services of a driver. (Page 164) | |

| Question 4 | Some advantages | Remove administrative burden on issuing different types of licence for motorised and non-motorised vehicles. It would also be easier to set conditions if limiting to motorised vehicles. |
| Would there be (and if so what) advantages to restricting licensing to motor vehicles that require a driving licence? (Page 164) | |

| Provisional proposal 5 | Agreed | |
| Public service vehicles should be expressly excluded from the definition of taxi and private hire vehicles, and taxi and private hire vehicles should only cover vehicles adapted to seat eight or fewer passengers. (Page 165) | |

| Provisional proposal 6 | Agreed | |
| References to stage coaches charging separate fares should no-longer feature as an exclusion from the definition of taxis. (Page 166) | |

| Provisional proposal 7 | Agreed | |
| The Secretary of State should consider issuing statutory guidance to the Senior Traffic Commissioner about the licensing of limousines and other novelty vehicles to assist consistency. (Page 167) | |

| Provisional proposal 8 | Agreed | |
| The concept of "in the course of a business of carrying passengers" should be used to limit the scope of taxi and private hire licensing so as to exclude genuine volunteers as well as activities where transport is ancillary to the overall service. (Page 168) | |

| Question 9 | | |
How, if at all, should the regulation of taxis and private hire deal with:

(a) carpooling; and it should not

(b) members clubs? (Page 170) it should not

Provisional proposal 10

The power of the Secretary of State and Welsh Ministers to set national standards should be flexible enough to allow them to make exclusions from the taxi and private hire licensing regimes. (Page 171) Agreed

Provisional proposal 11

Weddings and funerals should no-longer be expressly excluded from private hire licensing through primary legislation. (Page 172) Agreed

Question 12

Would there be merits in reintroducing the contract exemption, by means of the Secretary of State and Welsh Ministers’ exercise of the power to set national standards? If so, what modifications could be made to help avoid abuse? (Page 174) Opposed it should not be re-introduced

Provisional proposal 13

Regulation of the ways taxis and private hire vehicles can engage with the public should not be limited to “streets”. (Page 175) Agreed

Question 14

Is there a case for making special provision in respect of taxi and private hire regulation at airports? In particular, where concessionary agreements are in place should airports be obliged to allow a shuttle service for passengers who have pre-booked with other providers, or to the closest taxi rank? (Page 177) Undecided A difficult situation to debate without the ir being local experience on the subject

Provisional proposal 15

The defining feature of taxis, the concept of “plying for hire”, should be placed on a statutory footing and include:

(a) references to ranking and hailing; Agreed

(b) a non-exhaustive list of factors indicating plying for hire; and Agreed

(c) appropriate accommodation of the legitimate activities of private hire vehicles. (Page 191) Agreed

Provisional proposal 16

The concepts of hailing and ranking should not cover technological means of engaging taxi services. (Page 191) Disagree Methods of making oneself available for hire and bookable immediately in a private hire by use of technology should be included in legislation. Make the distinction between taxis and private hire

Question 17
Would there be advantages to adopting the Scottish approach to defining taxis in
respect of “arrangements made in a public place” instead of “plying for hire”?
Agreed
Would remove the phrase “Plying for hire” which is unsuitable and confusing to
the public.

Provisional proposal 18

The concept of compellability, which applies exclusively to taxis, should be
retained. (Page 182)
Agreed

Provisional proposal 19

Pre-booking would continue to be the only way of engaging a private hire vehicle
and cover all technological modes of engaging cars. This is without prejudice to the
continued ability of taxis to be pre-booked. (Page 183)
Agreed

Provisional proposal 20

Leisure and non-professional use of taxis and private hire vehicles should be
permitted. There would however be a presumption that the vehicle is being used for
professional purposes at any time unless the contrary can be proved.
Opposed

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. (Page
185)
Agreed

Provisional proposal 22

Reformed legislation should refer to “taxis” and “private hire vehicles” respectively.
References to “hackney carriages” should be abandoned.
Agreed

Question 23

Should private hire vehicles be able to use terms such as “taxi” or “cab” in
advertising provided they are only used in combination with terms like “pre-booked”
and did not otherwise lead to customer confusion? (Page 186)
Opposed
Private hire companies should not have the word “Taxi” in any form on the vehicle.
It leads to confusion, This is particularly important if PP22 is adopted. Perhaps
new terminology for private hire vehicles is needed.

chapter 15 – a reformed regulatory framework

Provisional proposal 24

Taxi and private hire services should each be subject to national safety
requirements. (Page 188)
Agreed

Provisional proposal 25

National safety standards, as applied to taxi services, should only be minimum
standards. (Page 189)
Agreed

Provisional proposal 26

National safety standards, as applied to private hire services, should be mandatory
standards. (Page 189)
Agreed
Would like to know what minimum standards may be - age, type, safety
equipment carried etc. Would also like this to be consulted with the local
Authorities.

Provisional proposal 27
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<td>Should local standard-setting for private hire services be specifically retained in respect of vehicle signage? Are there other areas where local standards for private hire vehicles are valuable? (Page 190)</td>
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<td>What practical obstacles might there be to setting common national safety standards for both taxis and private hire vehicles? (Page 191)</td>
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<td>Should national conditions in respect of driver safety be different for taxi services compared with private hire services? (Page 192)</td>
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<td><strong>Provisional proposal 31</strong></td>
<td>The powers of the Secretary of State and Welsh Ministers to set standards for taxis and private hire vehicles should only cover conditions relating to safety. (Page 192)</td>
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<td><strong>Provisional proposal 32</strong></td>
<td>The powers of the Secretary of State and Welsh Ministers to set national safety standards should be subject to a statutory consultation requirement. (Page 193)</td>
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<td><strong>Question 33</strong></td>
<td>What would be the best approach for determining the content of national safety standards? In particular should the statutory requirement to consult refer to a technical advisory panel? (Page 193)</td>
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<td><strong>Provisional proposal 34</strong></td>
<td>Licensing authorities should retain the power to set standards locally for taxis provided above the minimum national standards. (Page 193)</td>
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<td><strong>Question 35</strong></td>
<td>Should there be statutory limits to licensing authorities' ability to set local taxi standards? (Page 194)</td>
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<td><strong>Question 36</strong></td>
<td>Should licensing authorities retain the power to impose individual conditions on taxi and private hire drivers or operators? (Page 194)</td>
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<td><strong>Question 37</strong></td>
<td>Should the powers and duties of licensing authorities to cooperate be on a statutory footing or is it best left to local arrangements? (Page 195)</td>
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Provisional proposal 38

Neighbouring licensing authorities should have the option of combining areas for the purposes of taxi standard setting. (Page 196)

Agreed

Provisional proposal 39

Licensing authorities should have the option to create, or remove, taxi zones within their area. (Page 196)

Agreed

Question 40

Would it be useful for licensing authorities to have the power to issue peak time licences which may only be used at certain times of day as prescribed by the licensing authority? (Page 197)

Agreed

Would be advantageous to be able to adopt this ability and reserve the right to use it, however at present it would seem largely unenforceable and may destroy trade relationship.

Provisional proposal 41

Private hire operators should no longer be restricted to accepting or inviting bookings only within a particular locality, nor to only using drivers or vehicles licensed by a particular licensing authority. (Page 199)

Generally Disagree

Firstly this is 2 questions. This could impact local standards, local jobs and could erode the high standards already built. With regard to advertising, this would perhaps confuse the consumer more with multiple telephone numbers. Perhaps restrict national advertising to web based media only as the web is non geographical

Provisional proposal 42

We do not propose to introduce a “return to area” requirement in respect of out-of-area drop offs. (Page 199)

Agreed

Provisional proposal 43

Licensing authorities should retain the ability to regulate maximum taxi fares. Licensing authorities should not have the power to regulate private hire fares. (Page 200)

Generally agree

potential for LA to be able to set a minimum fare for both Taxi and private hire in order for local business to be manageable. Exemptions would need to include wedding and funeral vehicles

Question 44

Should taxis be allowed to charge a fare that is higher than the metered fare for pre-booked journeys? (Page 200)

No

chapter 16 – reform of driver, vehicle and operator licensing

Question 45

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

Yes

(b) included within the Secretary of State and Welsh Ministers’ general powers to set national safety conditions? (Page 203)

No

Provisional proposal 46

Vehicle owners should not be subject to “fit and proper” tests and the criteria applied would relate solely to the vehicle itself. (Page 204)

Agreed
Question 47

Should national vehicle safety standards be either:

(a) set out in primary legislation; or
Yes

(b) included within the Secretary of State and Welsh Ministers' general powers to set national safety conditions? (Page 205)
No

Provisional proposal 48

Operator licensing should be retained as mandatory in respect of private hire vehicles. (Page 207)
Agreed

Question 49

Should operator licensing be extended to cover taxi radio circuits and if so on what basis? (Page 208)
Agreed On the basis that it provides a level of security to both the passenger and the driver to have the journey recorded.

Provisional proposal 50

The definition of operators should not be extended in order to include intermediaries. (Page 209)
Disagree Taxi management companies should also be required to have an operator licence - this is a significant grey area.

Question 51

Should “fit and proper” criteria in respect of operators be retained? (Page 210)
Agreed Consider Limited Companies, Premises, planning. This should all be considered in conjunction with granting licences. More conditions needed

Provisional proposal 52

Operators should be expressly permitted to sub-contract services. (Page 210)
Agreed Concerns that if local authorities adopt local standards, only local subcontracting should be allowed. This works with neighbouring authorities discussing their standards settings

Question 53

Where a taxi driver takes a pre-booking directly, should record-keeping requirements apply? (Page 210)
Agreed

chapter 17 – reforming quantity controls

Provisional proposal 54

Licensing authorities should no longer have the power to restrict taxi numbers. (Page 213)
Agreed A very contentious issue. Due to our local limits being in place for a long time and the quality of the local taxi trade. However, it must be clear that this is anti-competitive. If standards are maintained then we shouldn’t stifle competition. Perhaps a fairly long introduction no sooner than 2020.

Question 55

What problems (temporary or permanent) might arise if licensing authorities lost the ability to restrict numbers? (Page 213)
Potentially unsafe due to investment from current trade. Loss of earnings to those that invested in purpose built vehicle. Consideration must be paid to those that invested in vehicles with a view to the investment becoming a “pension”
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?

Agreed

Can be set locally with an ultimate time goal. Would need some set parameters of how best to do this in a fair way. Possibly consulting with local trade.

Chapter 18 – Taxi and Private Hire Reform and Equality

Question 57

Should there be a separate licence category for wheelchair accessible vehicles? This could involve:

1. a duty on the licensee to give priority to disabled passengers; and

No

2. a duty on the licensing authority to make adequate provision at ranks for wheelchair accessible vehicles. (Page 217)

Yes

100% wheelchair accessible

Question 58

Should licensing authorities offer lower licence fees for vehicles which meet certain accessibility standards? (Page 217)

No

Market forces will determine the requirement and payback

Question 59

Do you have any other suggestions for increasing the availability of accessible vehicles, and catering for the different needs of disabled passengers? (Page 217)

We currently operate a 100% wheelchair accessible taxi trade. This is the most fair way. Private hire can accommodate saloon cars, minibuses and other vehicles

Question 60

We do not propose to introduce national quotas of wheelchair accessible vehicles. (Page 218)

Agreed

Question 61

National standards for drivers of both taxis and private hire vehicles should include recognised disability awareness training. (Page 219)

Agreed

Concerns at the recent training being paid for by government led to an abundance of training facilities opening up. This needs to be a paid for qualification or one that provides no payout to drivers.

Question 62

In order to better address concerns about discrimination, taxis and private hire vehicles should be required to display information about how to complain to the licensing authority. (Page 219)

Agreed

This information can also be fed back to County Council who determine which companies to use for school, special education and social service contracts

Chapter 19 – Reforming Enforcement

Question 63
Should authorised licensing officers have the power to stop licensed vehicles? (Page 222)  
Agreed

Question 65

What more could be done to address touting? Touting refers to the offence “in a public place, to solicit persons to hire vehicles to carry them as passengers”. (Page 223)  
Make the penalties higher, better definition for touting so that this is clearly understandable to drivers, operators and passengers. Use GPS trackers in vehicles for enforcement purposes

Question 66

Would it be desirable and practicable to introduce powers to impound vehicles acting in breach of taxi and private hire licensing rules? (Page 223)  
Agreed with the full cost paid by the offending operator/driver

Question 67

Should licensing authorities make greater use of fixed penalty schemes and if so how? (Page 225)  
Agreed  
Provisional proposal 68  
Courts take an incredibly long time to hear cases and then give paltry fines. Make on the spot fining available and set the costs as a national standard

Provisional proposal 68

Enforcement officers should have the powers to enforce against vehicles, drivers and operators licensed in other licensing areas. (Page 225)  
Agreed  
This would be to minimum standard only

Question 69

Should cross-border enforcement powers extend to suspensions and revocation of licences? If so what would be the best way of achieving this? (Page 226)  
Agreed  
The operator Authority would be the authority to deal with the case. They must also make the ultimate decision to uphold the suspension/revocation

chapter 20 – reform of hearings and appeals

Provisional proposal 70

The right to appeal against decisions to refuse to grant or renew, suspend or revoke a taxi or private hire licence should be limited to the applicant or, as appropriate, holder of the relevant licence. (Page 230)  
Agreed

Provisional proposal 71

The first stage in the appeal process throughout England and Wales, in respect of refusals, suspensions or revocations should be to require the local licensing authority to reconsider its decision. (Page 231)  
Possible  
This could make dealing with an appeal quicker, however it could undermine the relationship between officer and members. It may reduce costs of court, however there is still the potential to go to court and still incur costs. Potential for an appeals committee. Perhaps only appeal if extra evidence.

Provisional proposal 72

Appeals should continue to be heard in the magistrates’ court. (Page 232)  
Disagree  
Currently Magistrates courts are slow and expensive. Either a specialist court for licensing issue be created or neighbouring authorities make a decision.

Question 73

Should there be an onward right of appeal to the Crown Court? (Page 233)  
No
Dear Sirs,

I’m writing to object to the proposed licencing of our industry. It is my understanding that you are comparing our industry to taxi’s and other private hire companies. While i agree that we do provide a private hire service to our clients, but on a very personal level, interacting with the bride, groom and their guests on each individual job. What is the Law commission using as a precedent to enforce these measures? To my knowledge there has not been any adverse situations to warrant this licencing.

I have invested all my savings in my cars and business to ensure that when i retire i can still have a small income to subsidise my pension. I pay all the necessary taxes, insurances etc, and in keeping my company operational i use parts suppliers from across the country, our local garage for mot’s and fuel etc. It may not be a vast turnover but it all helps to keep the countries economy turning over. If small companies like mine are hit by this unnecessary licencing, it will not be financially viable to continue trading as a wedding car company, leaving mine and others pension plans in ruins and also depriving potential brides and grooms from having something special on their wedding day.

It’s my guess that this is just another way of the government making more money out of the British citizen.

From November this year, cars dating pre 1960 will not need an MOT test because it is thought by the government that these cars are so well looked after by their owners it is a waste of time, with this in mind how can you use this as an argument for safety? Even cars registered after 1960 and being used as wedding cars are still well maintained.

If this unnecessary law is passed the shear cost of obtaining the relevant licensing would make my business non cost affective.

I hope you at the Law Commission will see sense and scrap these proposals now.

Yours sincerely, Les Farrow.
Please note my objections to the “Weddings and funeral cars no longer being exempted under primary legislation” clause. I agree with the dropping of the present ‘licenced drivers only’ condition.

I would be unfortunate that we lose the use of classic and vintage cars for such special moments in our lives, as a change in rules would make it uneconomic for owners to provide a service.

Nigel Spencer
To Whom This May Concern:

The new proposals would completely destroy the wedding hire business across the country; which is mostly carried out by enthusiasts to supplement the running of their Classic/Vintage vehicles. It would be totally unfair to expect this small group of people to be able to continue with this desirable part of English heritage because of prohibitive expenses that would be incurred through them complying with the new proposed regulations.

Vintage cars have been a serious part of the wedding scene in England for well over fifty years and should be allowed to ply their trade as they do now. Personally, I am unaware of any problems that have ensued with this business because of "lack of legislation". I am 66 years of age and have been involved in this niche industry ever since I could drive, without incident.

I think it is time that people used their heads intelligently when it comes to creating new laws, in particular, laws affecting traditional British heritage.

Sincerely
Clive Ellis (A-1 Rolls Royce, in association with Gold Chauffeur Services & Premier Carriage)
Dear Sir or Madam.

Firstly I would like to object to any proposed legislation regarding the use of wedding cars used for hire or reward. I operate a single unique and totally beautiful vehicle for this purpose which is kept constantly in the most perfect mechanical condition, the present MOT system ensure that, but which I keep my car to a much higher standard.

The purpose is ultimately is to give pure joy to the wedding couples that hire me and from my viewpoint gives me the finances to keep my totally unique pre-war Triumph in prefect working order. My website is www.vintagetriumphcars.com.

Any unnecessary legislation would put a lot of perfectly suitable operators out of business. As individuals we drive much more carefully than most licensed taxi driver at no more than 40mph with extreme consideration for our passengers.

We also very rarely carry children, those we might very occasionally carry would be in the arms of their parents, this I have never encouraged anyway.

The only thing that I would like to add is that it is totally essential that the standard requirement for an MOT is retained on all older vehicles, regarding whether or not a car is used for any form of ‘hire or reward’.

Personally, I am a retired Commercial Pilot in my early 60’s with over 45 years of driving experience and I can assure you can operate to a much higher standard than most of the personnel than might be required to drive under existing legislation. Most of the wedding operators fall into a similar category.
Yours Faithfully

Charles Betts (Vintage Triumph Wedding Car Hire)
Dear Sir or madam,
I would like to comment on the new proposals that are currently out for consultation.
1. I agree that a two tiersystem should be retained which differentiates between taxi's and Private hire.
2. I agree that introducing national standards or private hire vehicles is beneficial to both the industry operators and public alike.
3. Operating outside defined boundaries is also beneficical to both operators and public and will lead to reductions in fares and more competition.
4. Removing the need to return to an area is advantageous
5. I agree that limosines should be included in this legislation as the are in essescence private hire vehicles. they however will also benefit from increased operating areas etc.
6. I disagree with the proposal to extend this legislation to funeral and wedding cars. These vehicles operate in a comletely different way to taxi's, private hire vehicles and limousines. They operate only to provided a transportation service to these special occassions, their annual mileage is very low and the speed and manner in which the vehiclees are driven is very sedate. I would imaginethat their accident and incient rate compared to taxi’s private hire vehicles and limousines is extremely low. I believe that the proposal to remove the exemption for wedding and funeral cars will be counter productive and will lead to significant increased operator costs, the closure of a large numer of companys which will result in a lack of choice for the public, a decrease in ope competetion, an increase in prices and decrease in resale value as the second hand market is flooded with vehicles from closed down companies.
thanks you for the opportunity to consut on these proposals.
Peter Mizen
REFORMING THE LAW OF TAXI AND PRIVATE HIRE SERVICES

Response on behalf of the Scottish Taxi Federation
to the law commission consultation paper number 203

Responses to questions

Provisional Proposal 1
In your first proposal are set out arguments in favour of an opt-in one tier system. The presence of tiers represent the differing markets for taxi services, represented by three engagement types: hailing, ranking, and pre-booked taxis. Passengers are able to engage Hackney Carriages by any of the three engagement methods, whist PHVs are only able to respond to pre-booking.

Contrary to some reporting, open market competition does exist in the taxi market, and is particularly prevalent in the competition between PHVs and Hackney Carriages in the pre-booked sector. The current licensing arrangements – the two-tier system – has developed over time and it appears well suited to ensuring competition for services. In economic terms the pre-booked market operates in a relatively competitive environment, perfect competition relying on numbers of suppliers, availability of information and an opportunity to negotiate on price. The pre-booked market allows for a consumer to make an informed decision based on quality or price, and this is enhanced by the presence of Hackney Carriages and PHVs in this segment.

A number of commentators have suggested, however, that a transfer to a single tier system would work against this, and are likely thus to act against the consumer interest. Empirical work completed by Schaller (2007), and Cooper (2010) identifies the potential of market failure in ranking and hailed markets that would, in turn, be exacerbated by the move from dual tier to single tier operation. Examples of negative impacts include the rapid overpopulation of the Hackney Carriage market in classic hailing markets to the significant detriment of pre-booked markets as vehicles previously classified as PHVs moved into and concentrate on prime sales locations.

Single tier systems also raise the question of a loss of accessible vehicles, particularly where WAVs have been a requirement of the Hackney Carriage fleet, but not the private hire vehicle fleet. The issue of WAVs is addressed in more detail in subsequent sections, but need be highlighted in terms of the suggestion of a single licensing tier. The operator of a WAV faces higher costs, particularly in purchasing a vehicle, than a saloon vehicle owner, and would be at a significant disadvantage where in open competition with a less expensive vehicle.

The deregulation of taxi licensing in the Republic of Ireland (in 2000) illustrates the rapid loss of Private Hire Vehicles to ranking and hailing markets, and the persistence of low cost and declining quality vehicles. It is also noted that taxis in fleets where oversupply might be suggested tend to concentrate on central locations where a perception may exist of higher
numbers of passengers (driver perception), to the detriment of cruising and peripheral locations. This behaviour is also seen in airport ranking taxis, where long queues of vehicles are noted. Evidence of this behaviour is seen in studies in Aberdeen, Nashville, Atlanta and New York, the latter reporting significant shortfalls in outer borough supply.

Provisional Proposal 2

In your proposal you suggest that London should be included, with appropriate modifications, in the proposal. Though this necessarily raises the question as to what "appropriate modifications" actually are, a necessary understanding in developing and responding to the proposal correctly; it also raises the issue of the effectiveness of equating mega-cities with other locations.

London operates a different form of public transport to other locations in the UK relying on centralised control and competition for the market in bus services. This compares to competition in the market applied elsewhere. Taxi control is integrated under the TfL umbrella and such integration is unique. It is also worth noting that the market for inner and outer London taxis and minicabs is distinct. Examples of mega city issues also arise in other countries (TLC, 2012) especially where the operating practices are defined and different. New York is a good example of this, as in London and Paris, the operating practices are different and generally not transferable to or from surrounding authorities. Similar issues are demonstrated in New York, and include an "outer boroughs" supply deficit of hailed taxis supplemented by livery vehicles in the case of New York, equivalent to minicabs in London. Other issues relate to the nature of the London knowledge test, a very specific quality control that would be denigrated by the removal of the distinction; and the potential mass incursion of taxis and PHVs from surrounding authority areas to the detriment of both the operating market in London, and that of the "origin" authority.

It is our view that the market operation in London differs significantly from its immediate surroundings and from other cities, and this should support the continuation of a London specific policy. We would see little if any benefit from including London in a national policy given the differences in operating practices, and highlight that potential exists for negative impacts to current market operation. It is also noted that the proposal, as it stands, does not provide detailed review of all of the modifications nor their impacts so as to allow for a fully informed response.

Provisional Proposal 3

In your proposal three you suggest that regulation of taxi and Private Hire Vehicles should not be restricted to any particular type of vehicle. We agree that there should be a range of vehicles included under taxi and private hire
vehicle regulation, where all such vehicles meet the agreed national minimum standards.

We also feel that licensing authorities should have the right to decide that standard deliveries or colours of vehicles be adopted to assist in distinguishing between Hackney Carriages and Private Hire Vehicles. We further consider that non-motorised vehicles, such as pedicabs and horse-drawn carriages, be considered for inclusion. We’ve identified a growing concern that non-motorised vehicles in Scotland are being licensed as street traders without undertaking the essential safety checks of vehicle and driver applied in the taxi industry. This suggests a requirement to extend licensing to cover this activity, our suggestion being that this should be covered under the taxi and Private hire vehicle regulations.

We would wish to restrict our response, however, in light of the differences between Private Hire Vehicle and Hackney Carriage, in line with our response to your provisional proposal 1, above. The inclusion of a variety of vehicle types under a single regulatory structure should not be achieved at the expense of a dual-tier licensing system. Indeed in locations where pedicab – cycle based taxis, have been included in a taxi licensing bureau (Nashville, Atlanta, and under consideration in Dublin etc.) these have taken the form of a specified and separate license. This is highlighting the differences in vehicle type, mechanical complexity and even accessibility requirements, a mainstay of differences in larger cities between Hackney Carriage and PHV fleets.

Question 4

In your supplementary question to provisional proposal three, you ask if there would be advantages to restricting licensing to motor vehicles that require a driving license. This appears to have the logic of a natural control mechanism, being the ability to restrain, endorse, or remove a driving license. This question has a significant logic, highlighting the need for enforcement to be possible and proportional. Further to our response under the body of provisional proposal three, we do consider it appropriate and necessary to control and license pedicabs and other forms of non-traditional vehicle types. Enforcement officers and agencies would benefit from the application of licensing control to these vehicle types. We do not consider it appropriate to limit licensing to motor vehicles that currently require a driving license.

Provisional Proposal 5

In your proposal five you outline the potential exclusion of public service vehicles (PSV) from taxi licensing. This is an effective continuation of existing policies that separate out bus from taxi licensing. The identification of eight seats as a definition of a taxi, as opposed to a PSV, has been effective and maintained separation of these different modes in the past.
The definition does provide some conflicts, however, particularly in relation to taxi bus services, and the ability of the taxi market to deliver particular forms of shared ride transportation. It is further noted that vehicles used in taxi service can include vans and minibuses with seats removed to comply with existing legislation.

It is our view that any vehicle available for hire and reward for immediate engagement need to be covered sufficiently and with appropriate public safety protection, currently achieved in the taxi licensing regimes across the country. We feel this should be extended to include pedicabs, horse drawn carriages, existing taxis and PHVs, and a category specific to taxibus operation. Examples of taxibus licensing can be seen in Northern Ireland (DOE, 2006) and a number of US cities where Jitney operation is permitted and encouraged (San Diego, Miami, Atlantic City, and shared vans in New York). It would appear appropriate to extend this definition beyond the eight seat limit currently in force. This raises the question as to the distinction between PSV service buses (Omnibus), fixed route and shared ride taxibuses. A limitation of eight seats has a negative impact in removing or reducing the opportunity to operate taxibuses, and this may be to the detriment of the travelling public and some taxi operators. Taxibus services operate in the same sphere as Community Transport and DRT services, Transport Act 1985, section 19 and 22, and we would feel it would be appropriate for this area of regulation to be extended to include taxibus services.

Provisional Proposal 6

It is your suggestion in proposal 6, that reference to a stage coach as a vehicle charging distinct separate fares should no longer feature as an exclusion from the definition of a taxi. It is our view that avoidance of confusion is a priority. Members of the public should be fully aware of and make informed personal transport decisions in light of identifiable and different transport modes. In our answer to your proposal five, we highlighted the operation of taxibuses as an area of current uncertainty.

Confusion between transport modes can create opportunity for market exploitation, and this may be further exacerbated by the terminology and differing licensing decisions made by the regional traffic commissioners. It is our desire to ensure that underlying safety standards are understood and maintained, and opportunity for market exploitation is minimised. We would consider it appropriate to address the intermediate modes – taxi bus, community transport, and DRT, as distinct and therefore requiring definition and licensing. The removal of separation between stage coaches and taxis, based on fares charged, appears to ignore the importance of the CT and DRT sectors in a significant number of locations. This element does not appear fully thought through, nor sufficiently distinct. It is our view that distinctions between modes, and particularly categories of taxis, need to be more fully developed.
Provisional Proposal 7

The question of licensing novelty vehicles is one that has been avoided by the majority of licensing authorities, but which nonetheless requires to be addressed if Public Safety is to be assured.

In our previous responses we have highlighted the need to ensure correct licensing and safety standards, and would agree that consistency be a priority. Limousines and novelty vehicles available for hire and reward should, as a logical extension, be included in this licensing process.

The law commission consultation document seems to question whether or not the taxi and private hire vehicle regulations are the appropriate place for this to be accommodated. We would suggest that all vehicles for hire and reward on demand be included in the scope of taxi licensing, with the extension of the principles of taxi licensing, safety, accountability and service etc., to cover the range of vehicles that may be engaged in the same way.

It may be that separate regulations are required to cover novelty vehicles, pedicabs, rickshaws etc., but these should have direct correlation and be consistent with similar regulations applied to taxis and PHVs.

Provisional Proposal 8

In your proposal eight you identify the scope 'in the course of a business of carrying passengers', as specific to taxi and private hire licensing, and providing a boundary between taxi services and forms of volunteer transport that may be provided without cost to the passenger. The concept of Community Transport (CT) and Demand Responsive Transport (DRT) already make this distinction, as contained in the Transport Act (1985), sections 19 and 22, allowing for the provision of CT without the same licensing base as applied to taxis or other forms of public transport. It is noted that CT can be provided against a financial contribution equating fuel cost.

It is our view that if a vehicle is used for hire and reward, it and the driver need to be licensed. The distinction needs to be drawn between genuine voluntary services, and those which are presented as volunteer services where payment is collected by other means. Services which are effectively providing transport for hire and reward should be subject to the same conditions – correct licensing and safety standards for driver and vehicle, as applied to the taxi trade.

It is our view that in today’s society where a loophole is left there will be somebody waiting to take advantage. Enforcement of licensing and the reducing the exploitation of a loophole is felt to be difficulty, if indeed it is possible at all. Genuine voluntary services should be accommodated, but we would express concern over the nature of transportation as an ancillary service, and seriously question the ability of a department or authority to enforce rules where such ambiguities exist.
Question 9

Your additional question nine seeks to expand the same concept particularly in relation to carpooling and members clubs. We would wish to highlight the desire that voluntary transport be allowed and not affected by new regulation, except the assurance of minimum safety levels and appropriate insurance standards, broadly covered by existing legislation. Transportation offered by member’s clubs as an ancillary service present a larger challenge.

Similar challenges have been explored in the USA and Canada, in relation to hotel shuttle buses – providing transportation from airports to hotels. A general level of understanding appears to exist with vehicle licensing and driver licensing minimum criteria, defined as common carriers in many US states and operating under interstate commerce legislation as opposed to taxi or bus licenses issued by cities.

We would wish to ensure that all vehicles used for transportation are appropriately controlled for safety, for insurance, and for service standards.

Provisional proposal 10

In your proposal 10 you define the concept of national standards, vehicle standards and definitions, whilst continuing to identify a local role in defining additional local requirements. Despite the appearance of contradictory roles, the maintenance of a local standard in terms of vehicle definitions and exclusions is logical. Not all locations share the same demands for transport, nor do each require the same specification of vehicle to deliver appropriate services.

The concept of a national minimum standard is not impacted by the desire for a local authority to define a particular vehicle type requirement, such as accessible taxi, as this requirement forms the basis of a local standard above a national minimum. License portability, particularly in terms of the operating flexibilities across authority boundaries is challenged by this, however, and may be of concern in the definition of wedding cars and funeral vehicles, as suggested in the subsequent proposal. Vehicles with a natural requirement to be provided across authority areas, such as could be the case with a funeral hearse, need be considered as authority neutral.

The proposal also impacts on the choice whether to adopt a single or dual-tier system, as the potential for market entry across tiers is more likely to be affected by a service minimum than within a tier. We would support the ability of local authorities to define additional local standards, but would question the need for such standards to be varied once set. Allowing exclusions to a defined standard would generally indicate that the standard was not fit for purpose in the first instance, and this should be highlighted. The need remains for all vehicles to be correctly defined, clearly specified and appropriately enforced.
Provisional proposal 11

We agree with the commission’s proposal that weddings and funeral vehicles should no longer be expressly excluded from licensing to primary legislation. There exists a great deal of ambiguity in terms of such vehicles. It is our view that these should be covered by a licensing regime if for no other reason than to provide protection for the public.

Provisional proposal 12

It is our view that the contract exemption on driver and vehicle licensing prior to its repeal created significant difficulty in identifying responsibilities, legal duties, and enforcing safety standard minimum.

Similar legislation in Scotland created difficulty in ensuring standards and it is illustrated by the disputes between the NHS and some transport suppliers in ensuring that licensed vehicles were supplied with licensed drivers.

We would see no merits in resuming the previous exemption.

Provisional proposal 13

In this proposal you suggest that regulation should be extended beyond ‘streets’. This would typically extend control to apply to railway station forecourts and airports, being locations of taxi engagement away from the public highway. The terminology may also apply to hotel forecourts and other areas of roadway located on private land, such as supermarkets etc.

Railway station forecourts and airports are a particular problem in Scotland, in that the trade invariably pay considerable sums of money to gain access to defined ranking places. Private land owners may also allow access to Private Hire Vehicles on an equitable basis to Hackney Carriages, or in preference, having an impact on the passenger experience and levels of service. In both airport and station facilities, this may appear to be more closely oriented to profit maximisation than customer service.

While we understand airport franchise arrangements and the need for security to restrict vehicular access, we also have sympathy with taxi operators who feel they should be entitled to make arrangements to provide service to all customers. Entry restrictions, including additional charges raised for accessing airport forecourts – barrier lifts and additional charges beyond a franchise agreement, will also impact on the nature and levels of supply, and have a knock on effect on the price paid for a trip.

Railway station forecourts, supermarket roadways, and other private venues, differ from airports in so far as they allow a wider extent of public access and
may be defined as roadways under the definitions of the Road Traffic Act. It is our view that this definition should preclude Private Hire Vehicles for accepting hires on a ranking or hailed basis.

We would agree with the commission that the regulation of engagement methods, including distinction between Hackney Carriage and private hire vehicle, should be extended beyond ‘streets’.

Question 14

In your supplementary question you asked whether there is a case for making special provision in respect of taxi regulation at airport. Taxi control at airports can differ significantly from their surrounding authority and may appear to be contradictory to the controls applied in the city served. A particular concern amongst the trade relates to the apparent desire for profit maximisation on the part of the airport authority, rather than achieving optimal passenger service. This is illustrated by the extent of taxi charges, franchise or bidding processes common in larger airports. Further conflicts appear in respect of the numbers of vehicles serving an airport, provision of taxi holding areas – most common in larger airports, and the potential for access by pre-booked services to appropriate meeting points.

It is our view that the public interest is best served by providing ready access for passengers to appropriate taxi facilities, including access to pre-booked services. This would appear to be somewhat at odds with concession agreements and competitive tendering for the market.

It is our view that an optimal situation would be better served by providing access to a public rank, which could be served by any taxi licensed by the authority in whose area the airport is situated. Individual airport security concerns would need to be accommodated in this solution.

The further consideration, that levels of service and assurance of taxi provision need be appropriate to the airport should also be reviewed. A number of studies (Dublin Airport, 2010; Los Angeles International airport, 2006) have highlighted that the most common concerns of an airport – the provision of sufficient taxis to meet peaks in demand, need not rely on absolute numbers of vehicles, but rather the extent of contestable supply. An airport would typically provide facilities to hold a significant reservoir of vehicles felt appropriate to meet peaks in demand, and often in excess of the average demand across the day. As a result it is common to see large numbers of taxis waiting for extended periods of time, often leading to pressures to provide on site facilities and reinforcing the perceived need to contract airport specific provision to one company. These factors may work against the public interest by promoting excessive queuing by taxi drivers and an increased reluctance to accept short fares (the short trip problem). In airports that have opened up access – including Los Angeles International airport – the effective supply of taxis has been seen to increase, whilst the number of waiting taxis has fallen (See Mundy, 2006).
Provisional proposal 15

In your proposal 15 you suggested that the concept of ‘plying for hire’, should be placed on statutory footing to include: a) reference to ranking and hailing; b) a non-exhaustive list of factors indicating plying for hire; and c) appropriate accommodation of the legitimate activities of Private Hire Vehicles.

It is our view that such a definition is overdue and needed. A clear definition of operating type is a glaring omission from the Civic Government (Scotland) Act (1982), and similar legislation affecting England and Wales. The definition of ‘plying for hire’ allows for a ready distinction between operating type and service. If a licensed taxi is mobile within the district in which it is licensed and the ‘for hire’ sign is visibly lit, then the taxi is available and plying for hire by hailing. Similarly if the taxi is stationary on an approved taxi rank, it is also available for hire.

Definition of the concept in law, and illustration through a list of factors indicating plying for hire, removes the opportunity for misunderstanding and reinforces the opportunity for enforcement. We also agree that this definition would improve the relationship between Hackney Carriage and private hire vehicle operation, by allowing for stronger distinction and understanding.

Provisional proposal 16

In your proposal 16 you suggest that definitions of hailing and ranking should not cover technological means of engaging taxi services – typically smart phone applications (apps). We agree with this proposal, and would highlight work being undertaken in the USA (Daus, 2012) highlighting both opportunity and threats arising from apps.

Taxi apps present a series of difficulties in defining operating types, and may contribute to a misunderstanding of vehicle type. A number of US regulators have sought legal redress against taxi apps citing a lack of control or regulation, with the regulator in Washington DC taking significant steps to protect the passenger and taxi operator from illegal operators providing services under the umbrella of taxi applications. A review of taxi apps, which fall into three categories, app to dispatch, app to driver, and app directory is included in Cooper 2012.

Question 17

The Scottish approach to making arrangements in a public place is far from being infallible, and in fact is regularly and openly abused by private hire operators.
It is our view that a non-exhaustive list is required defining what is considered to be a public place.

Provisional proposal 18

In your proposal you suggest that the concept of compellability, applied exclusively to taxis (Hackney Carriages), should be retained. Compellability relates to the requirement to provide services, similar to the concept of a common carrier as applied in the USA. Under this concept Hackney Carriages are required to provide services avoiding the potential for selective carriage or refusal on illegitimate or discriminatory grounds.

It is our view that the law of compellability should be retained, but that there would need to be exclusions designed into the requirement. For example a taxi operator should not be compelled to accept passengers who are clearly inebriated, or who’s clothing or person is in a dirty or unhygienic state. Taxi drivers should also not be compelled to accept hires travelling beyond the licensing area.

Provisional proposal 19

This proposal relates to the continuation of pre-booking, as the only method of engaging Private Hire Vehicles. Your proposal additionally suggests that pre-booking should cover all technological modes of engaging cars, including taxi apps.

It is our view that the distinction between pre-booking and other engagement methods should be maintained. The inclusion of Private Hire Vehicles in the pre-booked market has been and should continue to provide a significant benefit to the passenger and promote open competition between providers. We do however have concerns in relation to the technologies applied to pre-booking. It is our view that advanced booking should be maintained through licensed operators alone. The suggestion that technologies, particularly apps, could be used to engage services of taxi companies is a significant and dangerous loophole.

Although it is not our intention to prevent the development of taxi apps for smartphone and other computing devices, the nature of these applications can be seen to create difficulties in enforcement and control. Of particular concern would be the opportunities for taxi apps to provide unlicensed dispatch service without control or indeed geographic knowledge, licensing, insurance or recourse to law.

Provisional proposal 20

Your proposal 20 addresses potential for leisure and non-professional use of taxis and Private Hire Vehicles. We have severe difficulties with this proposal
as it stands, as it appears to suggest the open availability of taxis for use by any driver with the assumption that any use would be assumed to be professional. In other words the proposal opens vehicles to any driver with the presumption that the vehicle is available for hire and reward. It is our view that such a proposal would send an open invitation to all and sundry to operate without a license, and the burden of proof would support this illegal activity.

A major concern amongst the taxi trade remains a lack of enforcement of existing rules. In your proposal 20, you would appear to invite further conflict and make enforcement more difficult. We would be strongly opposed to this proposal.

Provisional proposal 21

Proposal 20 seeks to extend the powers of secretaries of state and devolved ministers to issue statutory guidance in respect of taxi and Private Hire Vehicle licensing requirements. It is our view that such a power is appropriate and should be extended to all involved and national administrations.

Provisional proposal 22

In your provisional proposal 22, and in associated text, you make the suggestion that the terminology applied to taxis should be reviewed. In particular you suggest that reform legislation should refer to ‘taxi’ and ‘Private Hire Vehicles’ respectively. The term ‘Hackney Carriages’ would be abandoned in your proposal.

It is our contention that the adoption of the term ‘Taxi’ in place of ‘Hackney Carriage’ is more likely to cause confusion and result in a negative impact on the operation of the market than the current terms applied. We base this argument on the observation that ‘taxi’ is used across all vehicle types; Hackney Carriages, Private Hire Vehicles, and taxi buses in some cities; the term ‘taxi’ being a generic form and open to significant variation in interpretation.

It should be clear that there are separate and distinct segments of the ‘for hire’ trade, and we argue that this should remain the case. Terms that remove such distinctions and in particular the adoption of ‘taxi’ in place of Hackney Carriage stands to confuse both the public in engaging vehicles, and the authorities in enforcing law. Moreover, the use of the word ‘taxi’ would allow for legal defence on the basis of ambiguity in terminology. Private Hire Vehicles, which may also fall under the generic term ‘taxi’, may be able to defend illegal practices on the back of confusion that such a change would result in.

It is our view that regulation, and in particular the regulation of tariff, and quality standards – including 'the knowledge' required of Hackney Carriage operators; is well served by the maintenance of the term Hackney Carriage. It
is our view that any change to this term would encourage unlicensed operation and reduce the effectiveness of enforcement.

Question 23

In response to question 23, we would consider the same arguments to hold as in respect to the proposed change in terminology, as discussed above. It is our view that the use of the word ‘taxi’ acts to confuse distinction between vehicle operating types, and would be opposed to the use of ‘taxi’ or ‘cab’ in the advertising of Private Hire Vehicles. It is our view that these terms would lead to significant customer confusion in relation to Private Hire Vehicles.

Provisional proposal 24

In your proposal 24 you set out an argument in favour of minimum national safety requirements. We would be in favour of such national standards, and agree with the commission in this respect. We agree that national safety standards should be applied to Hackney Carriage and to Private hire vehicle alike.

Provisional proposal 25

We agree that national safety standards should be applied as a minimum, and further accept the argument that local licensing authorities should be able to and have the power to impose higher standards, as appropriate to their jurisdiction.

Provisional proposal 26

Allied to our responses to proposals 24 and 25, we agree that national safety standards should be applied as mandatory.

Provisional proposal 27

In your Proposal 27 you suggested that Private Hire Vehicles should not be subject to standards except those related to safety. Effectively requirements such as topographical knowledge would no longer apply to Private Hire vehicle drivers.

Although we agree with the distinction between quality of service and safety, we would suggest that licensing authorities be allowed to retain topographical knowledge tests for Private Hire Vehicles if they feel it to be appropriate to their area.

Question 28
The issue of taxi signage, and in particular signs allowed on Private Hire Vehicles, is an issue of discussion in a number of countries. ‘Taxi’ signs create potential for confusion as to what vehicle is available for hire by hailing, and has been the subject of reviews in the Republic of Ireland (NTA, 2012) and in similar reviews in Belfast and London. The use of a ‘taxi’ sign on vehicles in Belfast has led to considerable concern for passenger safety as many passengers travelling home from entertainment have not sought to distinguish or verify the type of vehicle being entered (PSNI, 2008).

Whilst we agree that permitted signage should be a matter for local authorities, it should be noted that a national view on sign use, ie to what extent signs may contribute to distinction between vehicle type, would be helpful.

It is noted that authorities having completed a review of taxi signs, tend to suggest Private Hire Vehicles reduce or remove overt designs suggesting availability for hailing. Illuminated rooftop signs play a particular role in identification of Hackney Carriages, and it is common for authorities to seek to remove these from Private Hire Vehicles. It is our view that signage on Private Hire Vehicles should be restricted to license plates and/or signs declaring the vehicle can only be engaged by advanced booking and these could include an operator name and contact phone number.

Question 29

We do not feel that any justifiable reason exists against applying common national safety standards Hackney Carriages and Private Hire Vehicles.

Question 30

We do not feel that any justifiable reason exist that would support differing driver safety standards for Private Hire Vehicles compared to Hackney Carriages.

It is our view, however, that a number of issues exist around the application of CCTV. It is our observation that both police and licensing authorities remain reluctant to accept responsibility for the downloading of images from CCTV systems. It is argued that this relates to a potential breach of the data protection act. As the provision of CCTV has an impact on driver and passenger safety, we would support the provision and use of CCTV in taxis, but feel that its application should not be made mandatory.

Provisional proposal 31

In your proposal 31 you suggest that the Secretary of State and Welsh ministers should be limited to defining Hackney Carriage and private hire vehicle standards related to safety alone.
It is our view that this limitation would impact negatively on the ability of an authority to be held to account. The operation of the taxi market relies on control applied across three factors: quality economic control and quantity restraint, with a significant emphasis placed on local licensing authorities to ensure that taxi provision is suited and appropriate to their area. It is our view that licensing authorities can, and often do, demonstrate a lack of understanding in respect of the fundamentals of, and legislation governing Hackney Carriages and Private Hire Vehicles. An example of this relates to the time elapsed between taxing tariff reviews, and the need to ensure robust and effective enforcement. A lack of understanding or application of current legislation has an impact, often negative, on the travelling public, reducing the quality standards, or avoiding necessary market development.

It is our view that the Secretary of State and devolved ministers should retain powers to intervene where it is proven that a licensing authority has not fulfilled its duties in terms of applying existing regulation. It is our view that the implicit ability of the Secretary of State to intervene, will have the effect of improving and underscoring application of existing regulation. The appropriate application and enforcement of regulation will also reduce the numbers of complaints and referrals to the Traffic Commissioner, for example in the case of a taxi tariff, and improve services to the public.

Provisional proposal 32

It is our view is that there should be a statutory consultation requirement in respect of national safety standards. We agree with the commission’s proposal in this respect.

Question 33

In your supplementary question you seek to determine the best approach in establishing national safety standards, and suggest a requirement to refer to a technical advisory panel. The presence of such a panel would seem a logical method of determining safety standards, providing both technical expertise and accountability. Current conditions in licensing in the City of Glasgow require all vehicles (including conversions) to achieve European standards, with a positive impact on safety and placing a burden on manufacturer and converter to undertake crash tests. This provides an example of a positive standard application that could / should be extended.

It is our view that a safety standard need be appropriate, achievable and enforceable. It would be our suggestion that such a technical advisory panel be comprised of engineering and enforcement officers.

Provisional proposal 34

It is argued that licensing authorities should retain the power to set standards locally for taxis where these exceed minimum national standards. In previous
responses we have argued the necessity for licensing authorities to identify and apply requirements as appropriate to the geography and social demands in the authority area. In the event of national minimum standards being applied, we would support locally defined standards where these are justified and above national minimum.

The role of a local licensing authority is significant in ensuring and enforcing standards appropriate to the area and we argue that authorities should have the right to set a requirement to review licensing conditions applied to Hackney Carriages and Private Hire Vehicles in their area. It is a significant, in our view, that national standards do not reduce or eliminate the need for local accountability, and would extend this argument to require ongoing reviews to be completed by licensing authorities.

It is of concern that national standards may be used as an excuse to reduce local input to taxi regulation, reducing the need to define, but also the ability to understand the dynamics of a taxi market in any authority area. The definition of national standards should not result in a loss of local understanding, nor reduce the need of an authority to define and fine-tune its local market. There is a clear difficulty in Scotland in terms of the burden of proof required by courts before convictions can be obtained and, under the present system, only the police are able to enforce regulations.

Local licensing conditions, on the other hand, come with the remit of the licensing authority and its appointed civilian enforcement officers. Contraventions can be brought before licensing committee and be dealt with without the need for recourse to courts. This lessens the burden of the courts and allow for breeches of license conditions to be dealt with more quickly than would otherwise be the case.

Questions 35

In your related question, you ask if there should be statutory limits to licensing authorities abilities to set local standards. This question applies at both ends of the spectrum, the ability to define minimum standards for Hackney Carriages and Private Hire Vehicles; and the extent to which such powers should be exercised – without causing negative impact on the operation of the market.

It is our view that licensing authorities should be actively involved in application of national standards, and their variation (above a minimum) where this is justified in the area. We would not consider it appropriate for local standards to create barriers to entry beyond those justified and currently in force. Key to this is the need for a licensing authority to monitor and understand the market for taxis in its area. Whilst we agree that there should be some statutory limitation to the extent of variation permissible, it is unlikely that such a limitation can be readily defined in advance of national controls. We would therefore recognise the role of the secretary of state and devolved government ministers in defining and updating Best practice guidance in respect of licensing authority regulation.
Question 36

In your supplementary question you asked if licensing authorities should be allowed to retain the power to impose individual conditions on Hackney Carriage and Private Hire vehicle drivers and operators. It is our view that such powers can be effective and should be provided.

Question 37

You ask whether the powers and duties of local licensing authorities to cooperate should be permitted under local arrangements or placed on a statutory footing. It is our view that licensing authorities should be free to cooperate but we do not see a need for this to be placed in legislation.

Provisional proposal 38

In your proposal you suggest that neighbouring authorities may have the option of combining areas for the purposes of taxi standard setting. Experience in some licensing authorities in England and Wales have suggested benefit from such combinations, most commonly resulting from the integration of neighbouring authorities. It is our view that common standards applied over metropolitan areas have merits, particularly in instances where such combinations remove confusion from taxi users, and provide better service levels. Local standards and agreements should be additional to national requirements and not provide excuse for a lesser service.

Large conurbations including those in the West Midlands, and some large cities are subject to confusion including location and boundary, impact of bounty on charges, differing qualities of vehicles, and differing routes for passenger complaint. In such instances cooperation over standards, and common approaches to passenger service, are likely to work in the public interest.

Provisional proposal 39

Your proposal 39 suggests that licensing authorities should have the option to create or remove taxi zones within their area. This is a reality in Scotland, and is seen for, example, in Renfrewshire, which removed differing zones.

We would support this proposal and can illustrate best practice in this respect.

Question 40

In your question 40 you suggest that it may be useful for licensing authorities to have the power to issue peak time licenses which may only be used at certain times of day. We acknowledge that this concept may appear attractive,
particularly in light of peaks in demand – in the taxi industry this is most commonly observed at weekend night time periods.

It is not our view, however, that the potential benefits suggested would be achieved. In our experience many taxi operators are being forced to work increasing numbers of hours simply to stand still, and most will need to work at peak periods to become profitable. This is leading to more and more operators reverting to single shifting, i.e. one person driving a taxi, as opposed to the more efficient double shifting practice.

If part-time licenses were to be sanctioned, for example for work at peak periods, then it would serve to further reduce the earning potential of full-time operators. Evidence arising in the Republic of Ireland (NTA, 2010) suggests a potential shift to second and third jobs, with a loss of service standard and quality, with evidence from Dublin supporting our further concern that drivers would be forced to cherry pick the hours they work, and that this would lead to a loss of service in non-peak periods. Passenger experiences in de-restricted environments differ significantly, with evidence of a non-linear relationship between vehicle and license numbers and service level. That is to say that an increase in vehicle licenses will not necessarily result in an increase in the passenger service level (Shift availability). Significant increases in taxi licenses in the Republic of Ireland have not resulted in a linear increase in vehicle availability.

Provisional proposal 41

In your proposal 41 you suggest that private hire vehicle operators should no longer be restricted to accepting or inviting bookings only within their locality. It is our understanding that in Scottish law Private Hire Vehicles are already able to accept advanced bookings in other licensing authority areas, this being the effect of your proposal in England and Wales.

Whilst this practice appears legally possible, we would highlight our concerns of inherent dangers with Private Hire Vehicles frequently flouting licensing requirements by waiting and all cruising within other licensing areas. The Civic Government (Scotland) Act (1982), allows for Private Hire Vehicles to accept trips from another area but specifically precludes waiting for cruising within the area in which they are not licensed. It is our view that this creates a difficulty in enforcement and provides the opportunity for the defence of ambiguity. We would contend that any revision to the law needs to go further by making it clear that Hackney Carriages and/or Private Hire Vehicles dropping fares in an adjoining area must immediately return to their own licensing authority. We would further express our view that enforcement officers should be encouraged to take action against Hackney Carriages or Private Hire Vehicles illegally operating outside their licensed area.

We would, furthermore, highlight the dangers of vehicle gravitation to large city conurbations. We would suggest this to be a particular problem in London and other large cities, where Private Hire Vehicles may identify better
business prospects in the large city than in their ‘home’ license area. Private Hire Vehicles licensed, for example, in Hertfordshire would have no legal barrier to their operation in the Greater London area. This, we feel, may lead to a loss of service in the peripheral locations, and market failure in the city itself.

Provisional proposal 42

In your proposal 42 you suggest that there would be no need to introduce a ‘return to area’ requirement in respect of out of area drop-offs. We would be very concerned that, in the absence of such a requirement, significant market failure would occur. Peripheral licensing authorities would become, effectively, areas of registration convenience rather than actual location.

We would question the effectiveness of a licensing authority that existed purely to register vehicles that would be used in neighbouring areas, or even in remote locations. Such 'license tourism' would act against the public interest, provide exaggerated and untrue statistics, and would provide the worst possible solution.

Provisional proposal 43

In your proposal 43 you suggest that licensing authorities should retain the ability to regulate maximum taxi fares, but should not have the power to regulate private hire vehicle fares. We are very much in favour of maintaining tariff regulation as fare maxima, and would agree with the commission in this respect.

We would also concur that Private Hire Vehicles should be allowed to compete on price, this is the situation effective in Scotland at present, but would also highlight the effect of meters, and the public perception of their accuracy need also be considered.

We would support the ability of a local licensing authority to define and require maximum fares for Private Hire Vehicles where metres are fitted. The absence of a regulated maximum for a metered journey is likely to result in a lack of confidence on the part of the travelling passenger, particularly where differing charges are visible between vehicles. The example of Private Hire Vehicles with metres fitted is seen in Edinburgh, where the private hire vehicle may charge at a level below the maximum, but it is our view that this system may be abused and should be regulated.

Question 44

In your question 44 you suggest that ‘taxis’ might be allowed to charge a fare that is higher than the metered fare for a pre-booked journey. You do not define whether that this relates to Hackney Carriages or to Private Hire Vehicles, or to both.
In the situation originally defined in provisional proposal 43, that a licensing authority would not control Private hire vehicle fares, it is theoretically possible and justifiable that actual charges using a private hire vehicle might exceed those that would be charged using a meter. Subject to our concern regarding the use of meters in Private Hire Vehicles, set out in our response to your provisional proposal 43, we acknowledge that Private Hire Vehicles may charge a higher rate than would result from the use of a meter. The situation differs significantly in respect of Hackney Carriages, and we would be concerned if the practice of 'over charging' were extended on any basis to the Hackney Carriage trade. It is argued that this practice will be tantamount to commercial suicide, and can see no basis for its justification.

In Scotland Hackney Carriages can charge no more than the prescribed maximum fare within their licensing area, and we feel this an appropriate measure. Hackney Carriages can negotiate a lesser charge or specify a charge by negotiation if the destination is out of area.

Question 45

In question 45 you ask whether national driver safety standards, such as a requirement to be a 'fit and proper person' be set in primary legislation, or included within the powers of the Secretary of State and devolved government ministers. We would agree that such requirement be defined, and would see no reason for it not to be defined in primary legislation, or included in ministerial powers.

Provisional proposal 46

In your provisional proposal 46 you suggest the vehicle owners should not be subject to 'fit and proper person tests' that this concepts be applied to the vehicle alone. We are very concerned that this criteria should not apply to vehicle owners. The concept is wide spread and broadly understood.

We would be very concerned that the concentration on vehicle alone would allow drivers with serious convictions to enter the trade, including those convicted of sexual offences against children for example. Furthermore, the combination of this proposal with that previously described in relation to unlicensed drivers being allowed to use licensed vehicles socially may provide the opportunity for serious abuse of the system.

Question 47

In question 47 you ask whether national vehicle safety standards be applied in primary legislation, or included within the ministerial powers. It is our view that it would not be necessary to set out vehicle safety standards in primary legislation, but we would feel there to be a case for robust government guidance.
Provisional proposal 48

In your proposal 48 you suggested operator licensing should be retained as mandatory in respect of Private Hire Vehicles. We agree with this section and feel it should apply to all operators of Private Hire Vehicles, Hackney Carriages, and other forms of vehicle operated under licensing regimes, such as taxi buses etc.

Question 49

In your question 49 you identify the operation of driver only radio circuits separately to the licensing of operator booking offices. In our view it is a fundamental requirements at all companies, circuits, cooperatives, or similar groups offering dispatch services should be covered under the same legislation. This logically extends to taxi radio circuits, whether part of larger operating companies, or as individual services for small groups of vehicles.

It would appear inequitable to require one form of dispatch to comply with rules and regulations not required of others. On this basis we would support and encourage the extension of operator licensing to cover all forms of taxi dispatch service whether operator led, private hire vehicle company, Hackney Carriage, or taxi radio circuit.

Provisional proposal 50

The role of intermediaries, brokers or similar groups is not clear. We understand the need to consolidate certain looking types, and the products offered by service companies may serve this market well.

We do not see any reason to prescribe multiple levels of regulation where one would be sufficient, but would urge the commission to ensure that an effective regulation is in place. Booking via intermediary should not provide an opportunity for a less rigorous form of regulation, or allow for the avoidance of controls designed to serve the public interest.

We are particularly concerned that app based intermediaries may see this as a potential method to avoid regulation.

Provisional proposal 51

It is our view that anyone providing transportation to the general public should be required to comply with licensing law and be able to pass a ‘fit and proper’ test. We see no reason to provide exemptions from these criteria.

Provisional proposal 52
In your proposal 52 to you suggest that operators should be expressly permitted to subcontract services. We agree with this proposal, but would underline the need for subcontractors to meet the same licensing requirements and standards as other operators.

Question 53

No, only in the booking office context.

Provisional proposal 54

In your provisional proposal 54 you suggest that licensing authorities should no longer have the power to restrict taxi numbers. It is our concern that a de-restricted market would not achieve the balance of benefits suggested, and that a move, in some locations, from a restricted market would prove negative to the customer.

A larger concern arises, however, in that the provisional proposal requires an answer based on a partial knowledge or evidence base. This should be of extreme concern to the commission as it is effectively requesting response without presenting all of the facts. In your paragraph 17.14 you recognise that arguments in respect of the impact of quantity controls are complex – that further evidence is required in order to properly assess how quantity controls affect externalities. We remain very concerned that the 'kneejerk' reactions this is likely to promote, will be made without full consideration. In making our response we have attempted to consider both sides of the argument, those in favour of, and those against changes to current restriction policies.

The subject of the control of license numbers is a significant issue that has raised much attention and conflicting argument over decades. The argument is not new, nor is it resolved, but does appear to follow trends in political and economic thinking. The fact that this discussion continues to date should suggest that no simple answer exists. It is clear to us that de-restriction may be appropriate to taxi provision in certain circumstances. It is also appropriate to suggest that a restricted market can and does operate in the interests of passengers in others. Licensing authorities, including those in derestricted markets, ensure appropriate vehicle standards and suitability; controls on environmental impacts, and assurance to the passenger that their vehicles are safe, operated legally and by drivers fit for their duties. It is, and will remain, important that the regulatory system achieves this. An issue of this significance cannot be addressed on the basis of predetermined viewpoints, nor on idealistic views of market operation. We have no doubt that this issue, and particularly changes to quantity controls will affect the operation of the market, and are concerned that such changes will result in negative impact on the passenger.

We consider it important to understand the nature of taxi provision; that each taxi operator is in his or her own right a small business, and should be treated no differently to any other small business. In your sections 17.2 to 17.14 you
highlight the issues in restricted markets in terms of barriers to entry, measurement of unmet demand, congestion and externalities. We understand and would concur with a fundamental economic assessment; but highlight that this issue remains influenced at a local level. Generic and National interpretations fail to fully account for the operation of the market in individual authority areas, in short we do not consider that approaches felt appropriate in one location will necessarily transfer to others.

That said, we do understand the need to consider theoretical economics to justify a local approach. Part of this argument relates to the ability of a business to invest and survive. Open markets and perfect competition allow for business decisions to be made in all directions. Producers may alter their prices both down and up. Consumers will not always be provided with goods and services where the production costs exceed the potential income, and suppliers, particularly in transport markets may display profit maximising behaviour. Train fares are significantly higher in commuting periods than in off peak periods; with only the most basic of train fares controlled by the government. Yet this market response is not available to the taxi operator. Fares remain controlled as maxima that determine the extent to which costs may be increased at peaks. The need for the taxi business to invest in its business is curtailed to that that is justified in the short term, particularly in instances where the market is opened to all comers, even in the instance where quality controls are enforced, the market response appears to be a race to the bottom. A number of high profile examples of this exist, most visibly the quality of vehicles in Dublin, but equally in deregulated authorities in the US. It would appear to ask that some arguments in favour of the derestriction of quantity are not supported by global experience.

Any business needs to be profitable if it is to survive, and be in a position to reinvest in its business. This is true of any business but more so the taxi industry as the day-to-day running costs are very much higher than other normal businesses. This is a fact that taxi operators and indeed transport providers across the United Kingdom will be able to support. Costs related to maintenance and vehicle upkeep are dictated by safety regulations and local authority standards. Insurance to cover hire and reward, subscription to radio dispatch circuits and, of course, fuel, are the most costly of all. We would suggest that it stands to reason that covering costs becomes more difficult in a derestricted market which can and will lead to a drop in standards – as the lack of profitability takes its toll. There is significant evidence of this in the derestricted markets worldwide, including the Republic of Ireland and in Amsterdam. We would highlight that both safety and service standards are questioned in many locations where deregulation has occurred. These should not be seen purely as emotional arguments, but as practical and service failing resulting from derestricition.

We would reject the contention that a derestricted market will necessarily result in lower fares, and would highlight the evidence that defined taxi fares in Dublin are actually higher than defined taxi fares in Glasgow.
We agree with the commission’s view that externalities should also be considered. Well-worn arguments include environmental impact, lack of taxi ranking spaces, and quality impacts. In its review of taxi ranks, the Commission for Taxi Regulation in the Republic of Ireland (CTR, 2010) highlights a significant deficit in taxi ranking spaces. This is mirrored throughout the UK with Glasgow as a prime example of this – in Glasgow there are around 300 rankings spaces to accommodate 1428 licensed taxis. The situation in Dublin is significantly worse, as an increasing number of vehicles are unable to find ranking spaces. Insufficient ranks impact negatively on the surrounding traffic through congestion, through illegal driving behaviour – most particularly illegal parking activity in the area leading into a rank, double parking, and illegal ranking. Taxis unable to rank or park illegally are then likely to cruise increasing environmental and traffic impacts. We believe there to be a direct correlation between decisions on license numbers, de-restriction, and vehicular traffic issues.

Your statement in 17.4 that the transport act 1985 considerably curtailed a licensing authorities ability to control numbers is, at least in terms of Scotland, inaccurate. The transport act section on unmet demand provides licensing authorities in Scotland with an option to limit, not an obligation. Licensing authorities should not only be empowered to limit the number of taxi licenses issued, they should also have the same option in terms of Private Hire Vehicles, albeit that there should be an obligation to regularly review supply and demand. We also feel that licensing authorities should not be exposed to litigation, as they are at present, for putting in place a limitation policy and in fact should be given statutory protection. One way of achieving this might be to place the burden of proof that unmet demand exists on the applicant for a new license.

Your statements in sections 17.9 to 17.11 addressing problems with ‘unmet demand’ highlight a number of concerns with the current SUD testing regime. The figure expressed in 17.10, £40,000, appears significantly higher than costs identified in our experience. We do agree, however, that SUD testing completed as a ‘box ticking’ exercise fails to fully identify the issues in taxi markets. It may appear more important that a survey has been completed, than the actual results themselves. This is a disingenuous approach on the part of some survey providers and is of great concern given the significance of this test in delivering appropriate market control. Moreover, we do not consider it appropriate for an authority to see de-restriction as a method of avoiding understanding the market. Indeed, we feel that de-restricted markets may actually require more thorough analysis than currently in place to ensure correct regulation responses be delivered.

Question 55

Notwithstanding our response set out in the answer to provisional proposal 54, that the commission’s statement that additional evidence is required prior to conclusion – effectively restricting the ability to respond, it is our view that the effect of derestriction will be to increase the burden on licensing
authorities to control and restrict further the taxi market. Removal, or diminution, of controls in one area of regulation do not remove the needs to control others. Moreover (OFT, 2003) it is recognised that changes to quantity restriction are likely to impact on need for quality control, and often (CTR, 2010) that the introduction of such controls – on quality – present further and significant difficulty in their own right.

It would appear to us that the effect of the restriction, both positive and negative create significant challenges to future operations. It would appear highly difficult, if not impossible, to reverse negative impacts, such as pollution, congestion, and market exploitation, resulting from derestricion. There also exist the possibility that taxi operators in a newly derestricted market could seek compensation through the courts for their loss of earnings and investment.

It is our contention that the commission relies too heavily on the imposition of minimum standards, and in this regard may come unstuck. In real terms robust enforcement will be required and in our experience this is all too often not available. Moreover as enforcement comes at a cost to the licensing authority, what was identified initially as a cost saving – removal of license control, may actually result in higher cost burdens on licensing authorities and the general public. Lack of enforcement creates the potential for operators to seek recourse through the courts.

Question 56

In your question 56 you ask whether transitional measures should be put in place, such as a staggered entry to the trade over a scheduled period of time, if quantity restrictions were to be removed. Regardless of our belief that this question assumes removal of quantity restriction, it is our firm view that the system of quantity control should be maintained.

We further believe that a quantity control system should be supported by a legal requirement for review at two year intervals, to help avoid litigation from disaffected parties, legalise the creation of waiting lists with new licenses being issue directly to said lists in chronological order, and under fit and proper criteria.

Question 57

The question of equality, in terms of providing transportation services the disabled persons in wheelchairs, is fraught with difficulties to the taxi industry and licensing authorities alike.

It is our view that all passengers have a right to transportation, regardless of physical needs, disabilities, or location. Taxis have played a significant role in providing accessible transportation, and have a track record in terms of vehicle design, accessibility and assistance. This is often better than that provided by parallel services, and this point is highlighted in the USA with a large number of ‘paratransit’ providers seeking to include taxis in their
provision. Part of this discussion also revolves around the availability of wheelchair accessible vehicles (WAVs) which are available at a significantly higher capital cost than their saloon equivalents. It is appropriate for us to highlight the concern that an industry with a declining income level would be less likely to seek to purchase WAVs than the current industry. Furthermore required provision of WAVs may result in the provision of less suitable vehicles, as purchasers are influenced by price rather than quality. This argument appears to result in a vicious circle between requirement and specification, and would naturally conclude with the least best vehicle being purchased.

We do not consider there to be a need for a separate category license, and would highlight the desirability for appropriate vehicles to be built in to the current fleet. We would further argue that the duty of a taxi operator should apply to all taxi users on an equitable basis. That there be no more, but specifically no less, duty on a driver to pick up a wheelchair user as any other passenger.

We consider it to be an appropriate duty of the licensing authority, in consultation with a taxi trade and disabled person’s representative groups, to make adequate provision for the number of WAVs available and making provision that ranks the WAVs.

Questions 58 and 59

In your question 58 you ask whether licensing authorities should offer lower license fees are vehicles which meet certain accessibility standards. Whilst we agree with the concept of incentivisation, we would feel a better response to be achieved at national government level. In this example we would suggest that the Treasury should sanction a lower rate of VAT on the sale of wheelchair accessible vehicles, and would suggest a nominal rate of 1%.

Provisional proposal 60

In your proposal 60 you suggest that national quotas of wheelchair accessible vehicles would not be required. It is apparent that visible demand for wheelchair accessible vehicles will vary by location, as will hidden or suppressed demand. A number of accessible user groups, including the Scottish accessible transport Alliance (SATA) do, however, argue in favour of a quota. We would support the development of quotas, where local circumstances suggest these to be appropriate. It is our view that this should remain at a local level.

Provisional proposal 61

Your proposal 61 relates to the development of national standards applied to the drivers of both Hackney Carriages and Private Hire Vehicles. We would agree that a need exists to ensure disability awareness training is provided,
with high minimum standards as appropriate to this user group. Many licensing authorities in Scotland already include disability awareness training as part of the criteria are being granted a license, and we will support the continuation and extension of this.

Provisional proposal 62

We will agree with the commission that Hackney Carriages and Private Hire Vehicles should be required to display information as to how to complain to a licensing authority.

Question 63

In your question 63 you highlight an issue whereby taxi drivers may ignore disabled passengers seeking to hail their vehicle. We consider it inappropriate for a taxi driver to consciously ignore a disabled user in this way. Circumstances may dictate that a vehicle is unable to stop safely, as implied in the question, but we would support an action to encourage supply in safe circumstances.

We would question, however, whether this be best addressed by a requirement to stop and, indeed, its enforceability; and would rather highlight the need and duty in properly constituted and delivered disabled awareness training.

Question 64

This question relates to the powers of local licensing officers, whether officers should have the power to stop licensed vehicles. It is our view that a lack of enforcement is a basic problem that has not been sufficiently addressed in the past. In so far as this power would encourage correct enforcement, we would support it. We would highlight the need for accountability and oversight to be applied appropriately.

Question 65, 66 and 67

Your questions 65, 66 and 67 address the need to enforce current regulation. It is our view that this need will increase were derestriction to be applied, and that further review be required if this was to occur.

Provisional proposal 68

We consider that the power of enforcement officers should be proportionate and in line to the duties. The inability to enforce regulation on incoming, and illegal, Hackney Carriages and Private Hire Vehicles appears to contradict this duty. We would therefore support the extension of power to enforce against vehicles, drivers and operators license in other licensing areas.
From: Anne Dignan
Sent: 09 September 2012 17:59
To: LAWCOM Taxi / PHV regulation
Subject: New Regulations

Dear Sirs,

I am Melvyn of Exclusive Wedding Cars Bradford. I have been in the Wedding Cars business since 1989 and have taken many years to build up a high respected and quality business, which is now my only source of income and has been planned to also be my future pension income.

I operated the business in a professional way I have the appropriate planning permission, pay business rates, pay our drivers PAYE; even though many of them only work for me 4 hours a week, I have the correct fleet car insurance and have public and employee liability insurance. I had a tax investigation several years ago and a VAT check a couple of years ago, both of which were clear. I have only ever done weddings and the occasional funeral as per the current regulations, although I am aware that some companies flaunt the current laws and carry out other work. I have invested heavily in my fleet, which can only be used for weddings, and should the new regulations be brought in it would make them valueless. I would not only lose my livelihood but also my total investment and my future pension plan. This was a business I was expecting to leave to my sons as their inheritance and have spent 24 years refining and improving the cars to what they are today.

Surely it would be more appropriate to clamp down on those flaunting and abusing the existing laws. This is a massive industry if the new legislation is passed it could result in the majority of companies going out of business. The biggest percentage of companies can self manage within the existing laws, please do not move the goalposts for those of us who follow the rules and have invested our life savings. Small businesses are the backbone of the UK economy and are already under pressure to survive this long recession.

Regards
Melvyn Dignan
Exclusive Wedding Cars

This email was received from the INTERNET and scanned by the Government Secure Intranet anti-virus service supplied by Cable&Wireless Worldwide in partnership with MessageLabs. (CCTM Certificate Number 2009/09/0052.) In case of problems, please call your organisation’s IT Helpdesk. Communications via the GSi may be automatically logged, monitored and/or recorded for legal purposes.
From: alan tucker
Sent: 09 September 2012 18:14
To:
Subject: Re: Law Commission Consultation on Taxis & Private Hire Vehicles

Dear Sir,

I am writing to yourselves as a concerned Torquay constituent, Conservative supporter and Hackney Carriage driver over the proposal to deregulate Hackney Carriage licences throughout the country, and in particular Torbay.

I have looked at the proposal in depth and cannot see any justification or advantages to be gained by deregulation, on the contrary an impartial view would highlight several risks involved with the process of deregulation.

1. Employment - If deregulation proceeds there will be an increase in unemployment due to takings dropping substantially FACT ! So a greater burden on the Social Security process in an already depressed area, I thought the Conservative Party was about increasing employment not the opposite?

2. Health & Safety - The proposal to allow Private Hire drivers to work in other areas presents an increased risk to the public FACT Torbay Borough Council actively police the standard of drivers & vehicles and any driver not adhering to the high standards demanded is disciplined, on occasions losing their licence to operate, the council would never be able to do this if drivers from other areas were able to come and go in Torbay.

Traffic control would be a major concern for the Constabulary, Torbay has approx 400 Private Hire drivers, 165 Hackney Carriage drivers + approx 7 summer plate drivers, there is not enough rank space to accommodate all these vehicles and the proposal would lead to chaos.

3. Meterage/ Knowledge of the area - The council set the fares on meters meters within the bay, drivers from other areas will have different settings, what of local knowledge tests, are they now worthless ?? What of CRB checks are these to be dustbinned as well, this will increase the risk of bogus drivers ? this proposal is flawed with risks to the public.

4. The Hackney Carriage business has been operating successfully for over 200 years, standardised by the Town Police Clauses Act but operates successfully in most areas, it is essential to let local councils ( they have all relevant up to date information, not central government ) police and control their own areas, not every area has the same socio economic parameters, customer types, tourism requirements, seasonal adjustments etc.

I would urge all parties to seriously reconsider this path to chaos, certainly in the Torbay area and I would suggest deregulation isn’t a national move, consult local councils, not everything can be categorised as the same.

Thanking you in anticipation of at least a rethink on this hazardous proposal.

Yours Truly

Alan Tucker
Hackney Carriage Plate Owner No 52

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To whom it may concern,

I am writing to express my deepest concerns over the proposal in regards to the hackney taxis. I am a hackney plate holder in Portsmouth and have been for several years, Portsmouth is a medium sized town and deregulating the licensing of its hackney plates will cause nothing but problems. Currently on average we are waiting around 1 hour for fares and this figure will only increase if deregulation comes into force, there are sufficient amount of hackney carriages at the moment in Portsmouth so why change something when it's working fine?

Also i would like to add if this goes through it will do nothing but damage the taxi industry, I can also see alot of people using the deregulation to their advantage for example we could see a hackney carriage from our neighbouring town Fareham working in Portsmouth, and why would the drivers not come down when they probably could earn alot more money working from our busiest rank Gunwharf.

I reiterate my feeling that it would only cause problems, its a well know fact that the taxi trade is very difficult at the moment and the introduction of the law commission in my opinion would will totally destroy the trade.

If you would like to discuss this in more detail please do not hesitate to contact me.

Shahriar Uddin
To whom it may concern.

I am a taxi driver and hackney carriage plate holder in Torbay Devon. I am very upset and angry, regarding the news of taxi de-regulation. I am a 26 year old male trying to support my young family, and I'm very worried that our only source of income is going to be affected by the merging of the private hire and hackney carriage vehicles. I would like to raise a some points with you which I hope you will take into consideration.

While I understand some larger towns/cities within the U.K have greater need for more taxis at busier times. However Torbay is a very seasonal town with a great deal of competition for business, this includes Friday and Saturday nights/ bank holidays/ new years. There are 165 hackney carriages and 380 private hire vehicles in Torbay by to eliminating the "hackney carriage" there will be a possible 545 taxis competing for a place on the rank, bringing even greater competition to our area when it is already difficult to earn a living.

Torbay is also a large retirement area, with a lot of elderly customers feeling safe and secure with the regular drivers of Torbay. I fear that members of the public would be at risk with the possibility of "rogue" taxi drivers coming to work in different areas. In Torbay we have to go through strict background checks before applying for your taxi licence, and CRB checks are carried out every 3 years, I am unaware if this the case in every town/ city!??

Hackney carriage plate prices in Torbay range from £20,000- £30,000 and mine was purchased just 14 months ago as an investment into my families future. By pushing this proposal through the value of the plate will be decreased substantially, making it all the more difficult for already struggling families. In the long run this will drive people out of the taxi business and cause more unemployment throughout the country.

The hackney carriage trade has been well established for years and does work in certain areas. Is there really a need to change this throughout the whole country!?? I therefore think that the relevant town/city council have full knowledge of the area, know of any problems within the trade and would be better at making decisions regarding de-regulation.

Yours sincerely
Billy Tucker
9th September 2012

Dear Sir,
Please find attached our response to Reforming the Law of Taxi and Private Hire Services.

Swindon Taxi Association

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REFORMING THE LAW OF TAXI AND PRIVATE HIRE SERVICES

1.9

2 Private Hire and Taxi should maintain local knowledge including permanent markings of all private hire vehicles.

11 Yes

13 Yes

1.10

1 Unnecessary

2 Yes to raise standards

3 No but all private hire vehicles should have pre book only signs on rear doors and plate No.

6 No, this would encourage Private Hire to abuse the system

1.13 Levels of regulation and enforcement vary- a high national standard should be applied to all licensing authorities.

1.14 Some authorities slip well behind others

1.15 Licence costs should increase to cover proper enforcement which Swindon is lacking

1.19 Yes large permanent markings will help identification

1.20 National Standards Please!!

1.21 Yes National or not at all

1.23 Agree

1.24 Yes

1.25 Numbers of taxis must be considered on a health & safety basis in terms of congestion and rank access. Regional towns compared to London.

1.26 No, National standard signage should be enforced

1.28 No, localisation id best for enforcement.

1.29 Would this insight drivers to illegally fly whilst operating in other areas
1.30 Yes
1.31 More enforcement is needed as private hire abuse the rules on a regular basis
1.32 Yes
1.34 Why not have a wheelchair accessible Hackney policy therefore reducing red tape

LIST OF PROPOSALS

1 Yes
2 Yes
4 If Hackney Carriage conformed like London in a purpose W/A vehicle they would highlight differences to Private Hire Vehicles and there would be no need for extra licences for W/A taxis
5 Yes
14 Possibly
15 A Yes
   B Yes
   C No
16 Yes
19 Yes
20 No
22 No
23 No
24 Yes
25 Yes
26 Yes
27 No
28 No, National standards should be set up ref: signage
29 Poor licensing authorities need to be bought in line
30 No
31 No
33 Vospa inspectorate
34 Unnecessary
40 No
41 This could cause confusion to the public and could lead to the driver taking the Wrong fare and trading illegally
42 No, return is essential
43 Regulate Hackney and Private Hire prices
44 No
46 No
47a Yes
48 Yes
1 All passengers should be treated equally not just disabled
2 If Hackney vehicles are of a purpose built design there would be no need for separate provisions

58 Yes as owners are bearing the cost themselves while other businesses receive Government subsidies

65 More enforcement, immediate loss of badge and heavier fines

69 Yes is a driver commits a misdemeanour whilst out of area then his licence

Should be evoked subject to a fair hearing

72 Why

Random D & A testing is needed nationally
I am forced to agree that legislation regarding the Taxi and Private Hire Trades is woefully out of date. A major redrafting of Legislation is now required and I further concede that the Law Commission is best placed to undertake the task. Whether the Law Commission can get everything right remains to be seen. I anticipate every part of the draft Act will be subject to a great deal of Lobbying and the final Act will be very different from the first draft as a result.

That said the Acts of Parliament and the amendments achieved by Court Precedent are in fact still workable. I consider that a “Tidying Exercise” could actually achieve the aim in full.

I am realistic enough though to realise that this is an option that will not be contemplated. Advances in technology mean that everything should now be considered. It is strange to think that the Barry/Pugin Palace of Westminster allowed the Lords to sit in their Chamber in 1847, the same year as the current legislative base for Taxi Law, the Commons had to wait 5 more years for theirs to be ready.

When that law was enacted, all Hackney Carriages were One Horsepower and indeed utilised One Horse! The internal combustion engine was not available and a communication tool, the Telegraph, was brand new and due to lack of coverage was not of any use to transportation in road vehicles. Metaled Roads and Tarmacadam have also changed things, as has the Pneumatic Tyre. Taxi meters did not exist at the time.

Now there are two separate yet related trades where one only existed before. Roads are of good quality in the main, though the potholes are lamentable. Vehicles are faster and more comfortable, the horse does not need almost constant feeding just refuel every few hundred miles. Mobile phones, computers, data heads and radios proliferate as well as satellite navigation systems. Yet despite all these advances the basic service provided has not changed. The clientele is from a larger demographic base and the distances covered have increased. The job is still to take the passenger from one place to a destination chosen by the service user by the (usually) shortest route and at the minimum cost. Despite all the advances, the most important piece of equipment is still the Brain of the Taxi or PH Driver and the “knowledge” stored there.

My answers to the provisional proposals and questions are strictly my own. I hold several positions in Local and National Associations and I support the input from Plymouth Licensed Taxi Association and the National Taxi Association. These inputs have a weight of numbers of members behind them, that does not make my own submission pointless and I am entitled to answer for an Association in a different way than I do for myself.

I do not intend to make a submission in regard to the oft changed “Impact Assessment”. I would therefore like to be allied completely with the PLTA response in that area.
When I organized a meeting with the Law Commission at Exeter on behalf of Region 8 of the National Taxi Association, I made it an open invitation to all interested parties. The meeting was attended by Taxi and Private Hire Drivers, Taxi and PH Operators. Licensing Officers, Managers and LA Solicitors from across the region attended, but three groups were noticeable by their absence. Firstly not one Councillor with a position on Quasi-Judicial Committee felt able to attend, when I asked the Committee in Plymouth in person, the invitation was politely declined in case their attendance and any question they posed showed some bias. Secondly I approached Disabled groups in Plymouth and Exeter, neither took up the invitation. Finally the Taxi/Private Hire User was unrepresented, I admit this last group was no surprise, the ordinary Taxi/Private user simply trusts that the powers that be will protect their interests. Of course there is the National Association of Taxi Users and they are very vociferous on behalf of their 2 dozen members, I know they did not attend at Exeter, I have no knowledge whether they attended elsewhere.

LIST OF PROVISIONAL PROPOSALS AND QUESTIONS

CHAPTER 13 - OVERVIEW OF PROVISIONAL REFORM PROPOSALS
Provisional proposal 1

Regulation should continue to distinguish between taxis, which can accept pre-booked fares, be hailed on the street and wait at ranks, and private hire vehicles, which can only accept pre-booked fares. (Page 160)

I fully agree that the two trades should be considered as separate in the way indicated in Provisional proposal 1. In a fairly short time since 1975 in Plymouth and 1976 everywhere else, the two trades have developed their own character and this should not be lost.

The “decorating” of a Private Hire vehicle to mislead the Public into mistaking it for a Taxi must be legislated against, it should be considered as a deliberate Fraud.

CHAPTER 14 – REFORM OF DEFINITIONS AND SCOPE
Provisional proposal 2

London should be included, with appropriate modifications, within the scope of reform. (Page 162)

As I am not in the London Licensing area I am not qualified to answer as to the inclusion or exclusion of London in the prospective Act.
I do wonder why the capital should be dealt with in a different manner, as all people should be treated the same under the Law. This of course has the same bearing in Plymouth which uniquely has the 1975 Plymouth City Council Act instead of the 1976 Miscellaneous Provisions Act which covers the rest of England and Wales with the exception of London.

Provisional proposal 3

The regulation of taxi and private hire vehicles should not be restricted to any particular type of vehicle but should rather focus on road transport services provided for hire with the services of a driver. (Page 164)

I am of the opinion that four wheel motor vehicles should be the only vehicles Licensed in this legislation for either of the two trades. The idea of doors with motion locking has prevented many serious accidents. I fail to see how this valuable device could be fitted to a motorcycle. In a similar vein, I wonder at the hygiene problems that will be encountered with Helmets shared amongst large numbers of the public, added to which one size absolutely does not fit all.

The relatively slow speed of horse drawn vehicles and the fact that these vehicles were in their day the de-facto Taxis, leads me to the conclusion that they should be licensed, uniquely two wheels on a carriage are a usable setup. Other considerations are weather protection, weight limits imposed on the horse etc. and lead me to the further conclusion that the “Hansom Cab” is the best carriage for the job of Taxi in the horse drawn scenario. I answer elsewhere on “Open Horse Drawn Vehicles”.

Limousines and Novelty vehicles definitely fall into the Private Hire Category if seating 8 or fewer passengers and so should be licensed as such.

Other vehicles I cover in answer to Question 4.

Question 4

Would there be (and if so what) advantages to restricting licensing to motor vehicles that require a driving licence? (Page 164)

Pedicabs and Rickshaws (Power and Person powered) should not ever be licensed as Taxis or Private Hire. The inherent dangers for Drivers, passengers and other road users as well as pedestrians make them particularly unsuitable for the job.

The DVLA Driving Licence is in itself a form of identification and maintains a record of “Driving Misdemeanours” as well. Both of these benefits are completely lost when lifting the restriction.
Personal Response By CR Wildman to the Law Commission  
“Reforming the Law of Taxi and Private Hire Services”. 

Provisional proposal 5

Public service vehicles should be expressly excluded from the definition of taxi and private hire vehicles; and taxi and private hire vehicles should only cover vehicles adapted to seat eight or fewer passengers. (Page 165)

I fully concur with Provisional proposal 5. The burden on Enforcement Costs, met by Licensees, would soar. The VOSA setup should enforce on what are in effect “Buses”.

Provisional proposal 6

References to stage coaches charging separate fares should no-longer feature as an exclusion from the definition of taxis. (Page 166)

Clarity is needed in the legislation in regard to Taxi-Buses. If they can exist in the new legislation either as Taxi or Private Hire vehicles (or indeed both) then the reference, even if given a more modern name, would simply have to be retained or the facility to offer such service would disappear.

Provisional proposal 7

The Secretary of State should consider issuing statutory guidance to the Senior Traffic Commissioner about the licensing of limousines and other novelty vehicles to assist consistency. (Page 167)

These vehicles, if seating 8 or less should be licensed as Private Hire Vehicles and Local Authorities should be legislated into accepting this. Those seating 9 or more should be licensed with the Traffic Commissioners and the safety of these vehicles should be at the same level as will be required for Private Hire Vehicles generally but enforced by VOSA.

Those falling into the Taxi and PH licensing system should not have the safety of passengers, other road users and pedestrians put at risk by relaxing any of the “rules” encountered by Taxi and PH vehicles.
Provisional proposal 8

The concept of “in the course of a business of carrying passengers” should be used to limit the scope of taxi and private hire licensing so as to exclude genuine volunteers as well as activities where transport is ancillary to the overall service. (Page 168)

The hardest question posed in this proposal is the definition of the “Genuine Volunteer”. I credit that professional Child-minders, Carers and the like should not require Private Hire Licensing. However the rates paid to Ambulance cars, as they get given a mileage rate both with and without passengers, to my mind, takes them away from the voluntary sector and to this end they should be licensed. Unfortunately this means that every instance and volunteer position needs to be checked to see if does indeed fall into the “Requires a Licence” bracket and I further suggest that more do need licensing than do not.

Question 9

How, if at all, should the regulation of taxis and private hire deal with:

(a) carpooling; and

(b) members clubs? (Page 170)

Carpooling that is definitely not for profit should not be discouraged and should not be covered in Taxi and Private Hire legislation except perhaps as a direct exemption.

Members clubs run for profit, for example Gymnasiums, Sports Clubs and Private Members drinking clubs vehicles should be licensed as Private Hire or if seating 9 or more passengers should come under the existing VOSA regulations.

Clubs that are not run for profit, such as Church or other religious groups, child social clubs (Scouts, Guides, Boys Brigade etc.) should not fall into the licensed category.

Pseudo clubs such as “Pink Ladies” should however only be allowed to exist if fully licensed, further if clubs like this wish to offer immediate hire, even if only to “Club” members, then they should be licensed as Taxis and not Private Hire.

Provisional proposal 10

The power of the Secretary of State and Welsh Ministers to set national standards should be flexible enough to allow them to make exclusions from the taxi and private hire licensing regimes. (Page 171)

I would support this proposal if it is always open to scrutiny and if members of the Taxi and Private Hire trades or their representatives can appeal against the exclusions before or shortly after they are granted, during a mandatory “probationary period”.

Personal Response By CR Wildman to the Law Commission
“Reforming the Law of Taxi and Private Hire Services”.
Provisional proposal 11

Weddings and funerals should no-longer be expressly excluded from private hire licensing through primary legislation. (Page 172)

Wedding and Funeral vehicles, when used exclusively for these purposes, should be exempt from the Taxi and Private Hire Licensing Regime. If in doubt about the relevance of bookings, proprietors should check with Licensing Enforcement Officers about applicability. (For example I would suggest that onward transport from a wedding reception would not be acceptable, but from home to wedding venue and from wedding venue to reception would be correct and so not to require licensing.)

I would suggest that Funeral Directors would simply not allow their vehicles to be used for any other than their primary purpose.

Question 12

Would there be merits in reintroducing the contract exemption, by means of the Secretary of State and Welsh Ministers’ exercise of the power to set national standards? If so, what modifications could be made to help avoid abuse? (Page 174)

I am strongly opposed to the re-introduction of Contract Exemption but I can see the advantages for the public purse. Despite the points made in 14.45 a large number of these contracts were made with the public or small companies and safety checks were not carried out.

An exclusion for public bodies only, via an updatable Statutory Instrument or similar, would allow these bodies, having carried out due diligence, to award these contracts.

Provisional proposal 13

Regulation of the ways taxis and private hire vehicles can engage with the public should not be limited to “streets”. (Page 175)

Safety consideration should be the same on Streets or Private Land. Similarly other regulations, such as Tariffs as set by Local Authorities need to be enforceable for example. If a Licensed Vehicle has access to Private Land it should also be accessible to Enforcement Officers – the property holder should be specifically prevented in legislation from denying the access thus required. If access is granted to a Taxi or Private Hire vehicle it de-facto granted to Licensing Enforcement Officers.
Question 14

Is there a case for making special provision in respect of taxi and private hire regulation at airports? In particular, where concessionary agreements are in place should airports be obliged to allow a shuttle service for passengers who have pre-booked with other providers, or to the closest taxi rank? (Page 177)

The question should be broadened from “Airports” to “All Transport Hubs”, with then a provision that open access is provided. A charge could still be levied to pay for this provision by Toll or Automatic Toll barriers. Within the toll restricted area Taxi Ranks could be provided, as well as the required drop off and pick up points for the Private Hire Trades.

All transport hubs would and should include Airports (International and Domestic), Bus Stations, Coach Stations, Railway Stations, Ports, Ferry Ports, Tram Termini and the like.

Provisional proposal 15

The defining feature of taxis, the concept of “plying for hire”, should be placed on a statutory footing and include:

(a) references to ranking and hailing;

(b) a non-exhaustive list of factors indicating plying for hire; and

(c) appropriate accommodation of the legitimate activities of private hire vehicles. (Page 181)

The definition of “Taxi” should be legislated. The Definition of “Private Hire” should be legislated.

(a) Clear definition of Ranks (and therefore Illegal Ranks), Authorisation of Temporary Ranks and only Taxis allowed to Rank should be legislated for. Hailing should also be clarified and defined in any prospective legislation.

(b) Private Hire vehicles should not under any circumstance be available for immediate hire. To allow it in any form at all allows the completely un-licensed or “pirate” hire car a camouflage.

(c) Legitimate PH activity should be above reproach. Pre-bookings must always be held by the operator and passed, by any acceptable method to the driver. To prevent abuse, drivers must not send in bookings or assist the potential passenger to make a booking.

(i) An exception to the above may be allowed for passing a booking to the operator for future journeys (for a return journey or similar for example). A sensible minimum time between placing such a booking and undertaking the journey so booked should be applied.
Provisional proposal 16

The concepts of hailing and ranking should not cover technological means of engaging taxi services. *(Page 181)*

The technological methods must be included – it would defeat the whole principle of Hailing against Pre-booking for example if a mobile phone (or other device) could be set to Flash in a sequence of colours which immediately announced a desire to “Hail a Taxi” or indeed flashed up a Hail request on all Taxi and Private Hire Drivers own hand sets in the near vicinity – it would become an electronic “thumb” for hailing a taxi or “hitching” a Private Hire ride.

Question 17

Would there be advantages to adopting the Scottish approach to defining taxis in respect of “arrangements made in a public place” instead of “plying for hire”? *(Page 182)*

The current “Plying for Hire” regulations are far clearer and lead to less ambiguity. That is not to say that the current system is absolutely perfect, it could do with tightening up.

Provisional proposal 18

The concept of compellability, which applies exclusively to taxis, should be retained. *(Page 182)*

Compellability is a necessary feature of the Taxi Service from Taxi Ranks. With the standard proviso regarding “Good Reason” it must be maintained. It could, with similar safety precautions, be included on Private Hire and Taxi Operator methods of taking bookings. The “Hail Market” would be impossible to enforce in this regard as would be impossible to prove that the Driver saw the intending passenger or that the driver recognized that the person was attempting to Hail the Taxi.

I consider that the current limits on “Compellability” should be considered as they are outdated. In London the 12 Mile rule was in place to protect the horse. Modern “Horsepower” needs no such protection.

In case of the rest of the Country, no compellability to leave the licensing district exists, originally for the same reason as 12 miles in the Capital. Perhaps compellability could be changed to “Compelled to Carry passengers using the meter to any distance not exceeding 50 miles” and to allow negotiating the fare for distances exceeding that.
Provisional proposal 19

Pre-booking would continue to be the only way of engaging a private hire vehicle and cover all technological modes of engaging cars. This is without prejudice to the continued ability of taxis to be pre-booked. (Page 183)

Pre-booking is the major thing that differentiates the two trades. Modern and future technological methods of making this booking must be covered as well as possible. Taxis working individually or as part of a circuit can, and will continue, to take bookings for future journey requirements.

Provisional proposal 20

Leisure and non-professional use of taxis and private hire vehicles should be permitted. There would however be a presumption that the vehicle is being used for professional purposes at any time unless the contrary can be proved. (Page 184)

There are problems with this proposal.

It may be considered viable for wealthier members of the public to own and licence Taxi or Private Hire vehicles with a view to utilising Bus Lanes as well as avoiding Congestion Charges as has happened in Eire and in London in the past, and perhaps currently. In this scenario the licence is rarely, or more often, never used for the intended purpose. It would be an extra hurdle to insist Licensed Drivers only can use licensed vehicles and so reduce this abuse.

Vehicles being used by drivers not holding Taxi or PH driver licenses that decline, correctly, to take intending passengers may come under attack from the public especially if the intending passengers are inebriated.

Enforcement costs to the Licensees would escalate as enquiries at least and sometimes Court action would have to be taken.

This would easily pave the way for unlicensed (Taxi and PH) Drivers to circumvent the Licensing regime by claiming to be using the vehicle for “Social, Domestic and Pleasure” reasons when stopped by Police or Licensing Enforcement Officers and make prosecution harder as a result.

Vehicles can currently be used for “Social, Domestic and Pleasure” but only by a properly Taxi or Private Hire licensed Driver. This should continue to be the case.

A sensible addendum would be to allow road testing by bona-fide mechanics as is currently the case.
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. (Page 185)

Granting of a power like this is required, with the proviso that Parliamentary Scrutiny is given to any Statutory Instruments that cause angst.

Provisional proposal 22

Reformed legislation should refer to “taxis” and “private hire vehicles” respectively. References to “hackney carriages” should be abandoned. (Page 185)

Proper legislative definitions of the two trades should be put in place and to this end “Taxi and Cab” should be retained and promoted for the Taxi Trade and “Private Hire Car/Vehicle” for the Private Hire trade. This should result in the naming of PH firms in a way resulting in deliberately misleading the public being stopped. Operators wanting to have “Taxi” or “Cab” in their trading names should maintain a fleet of 50% + 1 of Taxis.

Hackney Carriage as term, whilst admittedly outdated, is still used by the public at large and therefore has a continuing use. As time goes by and with proper definition of vehicles it reduces in importance as time goes by. In the short term it needs to be defined in the same way as Taxi or Cab.

In the case of the horse drawn vehicle of course “Hackney Carriage” must be retained.

Question 23

Should private hire vehicles be able to use terms such as “taxi” or “cab” in advertising provided they are only used in combination with terms like “pre-booked” and did not otherwise lead to customer confusion? (Page 186)

The short answer is no.

Use of the terms is a deliberate deception of the public as included in my response to PP22 above.

CHAPTER 15 – A REFORMED REGULATORY FRAMEWORK

Provisional proposal 24

Taxi and private hire services should each be subject to national safety requirements. (Page 188)

The lack of clarity to this proposal makes answering it extremely difficult.
All road vehicles in England and Wales are checked for national safety standards in that they require an MoT test certificate. Taxi and PH vehicles are not exempt from this regimen. In those LA areas that insist on a more rigorous vehicle test, an MoT exemption certificate is issued to vehicles that pass. Further, LA's have the power already to insist that the testing of vehicles take place more often than annually and with older vehicles operating in the two trades this is very often the case. The 1975 Act (Plymouth) allows maximum of four tests annually, everywhere else is limited to three per year. I am unaware of any area that has found the need to exceed two tests per annum despite being able to insist on more currently.

It is hard to see without clarification, what such a National Standard would be. Is the intention to have Brakes which Brake harder, Steering which turns better and Seatbelts that restrain better than the MoT demands? If these are things that can be achieved, why not simply upgrade the MoT so that everyone can enjoy the safety benefits envisaged, not just those in licensed vehicles?

Provisional proposal 25

National safety standards, as applied to taxi services, should only be minimum standards. *(Page 189)*

If the standards are as stated, simply as regards safety, then as previously stated the MoT or MoT exemption certificate ticks the boxes and this is already an eminently suitable minimum standard.

Provisional proposal 26

National safety standards, as applied to private hire services, should be mandatory standards. *(Page 189)*

Again the lack of information as to what or how this “Standard” will be set makes an informed counterpoint impossible, if it is the MoT or MoT exemption certificate, such a standard is already in firm place.

Provisional proposal 27

Private hire services would not be subject to standards except those related to safety. Requirements such as topographical knowledge would no-longer apply to private hire drivers. *(Page 190)*

The LA should and must be able to insist on more than simple safety standards, for example they must be able to refuse to licence vehicles with damaged yet safe bodywork. Advertising standards should be adhered to. Cleanliness of vehicles should be a factor. Left hand drive may be considered perfectly safe, yet in a country that drives on the left it should be actively discouraged from being allowed to be used in PH vehicles.
A topographical knowledge should never be seen as dispensable requirement. Use of SatNav can be extremely dangerous if the driver is distracted from paying attention to road conditions for example.

It is sensible to consider that the level of “Knowledge” need not be as onerous for the PH Driver as for Taxi Driver as, due for the requirement for pre-booking as opposed to immediate hire, time is available to study the route. In PH vehicles with radio telephony, assistance from the despatcher or operator can also be sought and taken.

**Question 28**

Should local standard-setting for private hire services be specifically retained in respect of vehicle signage? Are there other areas where local standards for private hire vehicles are valuable? *(Page 190)*

As previously stated, the use of the words “Taxi” and “Cab” should be precluded to prevent misleading the public, this should include use within the trading names of PH Companies.

For exactly the same reason, roof signs for the PH Trade should be legislated against.

Rear Licensed Vehicle “Plates” and permanently affixed front door signs should be mandatory but front “Plates” and anything else identifying the vehicle from the front as being PH should not be allowed, to discourage the Public from attempting to hail the car, mistaking it for a Taxi or Cab.

**Question 29**

What practical obstacles might there be to setting common national safety standards for both taxis and private hire vehicles? *(Page 191)*

Any vehicle produced will at some time be considered by a proprietor for use as a Taxi or PH vehicle.

It may make sense for example, on the North Yorkshire Moors to consider a four wheel drive as the ideal for the circumstance. The same vehicle would have no place in an urban setting. The small Saloon would have a place in the City but would not be as safe in a blizzard in Snowdonia. The safety standards required for these two vehicles are vastly different.

Different again are the requirements for the Wheelchair Accessible Vehicle and the many variants of the WAV.

Obstacles are many, but a fully comprehensive standard is no doubt achievable, but it may be a mighty tome when produced!
Question 30

Should national conditions in respect of driver safety be different for taxi services compared with private hire services? (Page 192)

The alarming amount of attacks on Drivers means that Driver Safety does need attention.

Wheelchair Accessible Vehicles often are provided with clear partitions and these certainly assist with Driver Safety.

Camera and sound recording equipment is available and has some deterrent effect though the expense is set artificially high for systems accepted by LA’s. The access to the picture and sound recording is restricted to Police and LA’s so is not readily available for use in civil proceedings. Reducing the burden by allowing individual proprietors to run their own systems (properly licensed) would be beneficial. It would be quite possible to insist that these systems are downloaded to the LA and any gaps in the recordings would need to be fully documented and explained.

Provisional proposal 31

The powers of the Secretary of State and Welsh Ministers to set standards for taxis and private hire vehicles should only cover conditions relating to safety. (Page 192)

The powers already exist in full, all vehicles, including licensed vehicles, require a current MoT or MoT exemption certificate.

Provisional proposal 32

The powers of the Secretary of State and Welsh Ministers to set national safety standards should be subject to a statutory consultation requirement. (Page 193)

This is the only sensible way forward.

Question 33

What would be the best approach for determining the content of national safety standards? In particular should the statutory requirement to consult refer to a technical advisory panel? (Page 193)

The make up of a Technical Advisory Panel should include experts from the DfT, as well as Licensing Officers and most importantly the two trades as well. It should also include experts in the field of transporting the Disabled and Crime Prevention Officers from the Police or Home Office.
Provisional proposal 34

Licensing authorities should retain the power to set standards locally for taxis provided above the minimum national standards. *(Page 193)*

The power should be retained but with certain safeguards.

Setting age limits for vehicles should not be allowed and in a similar vein, raising the Euro Emission level to force older vehicles off the road or into other areas without these stipulations should not be sanctioned. If a vehicle meets the regimen at first licensing it should always be allowed to be continually licensed until the prohibitive maintenance costs encourage the proprietor to replace the Taxi.

Colour schemes which devalue vehicles, for example "Black with white bonnet" or as in Bristol currently, brand new vehicles requiring a re-spray to “Bristol Blue” should also be banned.

No proprietor should be required to spend large sums of money to meet what are simply ridiculous conditions.

**Question 35**

Should there be statutory limits to licensing authorities’ ability to set local taxi standards? *(Page 194)*

If a set of possible “extras” to the minimum safety standard existed, a maximum number of these extras could be selected.

For example if the list included “Wheelchair Accessible Vehicle, Minimum Turning Circle, Standard Primary Colour for bodywork, Maximum step height, Minimum Engine size, LA Armorial Devices to Front Doors and First Aid Kit/Fire Extinguisher to be carried”, then the LA may be able to select 2 or 3 from the list.

Any “extras” not listed by the DfT should not be able to be applied.

**Question 36**

Should licensing authorities retain the power to impose individual conditions on taxi and private hire drivers or operators? *(Page 194)*

Many LA’s utilise a probationary period, usually of one year, during which new entrants to the two trades are required to gain a Vocational Qualification. This might be seen as an individual condition as longer serving drivers are not required to take this VQ. In this scenario it is not an individual condition as it applies equally all new entrants.

The same VQ is wielded as a blunt instrument as a test to ensure the “Fit and Proper” status of those drivers falling foul of enforcement, used in this way it is an individual condition.
An individual condition should only be set by Quasi-Judicial bodies of the LA, never LA Officers, and only in extreme circumstances, for example a driver granted conditional bail for a possible offence, unrelated to the trades and not violent or sexual in nature, may be given a condition that immediately suspends the license if bail conditions are breached.

The current facility given to LA’s to immediately suspend a driver who remains suspended awaiting appeal (except in Plymouth), should not ever be passed to Enforcement Officers. In the case of a suspected serious offence bail conditions should be set by Magistrates precluding the use of a licensed vehicle. Other offences where Enforcement Officers are of the opinion that an immediate suspension should be considered must be decided by the Quasi-Judicial Committee of the LA. If it is important enough to consider removing the income of the potential offender, it is serious enough for an immediate convention of the Committee.

Question 37

Should the powers and duties of licensing authorities to cooperate be on a statutory footing or is it best left to local arrangements? *(Page 195)*

In the main, LA’s communicate as required but certain advantages to making the different areas share information is obvious.

Provisional proposal 38

Neighbouring licensing authorities should have the option of combining areas for the purposes of taxi standard setting. *(Page 196)*

Each LA should be setting standards only for its own area only. If every LA combined with all neighbouring areas, in effect there would simply be another National Standard.

Provisional proposal 39

Licensing authorities should have the option to create, or remove, taxi zones within their area. *(Page 196)*

Authorities which cover huge areas, for example whole Counties or TfL in London are in a different position than the more usual form of LA.

Most LA’s should not be allowed to Zone but Whole Counties and London should have the option to deal with zones as they see fit.

Cornwall uses Zones and does so reasonably successfully.
Question 40

Would it be useful for licensing authorities to have the power to issue peak time licences which may only be used at certain times of day as prescribed by the licensing authority? (Page 197)

Without doubt the times when the “Peak time” licenses would be in use are the very times that allow the trades to make enough money to ensure that Taxis and PH are also available at the far less lucrative times. To allow this scenario to exist would be a very retrograde step.

Provisional proposal 41

Private hire operators should no longer be restricted to accepting or inviting bookings only within a particular locality; nor to only using drivers or vehicles licensed by a particular licensing authority. (Page 198)

The Operator should only take on vehicles and drivers that are licensed in the same area that the Operator is licensed in. The problems with Operator, Vehicle and Driver being licensed in three different (and not necessarily adjoining) areas are manifest. Should the main area of operation then be in a fourth area, the problems for enforcement are multiplied yet again. Which, if any, of the licence fees, should cover the enforcement costs and which LA should carry out the enforcement?

Operators should however, as in London currently, be able to sub-contract work to Operators in other areas if required.

Provisional proposal 42

We do not propose to introduce a “return to area” requirement in respect of out-of-area drop offs. (Page 199)

This is a particularly difficult situation to deal with from an enforcement point of view.

The principal should be to return to the home patch, but with modern communications a follow on booking from the out of area location could well exist. With modern IT and SatNav equipment the timeline of booking and time of pickup can easily be recorded and these records can be inspected and checked by Enforcement Officers when required.

To comply with the Law, a Taxi must return as to wait “Out of Area” precludes ranking or accepting “Hails” – the exception to this would be in the “Wait and Return” scenario ie a passenger requests (books) a return journey but does not want pay waiting time for the usually short period of waiting.
Provisional proposal 43

Licensing authorities should retain the ability to regulate maximum taxi fares. Licensing authorities should not have the power to regulate private hire fares. (Page 200)

All Taxis and all PH choosing to use meters should be fitted with calendar controlled meters which should be tested and sealed by the LA.

Taxis should operate within the LA area at LA rates using the meter. Exceptionally, contracts, such as conveying schoolchildren or delivering medication to the housebound on behalf of pharmacies for example should be exempt from having to use the meter.

PH rates should be set by Operators but meters still need to be sealed by the LA and the Tariffs being charged should be retained by the LA for use in investigating accusations of overcharging.

A journey leaving, or intending to leave, the Licensing area should be able to be negotiated prior to commencement and negate the need for meter utilisation. This could perhaps be adjusted in view of my suggestion at Provisional Proposal 18 above.

Question 44

Should taxis be allowed to charge a fare that is higher than the metered fare for pre-booked journeys? (Page 200)

If the Tariff issued by the LA allows a booking fee the answer would be yes.

If the Tariff issued by the LA does not allow a booking fee the answer would be no.

Out of area journeys should be run on the meter or negotiated prior to commencement. This could perhaps be adjusted in view of my suggestion at Provisional Proposal 18 above.
CHAPTER 16 – REFORM OF DRIVER, VEHICLE AND OPERATOR LICENCING

Question 45

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? (Page 203)

In modern parlance “Fit” has come to mean “medically well” or “In good physical Condition”. Perhaps “Of good repute and proper” may be considered to be closer to the original meaning.

(a). This should be included in the legislation.

(b). This is not required if it is contained as at (a) above.

Provisional proposal 46

Vehicle owners should not be subject to “fit and proper” tests and the criteria applied would relate solely to the vehicle itself. (Page 204)

It is widely rumoured that being a Taxi Proprietor is a good way to “Launder” monies made illegally in other ways. To this end it would be foolish to allow anyone access to a proprietors licence who is not “fit and proper” or “Of good repute and proper” and who cannot claim a reasonably clean CRB check.

For the same reason, anonymous “Companies” should not “Own” Taxis or PH vehicles as a rule.

Question 47

Should national vehicle safety standards 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? (Page 205)

National Vehicle standards must initially be in the primary legislation, but these standards will, over time, be bound to change, so a method to facilitate the redrafting will be a necessity.

The world and the Taxi and PH trades in particular, are waiting for the electric car to become a viable alternative to the carbon fuelled vehicles currently in use. These vehicles will require adjustments to the standards that will be initially determined.
Whether the setting of revised standards, as a rolling programme, can be determined by Politicians without consultation with the trades, or whether adjustments to the MoT would solve the question is slightly up in the air until it is known what changes are in fact required.

**Provisional proposal 48**

Operator licensing should be retained as mandatory in respect of private hire vehicles. *(Page 207)*

It is vital that Operator Licensing is retained, with all the checks that the Licence currently requires.

**Question 49**

Should operator licensing be extended to cover taxi radio circuits and if so on what basis? *(Page 208)*

Taxi Radio Circuits are in effect Operators and the Licensing Regime should reflect this by bringing the operators into compliance by the use of the Operator Licence.

Modern Technology now allows individual Drivers of Taxis to in effect get an electronic “Hail”. The providers of this particular service would be hard to categorize as Operators, in this scenario I would consider no Licence to be required. Not least because the provider may not be UK or even EU based.

**Provisional proposal 50**

The definition of operators should not be extended in order to include intermediaries. *(Page 209)*

Intermediaries may not require Licensing if they deal with Operators and not directly with drivers. This may be problematic if the Driver is also the Operator.

Even without licensing, Intermediaries staff should be CRB checked and should be “Fit and Proper” as they have knowledge of homes likely to be unoccupied if for example they organize bookings to and from transport hubs such as Railway Stations or Airports etc.

**Question 51**

Should “fit and proper” criteria in respect of operators be retained? *(Page 210)*

The criteria should most certainly be retained.
Provisional proposal 52

Operators should be expressly permitted to sub-contract services. *(Page 210)*

Sub-contracting should be permitted, with the proviso that it should be to similar operations. That is to say it should not be permitted to contract bus services and so allow multiple passengers at individual fares to travel.

Question 53

Where a taxi driver takes a pre-booking directly, should record-keeping requirements apply? *(Page 210)*

Record Keeping is not required. It would be almost impossible to enforce for one thing. If Sound and Vision equipment is fitted then a record would be made, but even then it would only be recorded if the booking was made whilst in the vehicle.

CHAPTER 17 – REFORMING QUANTITY CONTROLS

Provisional proposal 54

Licensing authorities should no longer have the power to restrict taxi numbers. *(Page 213)*

One of the most important themes in regulation (not to be confused with Number Limitation) of the two trades to date and the plans for future regulation is the importance of local decision making. This is considered important by the Trades and their regulators, the Local Authorities.

One of the key decisions that should be made locally is the correct level of provision of Taxi Services. To this end the Number Limitation of Taxis, and indeed Private Hire provision as well, is most important. Therefore consideration should be given to allowing LA’s to cap PH numbers as well as retaining the power to limit Taxis. I realise that this suggestion goes beyond the original scope of the proposal as stated. Some areas will continue to operate very successfully without a numbers limitation; others will see that in their own locale, a limit is very necessary.

Some areas of a rural nature will find no necessity to limit numbers of Taxis and Private Hire at all. In fact the under-provision may even lead to the LA having to take steps to increase availability. The majority of vehicles in these areas tend to be Taxis, though the majority of these Taxis are likely to be on “Circuits”.

Urban areas however are likely to suffer from over-provision of Taxis and Private Hire vehicles. Currently the LA’s can cap the number of Cabs but PH is free to proliferate. *(The exception to this is in Plymouth where the power to limit PH licenses is available, but is a power not utilised.)*
Cornwall, as a Unitary Authority, has both urban and rural areas in which the opposing concepts are well illustrated. Cornwall is “Zoned” and some areas are “Limited”, some “Unlimited”. It would be fair to say that Cornwall as an Authority have actually got the balance about right and much could be learned by studying the way that the whole county operates.

Having organized one and attending two other meetings with the Law Commission during the consultation phase, this would seem to be the most emotive subject in the whole of the exercise. During these meetings it has been stressed that “Market Forces” should be the key and LA’s therefore should not limit numbers in any way and therefore should lose the power to do so.

Government, at Local, National and even International levels effectively interfere with “Markets” in very many ways.

At the Local Level, should an entrepreneur wish to open a new Licensed Premises, the Local Authority will, with advice from the Police and with an ear to Local Residents allow or disallow the application. In areas with already large numbers of drinking establishments, the new application will often be rejected effectively because of oversupply. The “Market Forces” do not hold sway.

At the National Level, when granting the contract to the company who organize the National Lottery, the provision of Lottery Terminals was restricted – you never see two shops, side by side selling the Tickets! The “Market Forces” do not hold sway.

Internationally the European Union have run the Intervention Board for many years. In Europe there are Wine Lakes, Butter and Beef Mountains and the like. As a result the European in his household expenditure is forced to pay artificially high prices for the most important commodity after water, food! The “Market Forces” do not hold sway.

The Private Hire Operator is almost the last bastion of an “Employer” who does not employ a workforce. Virtually all Private Hire drivers are self-employed. As a result an Operator who generates enough work for 100 drivers is quite content to take “Radio Rent” from 150 and so increases the takings to the Office. This is a manipulation of the market. If Operators had to pay National Minimum Wage to the workforce, with the ancillary costs of Statutory Sick Pay and annual Holiday Pay the Operator who had work for 100 drivers would try to manage with 90. If prospective customers went to alternate providers as they were not prepared to wait, the operator would then employ a few more and a true market would exist. I am led to believe that the case of “Quashie v Stringfellows Restaurants” may have some bearing on this and rumours abound that a similar case between a Private Hire Driver and an Operator may soon be contemplated.
The “Plate Premium” which attaches in areas that utilise limitation seems to cause some angst. This premium does have a positive effect in that a proprietor is showing a financial commitment to the business which he or she is entering. It could be considered a “Market Force” in that the premium is entirely set by a free market, though within the limitation applied. If a way could be found for the Licensing Function within an Authority Area to benefit from these transactions the Licence Fees for annual “Plating” of all Taxis could be subsidised. Perhaps a large “Transfer fee” could be charged which then subsidises the rest of the Taxi Licensing function in the ring fenced budget.

Safety is a thread that runs through the Proposals and Questions. It must be recognised that a viable safety routine in the form of maintenance is only possible if enough income can be generated by proprietors. Vehicles will usually pass the MoT and MoT exemption tests that they routinely go through as they will be prepared so as to pass them. Between tests may be a different story. A worn tyre may not be replaced promptly, an ineffective brake shoe or disc may be used longer than it should be, and the list goes on and on. To aim at this kind of low maintenance is a main part of the job of Licensing Officers, but they will not catch all the offenders. It will lead to deaths and serious injuries, but at least the bodywork of the crumpled vehicle will be exactly the shade of “Bristol Blue” specified in the extras to the national safety standard applied by the LA.

When trade per driver is down due to the ever increasing number of competing drivers and the choice is feed the children or change the tyre, the children will be fed.

A well run PH operation will see cars all around the urban and suburban area, not exclusively in the centre. The majority of the work will be generated from the outskirts and be passengers “centre bound”. Take away the ability of LA’s to restrict Taxi Numbers and the dynamic will obviously change and as result the prospective passenger will see a fall in service levels as waiting times for the Taxi or PH vehicle in the suburbs will inevitably increase. A side effect of this is that City or Town Centre congestion will undoubtedly increase to the detriment of all the travelling public.

When Taxis far exceed the number required locally Ranks will be filled to capacity and Taxis will circle, looking for “Hails” or to save fuel, for Rank to settle on. Not only will congestion increase but so will emissions to the detriment of the environment.

Question 55

What problems (temporary or permanent) might arise if licensing authorities lost the ability to restrict numbers? (Page 213)

As stated previously the inevitable swing from PH to Taxi by proprietors will directly impinge on the safety of vehicles due to drop in funds available for preventative and safety maintenance.
Waiting times for service in the suburbs will increase, disadvantaging the prospective passenger.

Congestion in City and Town centres will increase.

Rank provision will need to be dramatically increased or emissions problems from Taxis endlessly cruising will be a detriment to the environment.

Prices or more accurately Tariffs will have to rise as the move from many journeys at low profit will move towards fewer journeys at higher profit. This will preclude the less well off in society from Taxi or PH usage, in itself causing a spiral to yet higher Tariffs.

It is easy to see that those areas with sensible limits on Taxi numbers generally have lower Tariffs and those areas that have “de-limited”, in fairly short order raise rates, this raised rate is then mirrored in the PH trade as well. The customer does not benefit.

It should also be noted that those LA’s that have “re-limited” are in the position of already having too many Taxis and reducing the numbers is virtually impossible. The only way that I can envisage a reduction is if the LA was to pay for decommissioning in a similar way to the way that the fishing industry reduced numbers of Trawlers with decommissioning of vessels paid for by Government. This is an area where the expression “Closing the Stable door….” springs immediately to mind.

**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? (Page 215)

I sincerely hope that the ability limit numbers is not taken away from LA’s but in this worst case scenario then “staggering” should be utilised to the maximum allowable, a stable door that that is ajar just might be capable of being closed.
CHAPTER 18 – TAXI AND PRIVATE HIRE REFORM AND EQUALITY

Question 57

Should there be a separate licence category for wheelchair accessible vehicles? This could involve:

(1) a duty on the licensee to give priority to disabled passengers; and

(2) a duty on the licensing authority to make adequate provision at ranks for wheelchair accessible vehicles. *(Page 217)*

As I am resident in, and licensed in Plymouth which has a Taxi Fleet entirely made up of Wheelchair Accessible Vehicles, my experience of the bigger picture is a little slanted. Even within a 100% WAV fleet I am a little unusual in that I specialise in dealing with the wheelchair bound.

In dealing with both local Drivers and Drivers from other LA areas I am very aware that the vast majority of drivers dislike dealing with the disabled. Most do not want to have a WAV for the very obvious reason that they are more expensive to purchase, require servicing more often than modern saloon cars, wear tyres faster, are more expensive in Road Tax and do far less MPG. With the possible exception of the partition (known as the “Bandit Screen”) there is no advantage to the WAV as tool for the trade. I would estimate that were I able to use a saloon car, my outgoings would be reduced by approximately £6,000.00 per year. Despite my specialising in “Wheelchair Work”, if a saloon car was an option I would choose one over a WAV, as would most proprietors.

Now if the “Special WAV Licence” was to be issued free and come with a £6,000.00 per annum inducement I would be happy to continue to drive a WAV. The real problem is places like Plymouth. If all Taxi proprietors across England and Wales are to be treated the same should 100% WAV areas provide an inducement to all? To maintain a level playing field, should those using a saloon pay annual plate fees of £7,000.00 of which £6,000.00 should subsidise the WAV proprietor and the remainder pay for all the administration and enforcement of the trade? The other way is of course to make every taxi in the land a WAV.

In answer to (1) discrimination, even when it is positive discrimination, is wrong. If a Driver accepted a booking from an able bodied passenger would he be breaking this prospective law if subsequently a disabled person attempted to book for the same time?

As to (2), if the provision was put at the front of a Rank would all vehicles behind be precluded from proceeding whilst the rather time consuming task of loading and securing the wheelchair passenger was undertaken?

If on a rank of vehicles the only WAV was already loaded with passengers, should the passengers be ejected to allow the disabled to board?
Question 58

Should licensing authorities offer lower licence fees for vehicles which meet certain accessibility standards? (Page 217)

In mixed fleets, WAV’s should be licensed for no charge and be subsidised by £6,000.00 per annum. This figure should be reviewed and adjusted as the differential between salon and WAV vehicle costs change.

Question 59

Do you have any other suggestions for increasing the availability of accessible vehicles, and catering for the different needs of disabled passengers? (Page 217)

If all taxis were WAV’s and local number limitation was properly utilised then each vehicle would be driven by two or even three drivers in shifts. This would put more accessible vehicles on the road at all hours of the day than would be achieved by lifting number controls.

Fitted with swing out seats WAV’s could deal with more disabled passengers than currently is the case.

Provisional proposal 60

We do not propose to introduce national quotas of wheelchair accessible vehicles. (Page 218)

Some areas will continue to be over provided with WAV’s and some areas will be underprovided or even have no WAV provision.

Some LA’s make an inspired use of the limit that they can impose on Taxi Numbers, by insisting any new licence allocation is to a WAV vehicle only. If the right of an LA to limit numbers is lost, this valuable way of increasing WAV provision is lost.

Provisional proposal 61

National standards for drivers of both taxis and private hire vehicles should include recognised disability awareness training. (Page 219)

A law insisting on training will do absolutely nothing to improve the access for the disabled. Drivers will still leave ranks empty before the disabled get to the front of the rank. Drivers will still fail to notice the frantic hail attempts by the disabled. Drivers will continue to be previously engaged when the disabled attempt to make bookings. But to pass the course drivers will know perfectly well how to secure the wheelchairs and occupants that they will simply never carry.
Provisional proposal 62

In order to better address concerns about discrimination, taxis and private hire vehicles should be required to display information about how to complain to the licensing authority. (Page 219)

I fully support this initiative. All Taxi and PH receipts should also have the information as well as all posters, flyers, cards, radio and television adverts. Taxi and PH circuit websites should also have this information included.

Question 63

What would be the best way of addressing the problem of taxis ignoring disabled passengers seeking to hail them? Could an obligation to stop, if reasonable and safe to do so, in specified circumstances, help? (Page 220)

A law to give this obligation is just impossible to enforce. Even if you could get a Driver to admit that he saw the intending disabled passenger, no driver would ever admit that any gesture he noticed was understood to be a hail.

CHAPTER 19 – REFORMING ENFORCEMENT

Question 64

Should authorised licensing officers have the power to stop licensed vehicles? (Page 222)

I would not object to Licensing Officers having this power but not when passengers are embarked.

Unless the LO has the mechanical training he should only inspect those items that are clear to the layman, lights, tyres, seatbelts and the like. Should the LO suspect a mechanical defect exists the vehicle should be directed immediately to a suitable garage for proper checks to be carried out by a suitably qualified Mechanic.

Compliance with signage and paperwork can all be investigated immediately and any action as required can be taken. At the same time arrangements can be made to fully inspect the vehicle at reasonable time and at a proper facility fully equipped to carry out the required testing.

Question 65

What more could be done to address touting? Touting refers to the offence “in a public place, to solicit persons to hire vehicles to carry them as passengers”. (Page 223)

The “Tout” and the Driver that utilises the “Tout” should face penalties in Law, up to and including imprisonment.
Detection of the problem should be made by greater use of “Test Marketing or Purchasing” and action should be taken when “Touts” are detected.

Similar methods of detection should be used in order to catch illegal “Plying” by PH and to also deter the completely unlicensed.

Licensed Establishments which condone “Touting” within the establishment should have the premises licence reviewed with a view to having the establishment licence removed.

**Question 66**

Would it be desirable and practicable to introduce powers to impound vehicles acting in breach of taxi and private hire licensing rules? *(Page 223)*

Immediate impounding is a little Draconian but Quasi-Judicial Committees of the LA should, for repeat offenders, have this power. The status of the Licence Holder should also be considered and for multiple licence holders all the licences held should be considered.

In the event of an immediate danger to the public, Licensing Officers should have the power to insist the vehicle is not used and is recovered by a garage. Police intervention may or may not be required. The costs of this recovery should be met by the proprietor and not be borne by compliant licensees.

PH vehicle drivers suspected of illegal plying should be brought before the Quasi-Judicial Committee or the Courts.

Un-Licensed vehicles suspected of illegal plying should be dealt with by the Police, with the information gleaned from Licensing Officers being used as evidence.

Deliberate fraud, unsealed meters for example, should result in a Quasi-Judicial or Court appearance.

In the case of the rented vehicle, it would be wrong to punish the proprietor for sins committed by the renting driver. Conversely the proprietor who does not maintain the vehicle properly should face penalties in line with those faced by the driver. For example, quite rightly, a bald tyre will cost the driver three points on the DVLA Licence and a fine. If the proprietor has deliberately not replaced the tyre the proprietor too should face a penalty.
Question 67

Should licensing authorities make greater use of fixed penalty schemes and if so how? (Page 225)

Fixed penalties could be used with care, the offender must understand that acceptance of a fixed penalty is in itself, an admission of guilt. It seems strange however, that a financial penalty can prospectively be levied by a Licensing Officer, a power denied to Quasi-Judicial Committees who are limited to “Suspend, Revoke or Refuse to Renew” a license. Perhaps these Committees should also have a financial sentencing power, perhaps in the form of issuing a fine equivalent to the scale of a fixed penalty.

Provisional proposal 68

Enforcement officers should have the powers to enforce against vehicles, drivers and operators licensed in other licensing areas. (Page 225)

In the days of the horse it would have been unusual to have a Hackney Carriage operate outside the area of its licence. The internal combustion engine has changed that and inter-area journeys are not now uncommon. The power for Licensing Officers to “Enforce” inter-area is therefore now a “must”.

The different standards that Taxis may end up operating under from area to area mean that the powers for Licensing Officers must be limited. The base safety requirements that may be set nationally on the vehicles would seem to be the only vehicle level that could be considered. This could include immediate vehicle suspension and garage retrieval in the case of an immediate danger to the public.

The enforcement of other irregularities such as out of area plying could and should be enforced. Lack of correct licence and incorrect insurance could also be checked by Enforcement Officers.

Question 69

Should cross-border enforcement powers extend to suspensions and revocation of licences? If so what would be the best way of achieving this? (Page 226)

These powers should remain in the remit of the “Home” Authority. Licensing Officers from other LA areas should submit reports to the “Home” Licensing Officers which would form evidence for appearance at Quasi-Judicial Committee or Court as deemed necessary. Inaction by the “Home” Authority should be explained to the satisfaction of the “Away” Licensing department.
CHAPTER 20 – REFORM OF HEARINGS AND APPEALS

Provisional proposal 70

The right to appeal against decisions to refuse to grant or renew, suspend or revoke a taxi or private hire licence should be limited to the applicant or, as appropriate, holder of the relevant licence. *(Page 230)*

Associations, Unions and other representative bodies should also be able to properly represent their members by acting for and with applicants or holders either single or multiple.

Provisional proposal 71

The first stage in the appeal process throughout England and Wales, in respect of refusals, suspensions or revocations should be to require the local licensing authority to reconsider its decision. *(Page 231)*

A first appeal to the LA is a move forwards for justice. New or amplified evidence should be allowed and those originally un-represented should be able to avail themselves of legal assistance or help from Trade Associations, Unions and the like.

Consideration of an “All New” Quasi-Judicial Committee should be considered at an appeal.

The Quasi-Judicial Committee would however have all powers available and could therefore increase the length of suspension originally decided on or deny the licence by revocation or by a refusal to renew.

Many Quasi-Judicial hearings are held in Part II – that is “In Camera”. This can and does lead to many that fall foul of such a procedure being un-represented.

Part II hearings also mean that there is little or no deterrent effect for other members of the trade. I suggest that Part II hearings should very much be the exception.

Provisional proposal 72

Appeals should continue to be heard in the magistrates’ court. *(Page 232)*

Appeals not settled by second application to the LA should be heard in the Magistrates Court.

If second application to the LA is not legislated for, then the First Appeal should be at the Magistrates Court.
Question 73

Should there be an onward right of appeal to the Crown Court? *(Page 233)*

The onward right of appeal must be maintained.

Christopher Russell Wildman

Hackney Carriage Driver and Proprietor

Plymouth

Devon.
From: Superior Motor Cars
Send: 09 September 2012 19:56
To: TPH
Cc: David Jones
Subject: OBJECTION to "removing the exemption for wedding and funeral cars from primary legislation"

Dear Sirs,

I read with dismay your proposal to ‘lump’ wedding and funeral cars in with taxis and private hire. The wedding industry has functioned for decades without the need for regulation and to my knowledge no one had ‘died’ of a wedding car.

1. Given the variation in construction and use regulations over the lifespan of the motor car it isn’t possible to have any form of sensible legislation that could be applied across the board to all cars likely to be used for weddings or funerals. The upshot of any regulation would be to effectively ban the British public form any access to classic cars for special occasions as has already happened for anything other than weddings or funerals when the government decided to try to get the America stretched limo situation under control – once again the baby went out with the bath water in typical knee-jerk over regulation.

2. If the concern is safety then where is the evidence to support this? - the Law Commission has failed to bring up one point on safety and as I said previously ‘I don’t know of anyone dying of a wedding car’.

3. If your concern is about a level playing field it is important to realize that taxis and private hire vehicles have nothing to do with wedding cars. They may get used occasionally for the guests but are not considered to be ‘wedding cars’ in this instance and normal taxi rules apply – they are certainly not competing for the same business. The wedding cars are specifically selected by the bride and groom as their ‘special’ transport on the day and very often will hire a number of matching cars for the wedding party – This has nothing to do with Private Hire vehicles. Conversely, classic cars are precious vehicles and as such will not be used to collect people from supermarkets with their weeks shopping for instance. Why are the wedding car and funeral industries being lumped in with the transport industry? Wedding cars and funeral cars are two distinctly totally separate industries certainly not linked in any way with mini-cabs or taxis.

4. If this proposal goes into law it will close down well over a 1000 wedding car companies across the country. These people earn modest amounts of money, often to supplement their meagre pension or low wage. Successive governments have already made life a fiscal misery for many people and this will just add to it. There is not the spare cash in the earnings to pay for the sort of regulation and licensing fees that apply to taxis and private hire vehicles – to cease trading will be an imperative, not a choice. Consequently the value of the vehicles (often representing the major asset/investment of the owner, other than their house) will be devalued to a figure approaching zero for many cars.

5. The change could lead to a huge increase in American stretched Limos on our unsuitable roads as they will be just about the only ones able to fill the void and ironically it is these very vehicles that lead to the last change in legislation that effectively banned the British public from enjoying a classic car for any occasion other than a wedding, except by purchasing one!

6. The wedding and funeral car businesses have run efficiently and effectively for decades and require no regulation (they are regulated by the quality that brides require of us). Any regulation would be an untenable financial and administrative burden resulting in the closure of businesses.

7. Needless to say the provision of beautiful classic and vintage cars is an integral part of any bride’s special day. This proposal will totally wipe out this wonderful British tradition.
Yours Faithfully

Chris White

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Response to the Law Commission from the National Association of Taxi Users

The National Association of Taxi Users (NATU) was founded just over a year ago to represent the interests of taxi users. Without external funding we have developed slowly but now have sufficient resources to apply for status as a Company Limited by Guarantee which will enable us to formally register membership for a nominal fee of £1. Meanwhile we have had hundreds of people visit our web page www.taxiuser.org.uk and in particular have attracted interest from disabled taxi users – many of whom rely on taxis for travel. We have also formed alliances with other organisations such as www.traintaxi.com and discussed taxi issues with other stakeholder groups such as UNITE and NALEO. We see the coming period as one of growth including the establishment of a paid CEO.

Our Response

Much of what we think is contained in our evidence (written and verbal) to the House of Commons Select Committee’s hearing on taxis and we do not have the resources to access formal legal support so below is a summary of our views based on feedback from our members plus a series of discussions with taxi users in Sheffield, Cambridge and London.

The Two Tier Licensing System: reasons for advocating its abolition

Confusion

The majority of our members have no understanding of the difference between hackney carriages and private hire especially outside London. We and local authorities spend quite a lot of time explaining this and the reaction of most people is surprise and puzzlement as to why this is necessary. Apart from this there are two other reasons for supporting a one tier system.

Technology

The widespread use of mobile phones means that people can stand by the roadside and call the number of a private hire car as it passes or call a number instantly. This is rendering the distinction between hailing and prebooking unworkable and future developments in technology will accelerate this situation. NATU have visited the Law Commission and given a presentation which elaborates this point. Our view is that trying to continue with the distinction will bring the law into disrepute.

What to Change

National Standards

Our view is that standards should be set nationally both to eliminate the problems with boundaries and to introduce national standards which taxi users can more easily understand. We live in a small country with an increasing propensity to travel and people expect a universal level of quality, safety and service. In addition we think it seriously reduces opportunities for employment and labour mobility by forcing taxi drivers to meet individual local authority standards which are not portable. Therefore we advocate a national standard for taxis including vehicle standards, operators and also driver accreditation (as is in place for bus drivers). This would also save money and our suggestion is that it becomes a function of VOSA and the DVLA as would enforcement including checking on vehicle standards and impounding those found to be unfit.

A lot of other issues would be resolved following the introduction of a national system which would also enable the provision of high minimum standards and underline the need for taxi provision to be as professional and safe as bus services.

County and ITA boundaries the next best choice

However we do recognise that national regulation would be a major change and that there would be a lot of resistance. Our second preference therefore would be for licensing to be a County of Integrated Transport Area function. The advantage of this would be that taxi policy would be brought into the same tier of government as transport policy and planning rather than separated from this function at the first tier of government.
Quality not Quantity Control

Our answer to this issue is that higher national quality standards will result in a control of supply and largely eliminate oversupply and high turnover. The higher standards would result in only well qualified professional drivers and operators working in the industry rather than those who merely ‘cream off’ the easy work on a part time basis. In addition the increasing use of smart phones and related technology will reduce the need for some rank space so we see no need for councils to regulate numbers. A one tier system would also result in different infrastructure needs such as parking at feeder hubs and good drop off facilities at key destinations such as shopping malls and stations.

Limits to driver hours

Another concern is driver hours. Unlike buses, lorries and trains, there is no limit on the hours of work of taxi drivers and we know of some who work for up to 14-16 hours without significant breaks. This cannot be safe for passengers.

Equality issues

Accessible Vehicles

There are a wide range of accessibility needs for taxi users and there is no one vehicle which completely suits everyone. However, wheelchair accessible vehicles tend to offer more space which also suits people with animal helpers, large people and others with buggies, not to mention large groups or people with a lot of luggage. Others especially ambulant disabled people tend to prefer saloon car taxis although we do believe that more people would be happy with purpose built vehicles if they realised that some have a swing seat and kneeling step. Overall our view is that the market is increasingly providing a variety of vehicles including some wheelchair accessible vehicles which are useful for a wider variety of users.

Therefore our suggestion is to set standards for vehicles to be used as taxis and identify two broad categories as WAVs and Saloons. Both categories should have minimum space, talking meters, loops, grab rails and swivel seats. We think that this would encourage manufacturers and vehicle adapters to improve their offer.

Customer Care training

This is should be mandatory for all drivers and include disability awareness training. This is especially important for taxi drivers who are often interacting with passengers on a one to one basis. Our members have told us some real horror stories about poor service often due to ignorance and lack of training. Our suggestion is that customer care training should be part of the national taxi driver accreditation process. This process should also introduce strict standards of background checks on previous criminality which are currently inadequate.

Discrimination

There is no doubt that taxi passengers experience discrimination. Disabled people are especially likely to suffer but there is also prejudice against those needing to make short trips and some racial groups. We think that discrimination should be grounds for complaint and prosecution leading to fines and licence suspension or withdrawal on the same basis as any other discrimination.

Appeals

We think these should be limited to the holder of the licence and dealt with by the Magistrates’ Court with the right of final appeal to the Crown Court.

National Association of Taxi Users  www.taxiuser.org.uk  September 8th 2012  07771 661156
Dear Sirs,

We are writing in response to your Consultation Paper No 203.

Cambridge City Licensed Taxis Ltd represents 239 hackney proprietors in the City, but our main focus is on the provision of safe and professional services to the public, because ultimately what is good for customers is also good for the trade.

Our comments are in the context of our experience in Cambridge, which is served primarily by hackneys and private hire licensed by the City. In addition a large amount of business in the city is serviced by private hires licensed by South Cambridgeshire. There is currently an oversupply of hackneys in Cambridge City and there are two main reasons why this is so:

a) Cambridge City has delimited the numbers of wheelchair accessible hackneys, leading to a surfeit of vehicles which are generally disliked by the public.

b) South Cambridgeshire has lower standards for private hire drivers and vehicles resulting in a flood of poor quality drivers that operate in Cambridge City not South Cambridgeshire, thus lowering the reputation of our trade.

The other chief problems in this city are the practices of touting, illegally plying for hire by private hires, over charging and cherry picking. These are rife, and the public has a very poor opinion of our trade, which is seen as opportunistic. We believe that the forthcoming changes in legislation are an excellent opportunity to "raise the bar" in improving the quality of drivers.

We have read your proposals and questions in Appendix A and reply as follows:

1, 48. Regulation should continue to distinguish between hackney and private hire; the latter can only accept pre-booked fares through licensed operators.

12. Reintroducing the contract exemption would be a retrograde step; it was closed because it was an exploited loophole.

16, 19. The use of electronically broadcast "hails" to the world should be permitted for hailing hackneys but excluded as a method of pre-booking private hires.

18, 63. We agree that the concept of compellability should be retained.

22. The term "taxi" is already in general use to include any vehicle for hire and the shortened term "hackney" should refer to public carriages to distinguish.

24-26, 30, 47, 61. All vehicles for hire and drivers should be subject to the same national safety standards, as the main difference is only the method of engagement.

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27, 31, 40. Topographical knowledge should be mandatory because it is vital to safety as well as to service. A driver distracted by maps and satnavs is dangerous, and a passenger left in the wrong place may be unsafe.

28. Vehicle signage should be to a national standard; many license plates are unreadable at a glance. Top signs should be restricted to hackneys only.

37, 68-69. Cooperation between licensing authorities should be statutory; to include cross-border enforcement, but suspensions and revocations must be administered by the issuing authority.

40. No, peak time licenses would amount to legalised cherry picking and be widely misunderstood and abused. Plus nobody would want to have all the expense of buying and fitting out a vehicle to be restricted when they could or could not work. It would not be viable.

41-42. We strongly oppose mixed licensing, it would allow national businesses to flourish, to the detriment of local operators. It would deprive customers of local knowledge and service, and lead to difficulties in accountability.

43. In Cambridge City all vehicles are metered with the same fares, this works well because passengers know what to expect and it limits the opportunity to overcharge whether private hire or hackney.

44. Yes, charging more than the metered fare is appropriate but only when going out of licensed area as a hackney, to cover parking and congestion fees.

45-46, 51. The concept of "fit and proper" should apply to everybody associated with the trade and to the vehicles and should be on a statutory footing.

54-56. Cambridge City has already delimited hackney numbers and it leads directly to over-ranking, pollution, congestion, and drivers working longer and unsafe hours which has led to a huge increase in overcharging for customers. Residents and the public are constantly complaining about the over ranking with safety issues and the impact on the environment because hackneys have to keep circling the City empty. As a direct result of this the police have to spend a lot of man hours dealing with the problems this brings. With 37 rank spaces for 300 hackneys and with room for about 6 more spaces in the City, to carry on issuing hackney licenses will only aggravate the problem. Given that there are 850 private hires operating in the city there is not a shortage of vehicles for customers. The above points are the biggest reason for allowing Councils to have a limit on hackneys but with reviews on changes.
57. (1) No, all customers have equal priority. (2) The requirement for local authorities to make provision for disabled people already exists. Cambridge has 300 hackneys of which 200 are wheelchair accessible.

58-60. Favouring any one group of people disadvantages another group. It is not generally appreciated that a large number of people with mobility problems, not being in wheelchairs, cannot use the so-called accessible vehicles. The differing needs of passengers can be met only by providing a range of vehicle types.

64-65. Enforcement officers should have the power to stop any vehicle suspected of being in breach of taxi laws.

66. No, the police already have the power to impound any vehicle lacking valid insurance, which is the case when in breach of licensing conditions.

67. Fixed penalty schemes are only acceptable when the offender is (a) given the option to undergo due process, and (b) accepts the same penalties to his taxi license as if he had gone through due process.

70-73. Defendants should have the right to be represented by a third party, and appeals should go through the Licensing Office, the Magistrates’ Court and if necessary to Crown Court.

We also comment on clause 2.45, Office of Fair Trading review of fare regulation.

Customers have the right to use any taxi on the rank and as the City Council stipulates all jobs in the City are on the meter whether private hire or hackney this is the maximum fare set by the Council to be as reasonable as possible. Both have the option to charge less if they want but with high running costs and too many vehicles this is not practical for the driver to afford to maintain their vehicle and make a living by reducing fares.

Yours faithfully

David Wratten, Michael Peacock, Farshid Ahyaee

Directors
Cambridge City Licensed Taxis Ltd.

Email address [redacted]
Tel. (D Wratten) [redacted]
Dear Law Commission,

CONSULTATION PAPER No.203

Response from the NORTH TYNESIDE HACKNEY CARRIAGE ASSOCIATION

Provisional Proposal 1

The Association firmly believe that the two-tier licensing system of regulation must be retained, that the word "TAXI" and "CAB" are the domain in regulations of the Licensed Taxi (hackney carriage) and must not be used to promote the services of a private hire operator by any form of advertising or media whatsoever. 1847 Town and Police Clauses Act is fit for purpose today as it was when drafted, makes perfectly clear that the TAXI is only licensed to ply or stand for hire in its own licensing district.

Provisional Proposal 2

London, no comment, as there are no examples of proposed modifications, within the scope of reform to formulate an opinion upon.

Provisional Proposal 3

The Association firmly believes that all vehicles used for hire and reward should be licensed with no exemptions permitted. 1847 Act is very clear on this. All R/T Acts since 1903 appear to have been based on the 1847 Act.

Question 4

1847 Act covers this and the Association do not see any logical reason for removing it, also the 1976 Act covers it for private hire and there is no logical reason for its removal.

Provisional Proposal 5
Provisional Proposal 6

No comment

Provisional Proposal 7

All vehicles used for hire and reward whatever their shape or form on the highways must be licensed along with the person operating the said vehicle, a certificate of adequate insurance cover must be held for each said vehicle.

Provisional Proposal 8

All should come within the scope of licensing.
Question 9
No Comment

Provisional Proposal 10
Unable to comment as standards or flexibility of them are not visible to form an opinion.

Provisional Proposal 11
The Association believe the need to license these two vehicles would apply if the vehicle is used for anything other than a wedding or a funeral.

Question 12
No and none

Provisional Proposal 13
Agree

Provisional Proposal 14
The Association believe that Taxis should have free access to any airport if it is situated within its licensing district to ply its trade.

Provisional Proposal 15
Agree

Provisional Proposal 16
The Association firmly believe that the engaging of the services of a Taxi (hackney carriage) technology does not have to play apart and as such does not have to be considered, in engaging the services of a private hire vehicle it encompasses everything booking, instruction and 9 times out of 10 the directions to fulfil the booking made with the private hire operator.

Provisional Proposal 17
Agree if provisional proposal 15 was not initiated

Provisional Proposal 18
Agree

Provisional Proposal 19
Agree
Provisional Proposal 20

The Association Firmly believe that any person driving a TAXI or private hire vehicle must hold a drivers license relevant to the vehicle issued by the Authority who license the TAXI or private hire vehicle, this proposal would be abused beyond belief, modern technology means a private hire operator may not know who is driving the private hire vehicle ever, the vehicle may never be seen at the operators base and definitely would not if working continuously in other districts (once a licensed vehicle, always a licensed vehicle until expired or revoked), would create a nightmare for insurance purposes and as such premiums would soar making services uneconomicable thus putting PUBLIC SAFETY at serious risk.

A minimum age of 21 for all TAXI drivers should be in force, and applicants must be the holders of a UK Drivers License for at least 3 years.

Provisional Proposal 21

The local Authorities are best able to deal with issues in relation to the operation of TAXIS (hackney carriages) and private hire services that they license within their area.

Provisional Proposal 22

Agree (refer to Provisional Proposal 1)

Question 23

No (refer to Provisional Proposal 1)

Provisional Proposal 24

Unable to comment as no standards are visible to comment upon other than local Authorities are best placed to decide their own standards.

Provisional Proposal 25

Unable to comment (refer to Provisional Proposal 24)

Provisional Proposal 26

Unable to comment (refer to Provisional Proposal 24)

Provisional Proposal 27

Unable to comment (refer to Provisional Proposal 24)

Provisional Proposal 28

Signage for private hire should be decided by individual Authorities but be restricted to offering private hire services with no reference to TAXIS or CAB and no roof signs on vehicles. A regulated maximum size of sign displaying the name and telephone number is all that should be on any private hire vehicle (no full wrap advertising allowed).
Provisional Proposal 29
Unable to comment (refer to Provisional Proposal 24)

Provisional Proposal 30
Unable to comment (refer to Provisional Proposal 24)

Provisional Proposal 31
Unable to comment (refer to Provisional Proposal 24)

Provisional Proposal 32
Unable to comment (refer to Provisional Proposal 24)

Provisional Proposal 34
Unable to comment (refer to Provisional Proposal 24)

Question 33
Unable to comment (refer to Provisional Proposal 24)

Question 35
Unable to comment (refer to Provisional Proposal)

Question 36
The Association believe that the power to impose individual conditions to licenses issued should remain as it is presently, local Authorities are best placed to decide local conditions or restrictions.

Question 37
The Association firmly believe local Authorities should cooperate by local agreement.

Question 38
Unable to comment (refer to Provisional Proposal 24)

Provisional Proposal 39
The Association are of the opinion that a local Authority should have the right to create or remove TAXI licensing zones also where Boundary changes took place and zones were removed by enforced change they should be automatically reinstated.

Question 40
No
The Association are of the opinion once again this would create a nightmare for enforcement, insurance providers and most importantly PUBLIC PROTECTION how would the person know if the vehicle was licensed or not at that particular time of engagement.

Provisional Proposal 41

The Association believe for a TAXI (hackney carriage) to be able to fulfill a pre booking outside their licensing district they must be within their licensing district when accepting the pre booking otherwise they are plying for hire outside of their licensing district. A private hire operator has never been restricted to accepting bookings from only there licensing district but when fulfilling any private hire booking he must provide a vehicle and driver who are licensed by the same licensing Authority as themselves, this must be retained for PUBLIC PROTECTION reasons.

Provisional Proposal 42

The Association are firmly of the opinion that a TAXI (hackney carriage) ending a fare outside its licensing district must return its own licensing district to enable it to accept another fare pre booked or otherwise as the by-laws state and must be retained for Authorities to control the vehicle and what it is licensed to do. Private hire we believe can be any where as long as the 3 license scenario is adhered to, it is enforcement applied in the correct manner which controls any abuse of the LAW.

Provisional Proposal 43

The Association are of the opinion the control and fixing of TAXI (hackney carriage) tariffs must remain with the local Authority, with the proviso that they be reviewed on an annual basis. Private hire charges setting remain with the operator but if a meter is fitted to a p/hire vehicle it should fit all of the criteria to a meter fitted to a TAXI (hackney carriage).

Provisional Proposal 44

No. The Association are of the opinion that a booking fee should be on the TARIFF table to enable an additional charge to be made above the metered fare.

Question 45

Unable to comment (refer to Provisional Proposal 24)

Provisional Proposal 46

The Association firmly believe that all vehicle owners should be subjected to the "fit and proper" person criteria test and must be a to prove to be of sound financial standing. All persons involved in TAXI or private hire vehicle ownership and involved in any capacity of administration in a booking office (taking bookings, dispatching vehicles or having access to booking records) must also pass the "fit and proper" person criteria.

Provisional Proposal 47
Unable to comment (refer to Provisional Proposal 24)

Provisional Proposal 48

Agree

Question 49

No

Provisional Proposal 50

The Association believe that any individual proprietor/driver taking pre bookings for their individual TAXI (hackney carriage) does not fall foul of the proposal of being classed as an operator but any person offering the services as a business of pre booking and providing a vehicle do fall foul of the proposal and must have an operators license and pass the "fit and proper "persons criteria.

Question 51

The Association are firmly of the opinion that "fit and proper person" criteria is retained and is strengthened to prevent unsavoury persons entering the trade.

Provisional Proposals 52

The Association are of the opinion that private hire operators are not allowed nor should they be allowed to sub contract services.

Question 53

The Association are of the opinion that a TAXI (hackney carriage) driver carrying out his employments under 1847 Town and Police Clauses Act is not obliged to keep records nor should he have to.

Provisional Proposal 54

The Association are of the opinion that the CONTROL OF VEHICLE NUMBERS be retained. Retention of Section 16 of the 1985 Transport Act in any proposed new legislation is of the utmost importance for the survival of a well balanced and regulated TAXI (hackney carriage) industry in this country.

The provisions of Section 16 of the 1985 Transport Act allows a local Licensing Authority to ensure that a balanced supply and demand policy is maintained and that there is no over provision of TAXIS (hackney carriages).

Control and Regulation should lie within the remit of local Licensing Authorities.

A numerical control of numbers policy is necessary and desirable for the following reasons, To provide sufficient income for the proprietor to maintain and service his or her vehicle, To prevent a decline in vehicle safety standards, To maintain a safe and reliable service to the travelling public, To provide sufficient income to enable the TAXI Driver to maintain, feed and clothe, his or her family.

To prevent increased fares due to lack of work.

Deregulation does not work in the Taxi Industry, the Industry is mainly a service industry and
relies on customer participation for its survival. The TAXI Industry is a very high cost industry with relatively low profit margins. Vigorous marketing will provide more work for TAXI Drivers is a complete fallacy. This has been tried and failed. In todays world there is only a small percentage of the travelling public using TAXIS and in these recessionary times the percentage is getting smaller and smaller at an increasing rate resulting in too many TAXIS chasing too few fares. Deregulation is proven that it does not work, some of the reasons given by Authorities who have re regulated are, increased safety worries. Difficulties in policing cowboys, as too many TAXIS are on the streets. TAXI Drivers incomes reduced 50%, many original TAXI Drivers handing license in.

Question 55

The Association are of the opinion it would create chaos in town centres and outside places where large numbers of members of the public congregate, Licensing Authorities should provide sufficient and adequate ranks to accomodate the numbers of TAXIS they license (very few do at present). Only TAXIS should be permitted to ply for hire at TAXI ranks and they should be permitted to cruise and ply for hire (as at present). There is no merit in suggesting that only WAVs should have the privilege of plying for hire at designated ranks. (refer to Provisional Proposal 54)

Question 56

The Association do not have an opinion on this as they believe Limitation of Numbers must be retained.

Question 57

The Association with its involvement with the Disabled Coalition believe that there should not be a separate license category for WAVs. Ranks should be redesigned similar to raised curbs at bus stops to assist with loading of wheelchairs.

Question 58

The Association are of the firm opinion that the same fee cost should be applied to the license regardless of vehicle also a possible claim of discrimanation could be made under the EQUALITY ACT if it is not.

Question 59

The Association with its involvement with the Disabled Coalition has not recieved any complaints concerning the lack of WAVs, the fleet of TAXIS in North Tyneside is 50% WAV, the need of a mixed fleet of vehicles working the TAXI ranks is paramount to meet the different needs of disabled passengers. The Association has been made aware of a lack of private hire WAVs and also that passengers are being overcharged when their request for one is fulfilled by the private hire operator.
Provisional Proposal 60

(refer to Provisional Proposal 59)

Provisional Proposal 61

The Association are of the opinion that any training matters should be in the hands of the local Authority to determine.

Provisional Proposals 62

The Association are of the opinion that this is not a problem and contact information for licensing Authority ie. phone number is always on display.

Question 63

The Association with its involvement with the Disabled Coalition have never had this particular problem raised in our discussions, may we point out that there is not a compulsion to stop for any street hailing and nor should there be.

Question 64

The Association are of the opinion that the powers the licensing officer possess are adequate, the police have the power to stop a vehicle and can utilise the help of an officer when required.

Question 65

The Association are of the opinion that those responsible for committing this misdeamor must be prosecuted, private hire operators have people on the streets handing out cards and telling members of the public not to use the TAXIS but to use their vehicles, this is touting.

Question 66

The Association are of the opinion that the only time a vehicle should be impounded is if it unfit for purpose, if it is a regulatory matter involving the driver it should be dealt with by the disciplinary procedures in place.

Question 67

The Association are of the opinion that legislation where a driver maybe fined is already available in both the 1847 & 1976 Acts and is much underused, the use of fixed penalty tickets against TAXI proprietors/Drivers must not be allowed as it would be open to abuse, the right of appeal and to whom has not been published, Licensing Officers must use the powers they have at present, these are capable of Regulating a SAFE, ACCESSIBLE, CONSUMER PROTECTED, READILY UNDERSTOOD and REASONABLY EASILY ENFORCED licensed TAXI (hackney carriage) trade. The one instance when a Licensing Officer should be allowed to issue a fixed penalty ticket is when they witness vehicles other than Licensed TAXIS (hackney carriages) STOP, STAND, PARK or CAUSE AN OBSTRUCTION on the TAXI RANK (excludes PCVs on
designated authorised bus service routes), the claim always appears to be for lack of action "I am not authorised" yet it is an offence committed under the 1847 TOWN and POLICE CLAUSES ACT.

Provisional Proposal 68

The Association are of the opinion that powers should not be given to enforce against vehicles, drivers or operators licensed in other areas. Resources are scant now, inadequate enforcement is the norm costs would not be recoverable, fees for law abiding trade would increase.

Question 69

The Association are of the opinion that they do not support this proposal (refer to Provisional Proposal 68)

Provisional Proposal 70

The Association are of the opinion that adequate rights of appeal are in place at present.

Provisional Proposal 71

The Association are of the opinion that most if not all of local Licensing Authorities have an appeals procedure in place so a rehearing of the case takes place.

Provisional Proposal 72

The Association are of the opinion that in the event of an unsuccessful appeal to the Licensing Authority, the appellants right to appeal to the Magistrates Court and finally to the Crown Court must be retained in its present format.

Question 73

(refer to Provisional Proposal 72)

Dated 9th September 2012 For and on behalf of North Tyneside Hackney Carriage Association

Bob Snedden (secretary)
I am horrified to hear your proposal to include wedding and funeral cars in with taxis and private hire. There is absolutely no need for legislation; the industry functions perfectly well and provides a superb service for brides. Brides have every opportunity to view cars and assess the condition of them as well as the service they will receive. These are important decisions that are carefully considered by the bride and groom and often their parents as well. They are not decisions that are taken lightly. Neither they, nor we, need a council lackey (sorry I mean ‘expert’) to tell us how to run our business or what sort of service we should be providing.

David Cameron pledged to reduce the bureaucratic and administrative burden to businesses, especially for small businesses. I don’t believe he meant to reduce it to zero by putting them out of business!

1. The variation in vehicles across the years would make it impossible to legislate sensibly or practically!

2. The consequence of any regulation would be to ban the British public from any access to classic cars for wedding – this has already happened for special events such as proms, anniversaries etc.

3. Owners of classic cars will cease to operate – those people with expensive classic cars won’t want their cars tainted with a taxi plate, no matter how discreetly it is hidden; and the less expensive end of the market, who may accept plating as a necessary evil simply couldn’t afford it. No matter what the value of the car, the business model doesn’t work when factoring in the cost of regulation. I am happy to discuss this further if you want clarification of the factors and significant challenges faced by a wedding car business.

4. There is no evidence to support any concerns over safety - the Law Commission has failed to bring up one point on safety as I understand it. I suspect this is just one of those ideas put forward by a ‘bright spark’ trying to impress their boss at the law commission.

5. If this proposal goes into law it will close down thousands of wedding car companies across the country depriving those people of much needed income and destroying the asset value of their vehicles overnight – These are peoples livelihoods that you are playing with!!!

6. The change could lead to a huge increase in American stretched Limos on our unsuitable roads as they will be just about the only ones able to fill the void and ironically it is these very vehicles that lead to the last change in legislation that effectively banned the British public from enjoying a classic car for any occasion other than a wedding, except by purchasing one! There are no problems in the wedding and funeral car businesses that require regulation to rectify – what you are proposing seems based on a point of semantics rather than any practical reason. Do we really want our streets full of stretched limos taking up the slack left by classic wedding cars? This country is already becoming too much like America with this ridiculous claims culture. If you have time on your hands, why not address that far more pressing issue and thereby get our insurance premiums down! That would be a tick in the right box from every voter in the country.

7. A beautiful classic or vintage car is a fundamental part of any bride’s special day and the car ‘lasts’ as long as the wedding album – not just for the day. If wedding cars were about ‘transport’ people would book taxis, being the
cheapest door to door transport available. They don’t, because they want a beautiful and memorable car – please don’t destroy this for us or for the brides!!

Yours hopefully

Niki Garnett-White

Classic Car Hire Yorkshire

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From: Nigel Bowman
Sent: 09 September 2012 20:51
To: TPH
Subject: Proposed wedding car hire legislation

Sir,

I have no doubt that you will have been inundated with correspondence relating to the above; nevertheless I wish to add my weight to the opposition of the proposed clause wanting to remove the exemption for wedding (and funeral cars) from primary legislation.

I currently own one classic Rolls-Royce motor car which is used solely for my pleasure and to take the occasional bride to the altar. I also look after two other vintage Rolls-Royce motor cars for a local owner and he allows me to use these cars for selected clients. I have a day-time job from which I make my living and to fund the upkeep of my car. Garage rent (£65 per month), spare parts (£300+ this year), tyres (£415), specialist oils (£95+) and annual MOT repairs (£385 this year) effectively wipe out any payments received for the few weddings I attend every year so consequently I hope you can understand that I do it for pleasure, not for profit.

I have absolutely no desire make my car available for trips to the supermarket, airport or railway station, carry children to school, nor do I wish to provide late night transport for revellers.

As a father and grandfather I understand the problems of controlling children of all ages and pride myself in my professional and friendly demeanour; I consider myself to be a model citizen. How do I attain a clear CRB record when self-employed people are unable to apply for such clearance?

My car and the two I am allowed to use are annually inspected by our local MOT test station and are regularly maintained by me; I was in the motor trade for over twenty-five years after gaining my trade qualifications whilst serving as a regular soldier with the Royal Electrical and Mechanical Engineers.

I would be grateful if you would take the above into account and please, please reconsider the suggested new regulations before this proposal wipes out a great British tradition.

Yours faithfully,

Nigel Bowman

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This new proposal for the wedding car industry don't seem to make sense if it comes in to force I would have to close my business and that does not seem a good idea for the economy,

I would have to close it because my newest car is 34 years old and my local council only licence taxis less than 8 years old.

We only transport youngsters with appropriate adults and if the bride is 16 they are transported with there father.

What is the reason for these new proposals has someone been injured if so how?

Why is there no proposal to remove the age restriction for taxi and private hire?

When I got married I wanted an old vintage or classic car not a new car for my special day.

A lot of people are tight for money these days and want to shop around for that classic car on there big day.

Please don't take away this great British tradition...

Sincerely

John Farmer
For The Attention of the TPH Team

Re: Law Commission Taxi Law Reform

Provisional proposal 11 in Consultation Paper No 203

*Weddings and funerals should no-longer be expressly excluded from private hire licensing through primary legislation. (Page 172)*

I understand the deadline to lodge an objection is tomorrow. I would like to lodge an objection. I think the proposal to change the status of wedding cars and hearses to the same category as taxi’s is ridiculous. I understand that drivers would have to go on a driving course. The costs incurred to send each driver/chauffeur on a driving course would be prohibitive for most small businesses and I can see a lot of them 'going to the wall'. Obviously a cost would be incurred each time a driver left. They would also be expected to pay a licencing fee.

For example:

This afternoon I met proprietor of [http://www.gloucestershire-wedding-car-hire.co.uk/index.html](http://www.gloucestershire-wedding-car-hire.co.uk/index.html), this business is an example of just one of many that would find it impossible to remain in business.

I thought the present government was meant to be encouraging small businesses, not trying to kill them off.

Regards Jane Hunt

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Re: Law Commission Taxi Law Reform

Provisional proposal 11 in Consultation Paper No 203

*Weddings and funerals should no-longer be expressly excluded from private hire licensing through primary legislation. (Page 172)*

This is a grossly misguided proposal. Wedding and Funeral Car Hire is expressly excluded from private hire licensing for good reason. Wedding and funeral cars are not part of the national transport system. They are not taxis or mini cabs and to suggest that they should be regarded as such is without logic. Taxi and mini cab controls would be totally disproportionate for vehicles which cover so few miles per year and where the operators and premises are known to the client and where the client - proprietor relationship is paramount.

Wedding Car Hire is a first rate example of a deregulated business sector that provides value for money and has an excellent safety record. Moreover about half of businesses are small family concerns offering brides the opportunity to experience genuine historic vehicles which are part of our national heritage. The international heritage value of historic cars is encapsulated in the Charter of Turin.

Historic cars when not in use are dry stored and in the winter months when no booking are taken. The winter layup enables planned maintenance to be undertaken. At times parts have to be specially made and this takes time. This management regime could not be undertaken with the ten week taxi test intervals which are part of the private hire licensing regime.

The safety record of such vehicles is recognized by the low cost of insurance and has been further recognized and rewarded by the Dept. for Transport's ruling that from 18 November 2012 vehicles built on or before 31st Dec 1960 will be MOT exempt.

There have been no reports or evidence of brides or other members of wedding parties being attacked or assaulted in any way by wedding car drivers or company owners.

Family firms have a known address, the driver is typically the owner and that the client and business owner have met and have exchanged contracts with permanent addresses and other contact details. Wedding cars are not hailed in the street or appear after a blind telephone booking to a mini cab company.

Wedding cars are not hired blind but are carefully selected and inspected by the client. Client proprietor relationship is of vital importance to ensure that the bridal car is decorated to the exacting standards of the modern bride and cars are booked months in advance. Family run wedding car businesses are part of the wedding celebrations, not just providers of transport on the day and to this end both parties keep in touch about colour schemes and car decorations during the months between booking and the wedding day itself.

There are no opportunities for criminal actives. Addresses are known and on a lighter note, the wedding car, often with the driver, have been posted on Face book by one of the wedding guests before the wedding cake is cut.
The Law Commission notes that some cars that are booked as wedding cars are also licensed private hire vehicles. This is in fact the case, but the Law Commission, with respect, is looking at this the wrong way round. Some private hire vehicles undertake wedding car hire contracts as work which is additional to their primary revenue generating work.

The removal of exclusion from private hire licensing requirements for wedding cars would result in wedding cars becoming mini cabs with all the additional costs of licensing but without the ability to undertake mini cab work to offset these costs.

Vintage and historic cars are not suitable for taxi or mini cab work. Anniversary Cream Teas, Golden Birthdays, Proms and other such concepts are pure fantasy. No car hire business could function on such work. Private hire vehicles take advantage of such occasional bookings, but they are additional to the main stream work of providing either bread and butter transport, or nightclub transport.

Wedding cars from family run businesses undertake one wedding per day and charge a fixed fee for that wedding. When private hire vehicle are hired as wedding cars, fees are charged by the hour, with a maximum time allocated, other work is booked on the same day.

It is very difficult to get a local licensing authority to license a car more than a few years old when applying for plating as a private hire vehicle. How could historic vehicles be considered?

Is compensation planned for wedding car businesses based on vintage and historic cars?

Hackney Carriage and Private Hire Vehicle require an annual MOT if appropriate, and for additional testing every ten weeks which is in effect an MOT with a few additions such as cleanliness and condition of seats, first aid kit, spare wheel and associated tools and equipment. I was told by one test inspector that some of these vehicles can cover about eighty thousand miles per year.

Is not the above test regime, a little, excessive for wedding cars that cover about three thousand miles per year? Cars would be only doing winter mileage in going to and from the test center.

Such a system is grossly dis proportionate especially as you, the Law Commission, are strangely silent on national standards for Voluntary Drivers, which as a sector cover some 600,000 miles per year.

No national standards are proposed for the voluntary driver sector, could it be that 600,000 miles per annum is too small to be considered part of the nation’s transport infrastructure? If this is so, why be concerned about the few tens of thousands of wedding car miles per annum?

Customs and Revenue have produced mileage claim amounts for voluntary drivers. The mileage chart stops at twenty thousand miles per year. There are no national standards for the voluntary driver sector that require Health Checks, CRB Checks, Special Driving Tests, regular Vehicle Safety and Condition Checks. These drivers only carry the sick, the young and the elderly and in cars, driven in the main, by retired people.
In addition The Law Commission has failed its own Criterion 4. Why would people from the wedding and funeral sector, expressly excluded from private hire licensing read consultation proposals about Hackney Carriages and Private Hire? Especially as this proposal was hidden away on page 172 of a lengthy document.

In Conclusion there has been:

Total lack of consultation with the Wedding Car Hire Sector, especially those involving Historic and Vintage Cars

Total failure in understanding the impossibility of Historic and Vintage Cars being plated as PHV’s.

Total disregard for imposing significant costs on a sector run in the main to keep Vintage and Historic cars on the road.

Total lack of evidence to support Provisional proposal 11

Total lack of proportionality and logic when compared with the Voluntary Driver Sector.

Provisional proposal 11 adds cost, adds red tape but does not add value.

Therefore, drop Provisional proposal 11 and revisit the Voluntary Driver Sector, some of the drivers in this sector are in need of being driven about by others.

Your Sincerely  Gareph Boxley

Gloucestershire Wedding Car Hire
at The Celebration Car Company
Dear Sirs

We write in connection with Consultation Paper No. 203 which proposes that Wedding Car Hire Companies should become licensed operators and that the local licensing authority should implement stringent criteria as a consequence.

Englands Finest Wedding Cars has been operating for the past sixteen years and consists of three Beauford wedding cars built solely for wedding car hire, purchased solely for wedding car hire and used solely for this purpose.

Our business operates predominantly from April until September/October for weddings taking place during Saturdays with some work also on Fridays and Sundays during this period, and we travel under 3000 miles per year with each car, which is a restriction that we are set by our insurance companies who offer preferable rates for this amount of mileage. This mileage also includes travelling to the garage for petrol, repairs and mots.

During the months of October/November through to March our cars are used on an occasional Saturday as this is our off-peak period and the cars are therefore garaged for the remainder of the time they are not hired out for weddings i.e. normally four out of seven days per week during the peak period and six out of seven days per week in the off peak period. As the cars are not being used for weddings we are therefore receiving no income whatsoever from the hire of these vehicles.

The proposal states that the cars would have to be inspected by the local authority on average every ten weeks which seems completely ridiculous when the cars would have been garaged for a large proportion of that time, without wear and tear or any additional miles than perhaps the last visit, and at a considerable cost and inconvenience to the wedding car hire companies.

Our wedding car hire business is ran as a 'cottage industry' as is the majority of other car companies in the Bristol and Bath areas, with already high running costs required to maintain the vehicles to existing mot standard and to continue the level of reliability that is paramount with all wedding cars to ensure that the bride arrives at church on time to get married.

A cottage industry means that the chauffeurs used to drive the cars are often required at irregular periods of the year, and our company offers lady chauffeuse only, with all our female drivers being married with families and therefore having commitments during the school holidays to spend time with their families. As a result, we have to have far more drivers available during these periods to cover for vacations.

We note that the proposal suggests that each driver/chauffeur would need to have medicals and criminal record checks and also attend additional driving assessments at an average cost of £300.00 per driver. Our chauffeuse have stated that they do not feel the occasional work warrants their additional time for these assessments and we would therefore be in a difficult situation to recruit the appropriate staff for the job.

The sum of £700.00 for each of our cars and single driver currently being imposed on licensed operators in our region would dramatically increase the cost to bride and grooms for our services, taking into account the further £300.00 imposed for each chauffeur.

We feel the suggested proposals 'to include funeral and wedding cars in the revision of regulations controlling private hire vehicles' would have a drastic effect on our company, and we would seriously have to consider if this would be a viable business to be in.

In our opinion this proposal should be voided.
Yours sincerely

JAYNE HOBBS  
Proprietor  
England's Finest Wedding Cars - Bristol & Bath

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9 September 2012

NO SUBMISSION To THE LAW COMMISION PETITION

To The Law Commission

We the Taxi driving association of Portsmouth are writing to stress to you the impact this proposed deregulation will have on us as not only taxi drivers but also as taxi owners.

We the Portsmouth taxi driving community as a whole completely disagree with this proposal of deregulation as we believe that this will directly impact the low operating profits that we currently earn.

This will allow for a possibility of more taxis on the road which are already over crowded with current operating taxis.

As it stands we find on a daily basis our earning is decreasing due to the current economic climate, customers are using taxis less frequently due stretched budgets. As a result of this we taxi drivers are often waiting long periods of time due to too many of us drivers on the taxi ranks and not enough customers.

So we are directly against this proposal of deregulation as it will directly effect our livelihoods.

Many thanks
Hello Hannah

I write as the Consultation period deadline approaches and I am informed of yet another colleague being attacked and robbed of his takings.

In my submission to you earlier this year, I outlined my concern that any changes in Taxi Law, MUST, be in the interests of the 'average driver' and not those involved in the running of the trade itself.

It always was and still remains a very dangerous and stressful occupation, that offers low pay for long hours.

So much so that the pay, conditions and welfare of our drivers is paramount if any new legislation is to be effective.

I have contacts in Leeds, Liverpool, Birmingham and Boston, all of which know of someone who has been a victim of such incidents, as I have myself.

Please take time to read a few reports as you attempt to reorganise the laws that govern our trade.


Also spare a thought for Leeds driver 176 beaten and robbed last night and Unite 6/680 Branch Secretary, Mick Lowry, 63 years old, who has had reconstructive surgery on his face after such an attack in Liverpool, in July.

The taxi trade is about people first and foremost.

Average men and women who are just out to support their families as best they can, while providing a vital service for the disabled, business and revellers alike.

24 hours a day, 365 days a year, in all weather, for little respect or reward.

Please consider those lives in your final findings.

In Solidarity

Mick Groom
Dear Sirs,

Re: Law Commission Review

Regarding the Law Commission Review of the laws relating to Taxi and Private Hire Services, I would like to put forward a case to allow the occasional use of owners' Classic Cars for Wedding Hire as is allowed at present. I am a Pensioner who works one day a week to help make ends meet, I own a Classic Riley 4 seater 2 Door Convertible [1950] and at present do a few Wedding Hires per year to enable me to run and enjoy my classic car.

I am fully insured for Wedding Hire and registered with H,M, Customs and pay tax on the earnings from hiring out my Classic Car for weddings. My car is maintained and serviced by an outside garage, and I have agreed with my insurers to continue to have my car M.O.T when this requirement is relaxed in November 2012 to ensure my car is fully roadworthy.

I am unaware of any Private Hire Company in my area who have Classic Cars for Wedding Hire. I am sure this is because the costs involved in complying with the Private Hire Regulations on the Vehicle and Driver would far exceed the limited income from having a Classic Car for Wedding Hire.

I sincerely hope the Review leaves the law unchanged for Wedding Hire and continues to allow owners of Historic Vehicles to use their cars for Wedding Hire on odd occasions during the year. Providing they comply with the requirements at present i.e. Wedding Hire Insurance M.O.T to ensure the vehicle is roadworthy and be registered to pay tax on their earnings.

Finally, I feel the chance to hire an Historic Vehicle gives Brides a wider choice for their Wedding day.

In anticipation, I remain,

Yours Sincerely

E.L. Preston

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PUBLIC LAW TEAM  LAW COMMISSION
(TAXI AND PRIVATE HIRE)

STEEL HOUSE
11 TOFTILL STREET
LONDON
SW1H 9LT

30/AUG/2012
E.L. PRESTON

Dear Sirs,

Re: Law Commission Review

Regarding the Law Commission Review of the laws relating to Taxi & Private Hire Services, I would like to put a case to allow the occasional use of owner Classic Car for Wedding Hire as is allowed at Present.

I am a Pensioner who works one day a week to help make ends meet. I own a CLASSIC RILEY ASPIRER 2 Door Convertible (1950) and at present do a few Wedding Hires per year to enable me to afford to run and enjoy my classic car.

I am fully insured for Wedding Hire and registered with H.M. Customs and pay Tax on the earnings from hiring out my Classic Car for weddings. My car is maintained and serviced by an outside garage, and I have agreed with my insurer to continue to have my car M.O.T. when this requirement is relaxed in November 2012 to ensure my car is fully roadworthy.

I am unaware of any Private Hire Company in my area who have Classic Cars for Wedding Hire, I am sure this is because the costs involved in complying with the Private Hire Regulations on the Vehicle and Driver would far exceed the limited income from offering a Classic Car for Wedding Hire.

I sincerely hope the Review leaves the law unchanged for Wedding Hire and continue to allow owner of Classic Vehicles to offer their cars for Wedding Hire on a seasonal basis during the year. Providing they comply with the requirements at present i.e. Wedding Hire Insurance, M.O.T. to ensure the vehicle is road worthy and be registered to pay Tax on their earnings.

Finally I feel the chance to hire an Historic Vehicle gives Brides a wider choice of vehicles for their Wedding day.

In anticipation I remain
Yours faithfully,

E.L. Preston

[Signature]
Dear Sirs,

My wife and family have been in business since 2002 and have successfully grown our business from one wedding car to the 7 vehicle fleet we are so very proud of owning today.

We find your proposal to licence wedding car companies unfair and must strongly object. The proposed costs involved coupled with the considerable running costs of these classic cars would cripple our business and we would seriously have to rethink our future.

We urge you to reconsider your proposals and give careful consideration to the unique service we provide to our local community.

With regards,
Gary & Lisa Walmsley
Broughton Wedding Cars.

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Dear Sirs

I write to respond to your consultation on Taxis and private hire vehicles.

Background

My family has over 35 years' experience in the motor industry, and own a garage business, with MOT test facilities. The business looks after a variety of vehicles, including a large number of vehicles used in the local funeral trade, together with several vehicles used in the wedding trade.

In addition to this professional involvement in the motor industry, we have a collection of several classic, vintage and unusual vehicles, and occasionally make some of these available for wedding use, although this is in no way our main business.

Summary

The basis of my response is that the role of vintage, historic, and unusual vehicles should be recognised in the private hire market. Any increased standards/ regulation in relation to private hire vehicles should contain an appropriate exemption for these vehicles.

I believe the exemption from general private hire and taxi legislation for vehicles used in wedding and funerals should not be abolished, unless an alternative exemption is provided. If change is to be made, an exemption should be broadened to cover other special events and special vehicles.

I will aim to demonstrate that your proposals to end the current exemption is unnecessary and will have a significant and adverse economic and social impact and as such your proposal should not be implemented, unless an alternative is suggested. I will demonstrate that the current exemption should be broadened, and will suggest how this could be satisfactorily achieved.
Specific points

1. Specialist vehicles operate in a very different market to taxis, they are pre booked, and the hirer has an opportunity to view the vehicle before hiring.

2. Specialist vehicles (ie classic, vintage, and unusual vehicles used for weddings, funerals etc) cover far fewer miles than commercial taxis, hence are not subject to the same wear and tear which may be appropriate for taxis.

3. They are generally used for shorter journeys, often at low speed. As such the risks involved are minimal.

4. Specialist vehicles are deemed roadworthy for normal use as a private vehicle, with or without passengers hence carrying "paying" passengers will not alter their roadworthiness. There is an obligation on the owner to keep their vehicle in a roadworthy condition, whilst post 1960 vehicles are subject to annual MOT tests. Further, in relation to concerns about imported vehicles and UK type approval, adherence to UK/ EU standards will be picked up on first registration. The imported vehicles end use will not affect its adherence to UK standards.

5. They are generally booked in advance, giving the user the chance to inspect/ satisfy themselves of the vehicles condition.

6. The specialist vehicle industry is unique- for many hiring a vehicle for an occasional wedding is an extension of their hobby allowing enjoyment of specialist vehicles.

7. For those operating in the wedding market professionally, it is already a high investment, low margin industry given the cost of purchasing prestige vehicles and as such many will not be able to sustain the cost of additional regulation.

8. The wedding vehicle (and specialist vehicle) industry provides substantial income to other industries, garages, vehicle restoration specialists, storage providers etc. Legislation impacting this industry would have substantial economic impact during a very difficult economic period for many businesses.

9. Due to the occasional nature of the work, many drivers work only part time, perhaps only once or twice a month, hence increased licencing is not appropriate for them. Additionally, the job of a wedding, funeral or specialist chauffeur is very different from the job as a taxi driver, hence very different skills are required.

10. The industry, i.e. the use of a vintage or prestige vehicle for weddings is a key part of England's society and tradition. Legislation preventing this would end this important tradition.

Taxies generally.

I do not have any specific views on your proposals relating to taxies generally, other than to say that common standards across all local authority areas would appear beneficial.

Specialist Hire Vehicles operate in a very different market to taxis.

By Specialist Hire Vehicles I refer to vehicles that currently fall within the exemption for wedding and funeral services, for instances vintage and classic cars, limousines and hearses. In addition I include "novelty" vehicles in this definition that are becoming popular for travel to social functions, such as American derived stretched limousines, and other vehicles that a group or individual may wish to hire to arrive at an event in an unusual manor, for instance, fire engines, military vehicles, kit cars, or similar.
Such Specialist Hire Vehicles operate in a very different environment to traditional Taxis or private hire vehicles (Taxis). Taxies are generally in use all day, every day and so travel a significant number of miles. In many areas, they are regarded as a quasi-public service and so it is appropriate that additional standards should be applied to them by way of increased roadworthiness requirements, (due to the increased number of miles travelled) and general standards. The high demands placed on their drivers, such as knowledge of the area, location of key destinations, distracting passengers, and need to earn a day to day living provides a good argument that additional licencing requirements for drivers of taxis is appropriate.

Fundamentally, Specialist Hire Vehicles are not subject to these pressures, and I set out the consideration in relation to specific groups of vehicle below.

Funeral vehicles.

In my experience it is rare for funeral vehicles to be used for more than one or two local trips per day, as such, unlike a Taxi, their mileage is not significant, instead being similar to the mileage of the average family car. Generally such vehicles are used in a sensitive way (often traveling at walking pace) and due to the nature of the service provided, are well maintained by their owners in order to prevent breakdowns which could impact on their business reputation.

Wedding vehicles

The Bride's arrival for her wedding has become a key part of British tradition, with healthy industry having developed to provide stunning vehicles in which to arrive for weddings, ranging from horse drawn carriages, prestige cars, classic and vintage cars. The classification of wedding vehicles as taxis and the imposition of stringent licencing requirements would kill this tradition, as it would no longer be possible, let alone economic for the majority of wedding vehicles to apply to be licenced as Taxies.

The wedding car industry is perhaps unique, as whilst there are some who make day to day a living from this industry, many providers are owners of vintage or prestige vehicles looking either for a supplementary income, or as in my own case, simply an excuse to use their historic vehicle. As their owners pride and joy, such vehicles are usually in excellent condition, and are in any event are deemed fit for use on the road, either via an annual MOT test, or through the obligation on those using vehicles to keep them in a roadworthy condition. It is difficult to see how completing the occasional wedding can justify a need for registration as a taxi and the licencing and cost burdens that this would bring.

There are some who manage to make a day to day living from the industry, however when the high cost of purchasing maintain a suitable vehicle (for instance a vintage Rolls Royce or similar) is taken into account, and the fact that many brides now require two or more matching vehicles, or at least a choice of vehicles providers are required to invest in multiple vehicles at significant expense. It is clear that profit margins are slim, without the cost of additional legislation.

Whether providing wedding vehicle services for income or pleasure, the average mileage travelled will be far less than Taxis, and hence there is no justification for additional testing requirements. In addition, the drivers role is very different to a taxi driver, in that they have the opportunity to research the route used and destination beforehand, and are not subject to the pressures of touting for other fares.

It must also be remembered that unlike a taxi hailed at the roadside, or booked over the phone, those hiring wedding (or other Specialist Hire) Vehicles do so in advance, usually after seeing the vehicle, or at least seeing a picture. The result is that the hirer will determine what is suitable for their needs. For instance a wheelchair user would be aware that a two door sports car may not meet their needs and would therefore choose not to hire such a vehicle. Equally, whilst the public should not need to be experts in vehicle condition, the prior inspection of a vehicle by even the most untrained eye and discussions with its owner can tell a lot about its likely condition and safety. As providers of a service in which reputation is
key, the majority of providers will invest in the maintenance of their vehicle if only to prevent embarrassing breakdowns and loss of custom. (Indeed many larger providers using vintage vehicles offer standby vehicles in the event of breakdown)

I do however recognise that, as in any industry, there may be a minority of providers who operate with the sole aim of profit, and cut corners in order to do so. Whilst there may be a potential impact on road safety in these cases, there is already legislation in place to deal with this concern, as even if no longer to permitted to carry paying passengers/ wedding parties, such vehicles are likely to remain on the road in private use. It is also suggested that those substandard operators that your proposal is targeting would not adhere to any increased requirements in any event!

By way of overview, there is a continuing duty on owners to keep their vehicle in a roadworthy condition. For vehicles manufactured after 1960, they are additionally subject to an annual MOT test. I have demonstrated that Specialist Vehicles are not subject to excessive mileages and it is therefore felt that these controls are sufficient. If it is felt that there is a problem in general with vehicle roadworthiness, either the police or VOSA are best placed to investigate and propose solutions, perhaps increased spot checks etc.

Whilst I appreciate that there is some debate over certain imported vehicles meeting UK construction and use regulations, this issue should be resolved when such vehicles are registered in the UK, your proposals amount to unnecessary double regulation.

Whilst I admire your aim to standardise local authority standards for taxis generally I have demonstrated why Specialist and wedding vehicles should not be subject to this regime. Fundamentally, if the stringent controls of some local authorities with regard to minimum age or turning circle are imposed, the majority of Specialist Hire and Wedding Vehicles will not be able to comply, no matter how well they are maintained. It would no longer be possible to arrive at church by vintage car, and an entire industry would disappear, together with associated trades and revenue. Common sense must be applied, especially when it is considered that an average individual may only make a few short trips in a Specialist Hire Vehicle in their lifetime, meaning any risk to them is minimal.

Other events

Under current legislation, the exemption only applies to wedding and funerals, however there are other events that should now be included in such an exemption, for instance schools proms, other social events and the equivalent of weddings in other faiths. I am fortunate to own a variety of vehicles, including ex-military vehicles in addition to vintage cars and am often asked to provide transport by military vehicle for school proms. Unfortunately I am required to refuse, (or not make a charge) as such events do not fall within the current exemption. I can see little justification for this, given the similarity of such events to weddings, and the fact that such vehicles are otherwise deemed to be roadworthy. My concerns in relation to these other vehicles are the same as detailed for wedding vehicles above.

Proposal

I suggest that the current exemption for wedding and funeral vehicles be amended to cater for "specialist, or novelty, hire vehicles". Such vehicles would not be classified and regulated in the same way as taxis in recognition of the very different, and indeed occasional role they play, however in order to address potential abuse of the system by taxis avoiding the taxi regime, a mileage (perhaps 10,000 py) or use restriction should be included, further, in order to address the issues that may arise in relation to American derived stretched limousines, I suggest such vehicles be limited to a maximum of 12 passangers, hence limiting potential issues.
Dear Sirs & Madams at the law commission,

After finding out about your proposal early July I have left it until the closing date to object as I didn't want to leave any points out.

After 25 years hiring out vintage & classic wedding cars, knowing & understanding the work, commitment & financial outlay, I know that your proposals would kill off my family business if they were to go ahead. For me there are many reasons to object, but I feel I must make clear, so small is the profit margin in this type of hire in 25 years, we have never had to be VAT registered for turnover or to the best of my knowledge ever had to pay any or very little income tax. The profit simply isn't there, its a labour of love in the most. The charges surrounding what you are proposing would without any question make it completely unviable for us to continue. This would without question kill our business as we know it.

In your initial proposal you say that this proposal would increase business, allow free operation & coverage of larger areas without restriction, this is the exact opposite when taking vintage & classic cars used exclusively for weddings into account, we would not take our vehicles any further than we already do, these vehicles are not modern limousines out 24/7, they go on short infrequent runs, they have limitations in mileage, they are classics & must be respected to remain reliable the essence of our business. Where we are based on the English side of the Scottish Border, there would be different laws to take into account for those based on the Scottish side, as our charges would have to increase to cover the additional costs proposed we would no longer be as competitive as those based 3 miles away the other side of the Border, devastating to our business. Short Gretna runs for our Vintage cars are the best runs for these cherished vehicles, as it is important to regularly run them out but not too far. This would mean a loss of local hotel contracts that are essential for our business to survive. For businesses based in Gretna & those running away to Gretna Green an area stepped with romantic history, if our business stopped, there would be NO other business with a range of Vintage wedding cars nearby, just the odd individual one here & there. Such is the financial outlay required to own & run Vintage cars for weddings it is already a dying industry, yours would be the final nail in the coffin for us. The Terms of Reference for the reviewing team state: “To review the law relating to the regulation of taxis and private hire vehicles, with a view to its modernisation and simplification, having due regard to the potential advantages of deregulation in reducing the burdens on business and increasing economic efficiency.” It can be seen that with regard to Wedding Car only hire, a change in legislation such that the operators of wedding cars would be liable to the regulations pertaining to the Private Hire industry would
increase the burden on business and decrease economic efficiency; a result contrary to that intended by the reviewing team.

If this is about safety what has happened to suggest there is a safety issue relating to wedding cars – the Law Commission has failed to bring up one point on safety? If ‘Safety’ of the car is put forward as an argument, then this would be questionable; witness the current change coming in legislation in November 2012 that will exempt pre-1960s cars from the requirement for an annual MoT. It is believed by the legislature that vintage, pre-60s classic and special interest car owners will maintain their vehicles and keep them safe such that an MoT serves no purpose. Why then the belief by the Law Commission Review Team that vintage, classic and special interest wedding car operators should be any different? No evidence has been put forward to support this belief, rather an assertion seems to have been made that vintage, classic and special interest Wedding Car operators need to be regulated to ensure they maintain their vehicles in a ‘safe’ condition. No evidence for this assertion has been presented in the consultation document. In 25 years we cannot re-call EVER having had an accident with those travelling to & from a wedding! Regarding CRB checks on the drivers as a safety point, I would completely agree that a taxi driver should have one of these, as they may be in a situation where they have to pick up a lone drunken young girl from a night club at 2am & transport her home, (Alone, drunk, at night, at speed, significant distance, remote?) Alot of possible risk factors here. Completely different to wedding car hire, where a bride is always travelling to her ceremony being ‘given away’ by someone & of course travelling on with her ‘groom’ in the daylight, not under the influence of alcohol (this is a term of every wedding car owner i know, using vintage & classic cars exclusively for weddings. Whereas again this is totally different for private hire companies who do transport people under the influence of alcohol in vehicles they use for weddings weither that be on a wedding or hen night or the likes. Vintage cars used exclusively for weddings are not used on hen nights, stag do’s, prom’s, insurance terms & costs being the main reason why not. The premium for as Vintage wedding car to be insured as a private hire car for things like proms etc goes from the usual few hundred pounds, to thousands of pounds per vehicle! Whilst I recognise the statement on our local radio from Francis Paterson QC that some wedding car companies have been "caught" using cars for proms, (knowingly or not that they shouldnt be) those who have been approached have been dealt with severely, fined, etc For those who re-offend then vehicles should be seized & the should be stopped trading. Bringing in these new proposals will cripple those businesses doing it properly & those cowboys who dont anyway wouldnt take anymore heed. Far better to impound offenders vehicles. Then there is no Gray area.
If this is about conformity, do we really want to see a vintage Rolls Royce plying for hire at Tesco or picking up patients or doing runs from the local hospital, or schools you know this would NEVER happen. A Vintage Rolls Royce is a prestigious car used respectfully for prestigious occasions, not for bags of Tesco's shopping, bags of blood or organs, this is why TAXI's & Vintage Wedding Cars are so different. The amount of revenue a taxi can earn is limitless, there has to be a wedding for a wedding car to get business, then people have to want a certain style of car, they are not just going to book anything to take them & their Tesco's shopping home, with a taxi it doesn't matter what car is used, it is about the A to B journey. With a wedding car its a lot less about the journey but about the actual vehicle. This proposal would kill off one of this countries heritages, the Vintage Rolls Royce. The few that would be left in existence would be way more expensive than a horse & carriage, business would be unsustainable.

Why are the wedding car and funeral industries being lumped in with the transport industry? Wedding cars and funeral cars are two distinctly totally separate industries certainly not linked in any way with mini-cabs or taxis. If this proposal goes through it will mean the end of well over a 1000 wedding car companies across the country and in a recession, how many more people would be unemployed? 9 people in our small business would loose their jobs. Why is there no proposal to remove the 7/10 year age limit imposed by the local authorities that currently administer taxi and private hire licensing. If they do not remove the age limit then all classic and vintage wedding cars will cease to exist. The change would lead to a huge increase in ugly American stretched Limos on our unsuitable roads, often dispised by brides, totally different to a romantic classic or vintage as they will be just about the only ones able to fill the void. Needless to say the provision of wonderful classic and vintage cars is an integral part of any bride's special day. This proposal will totally wipe out this wonderful British tradition.

I would be interested to learn of number of problems that have been encountered through wedding car companies not being licensed. Perhaps you would advise and explain? Unlike the taxi sector whose taxis operate 20/50 jobs a day per car, 5/7 days a week, a wedding car will only operate one job a day and then only once a week if he is lucky. During the winters months many do not operate at all, therefore the seasonal work must be factored in to the costs of running a vintage & classic wedding car hire business. We have over half of our cars doing under 1000 miles per year (not per week) & a number only doing a couple of 100 miles per year! That is the nature of the business or better termed a hobby run by the car's owner. With this low volume of business, is it really necessary to subject wedding cars to an overkill policy of bureaucratic nightmares together with the unsustainable costs? Each car owner is more often than not, a
responsible elder who maintains a pride in his/her car and the wedding he operates. He does not need to be regulated. Vintage, classic and special interest wedding car operators are enthusiasts who wish others to enjoy their cars on very special occasions and most do not offer their cars for hire/use by the public for anything other than weddings. The institution of marriage is something special that this government fosters and encourages; over regulating wedding car hire providers will place a heavy financial, operational and practical burden on vintage, classic and special interest car providers that will serve only to eliminate wedding cars that, due their date of manufacture, cannot not fit precisely into the private hire car regulatory criteria. Why cause difficulty for those choosing to join the institution of marriage when there is no evidence to support the apparent need for a change in legislation? The business model for Private Hire/Taxis is based on the vehicle and drivers operating on a 5 or 7 day basis to ensure appropriate revenue flow to ensure the additional costs for licensing the operation, cars and drivers can be covered. Wedding only cars, by definition, are very unlikely to be on the road every day throughout the year, more commonly just weekends during the spring, summer and early autumn. Furthermore, the overall operation of wedding cars is fundamentally different to that for Private Hire. Private Hire in the main is for the transportation of individuals from A to B; type, colour and quality of the car are not a factor that is generally considered in the hiring process. This is not the case for the operation of wedding cars. Brides tend to book a particular car due to its style, colour and overall appearance as part of the marriage ceremony, not just as a means of travel from A to B. Indeed, bookings tend to made many months, and sometimes years in advance and normally following a viewing of the car to make sure it is the car of their dreams. So, clients are normally fully aware of what is being hired and have ample opportunity to consider all the facts regarding the car, the chauffeur and the operation well before the event takes place; it is most unusual for a wedding car hire to be initiated on the day of the wedding, as it would be with the initiation of private hire.

If this were to go ahead what proposals are being put forward to compensate the car owners as a result of the change in the law? Please refer to the huge costs incurred by the government of the compensation paid out as a result of firearms licences being withdrawn a few years back. Many of our cars especially those built & used exclusively for weddings, would become all but worthless.

Whilst I, and others, see the need for tighter controls in the public hire and taxi services for public protection, this should not effectively kill off an entire industry disadvantaging wedding couples and classic car owners. Classic cars are often used for weddings and they are the choice of a lot of discerning couples who would like to enjoy a unique
experience on their most important day. Provisional Proposal 11 will make this choice impossible in almost all circumstances. Classic cars (vintage 1930’s to 1970’s) are unlikely to meet the stringent requirements for public hire, and logically, for the amount and type of use that they have, there should be no need for them to do so.

If Proposal 11 is not dropped from the legislation, then the following consequences are likely to follow:

These changes would cost our business around £10,000 - £12,000 with combined profits of £8000 last year what would be the point of continuing to make a loss!?

Each of our drivers will cost approx £350 to become licensed. This includes a DSA driving test, a medical, a CRB check and a ‘local knowledge test’ all to do less than 10 weddings a year!

Some Local Authorities may refuse to licence a vehicle if it is more than 5 years old – the average age of our cars is 50 to 80 years!

Once licensed, a car can only be driven by a licensed driver, which means we owners of classic cars (& our wives even if they weren’t driving for private hire jobs) would have to be licensed, just to go to the shops, road test, fill with fuel, wedding fayre, or to a classic car show ending the primary reason for having these cars & using them for weddings in the first place. You are really talking about the end of an era. THIS IS NOT A PROPOSAL TO BE TAKEN LIGHTLY.

Putting wedding cars businesses out of work would severely depress the market for classic cars as so many would hit the market at the same time. This would also have a huge consequential effect on the classic car parts and repairs service/supplies businesses. We have spent £20,000 to have a replacement engine and gearbox built and fitted & over £25,000 on re-sprays – these funds have been generated through damn hard work, and will take years & years to recover, if this legislation does not come into force.

Most people I speak to, see the need to regulate the private hire industry for all the right reasons, however no one I know can see why this should include the minimal use of classic cars for weddings doing a fraction of the work. We are required to have specific wedding insurance, MOT’s and already maintain our vehicles to a high standard, otherwise no-one would book us – this is a completely unnecessary step and entirely in contradiction to the recent relaxation of MOT requirements for pre-1960 vehicles. For the common good, and if for nothing other than plain common sense, I ask you to remove Provisional Proposal 11 from the legislation before it goes before the House.

An assumption has been made that wedding car hire providers are part of the transport industry, and therefore the same rules must apply across the industry; thus, the consultation documents sights,
“consistency across the transport industry” as a reason for no longer exempting wedding car operators from the revised legislation for taxis and private hire vehicles. I question the assumption that the wedding car industry is necessarily part of the transport industry and that the need for consistency is compelling justification for changing legislation, when there is no other specific evidence presented that relates directly to wedding car operations. The Difference: Transport Industry or Wedding Industry? About the journey like taxi or about the car wedding car? It can be argued that Wedding Car only operators, who tend in the main to operate vintage, classic or special interest cars, are not part of the transport industry but rather part of the Wedding Suppliers industry. Vintage and classic wedding cars are hired as part of the overall wedding ceremony not just a means of getting from A to B, as are taxis and Private Hire cars. Although mostly hired separately, the chosen vintage, classic or special interest wedding car is as much part of the wedding day & photographs and as iconic as the other special elements of the day, such as the bridesmaids, the ushers, the wedding dress, the cake and the venue, to name just a few. Wedding cars are mostly selected for their iconic appearance and not necessarily for their ability to travel from A to B; the basis of the hire is the car as an icon, romantic piece of history not as a means of travel – that tends to be a bonus. Indeed, some clients hire a special vehicle just for the car to be at the place of the ceremony for photos with the wedding party and do not travel in the vehicle at all. A number of our weddings involve the bride leaving from the same venue she is getting married at & then having her reception at, is that about the journey???? Or about arriving in style & photos? Surely, there can be no justification for imposing the legislation of one industry on another, just because both industries have one common resource, the car without sound and compelling justification. The Difference: Legislative Requirements. Legislation should reflect society’s wishes and requirements, while ensuring safety for the individual, but it should not stifle choice or the wish for style and substance.

Specialist wedding cars, by definition tend to be vintage, classic cars or special interest cars. Although they may be in perfect condition for their age, by virtue of their aged design, vintage, classic and special interest cars are likely not to meet Private Hire technical requirements: in particular, with regard to the need for seat belts, easy access and size of seating area. Consequently, vintage and classic cars will not, without extensive adaption, be eligible for a Private Hire licence. Furthermore, the significant cost and time involved for licensing each car, each chauffeur and the overall operation together with the cost of adapting each vehicle to meet the ‘Private Hire’ technical criteria, if indeed it is at all possible, would be prohibitive, and if passed on to the clients would make hire fees extremely high and economically unviable for most engaged couples. It is estimated that the total annual cost for an owner to hold an operator’s licence, driver’s licence and just one licensed vehicle would be around £600.00. Each additional car would cost around another £250.00 and if the owner were to pay
for the licensing of drivers the cost would be around £300.00 for each driver. Additional chauffeurs are essential for the efficient operation of wedding cars; they tend to be around retirement age and as a consequence of their age they have the proper skills to drive vintage and classic cars.

Consequently, it is quite clear that a change of legislation as proposed would drive most vintage and classic wedding car operators out of business as they just could not cope with the increase in overheads nor with the technical changes required to comply with private hire regulations. Furthermore, Wedding Car business models take this into account and hire fees for individual bookings during a short season determined accordingly. Overall yearly profit margins are slim. If legislation does change, the only ‘wedding cars’ then available would be modern cars that comply with the technical requirements for Private Hire; the very same style of car seen every day on the Private Hire circuit, not the cars most brides dream of for their wedding day. This would deny Brides and Grooms the opportunity to complement their wedding day with a special car, not normally seen on a daily basis.

Conclusion

Should a large number of similar cars of similar specification and history therefore suddenly flood the market then the effect on their value could be enormous. Not only does the secondary wedding car market represent a relatively small and sensitive sector but typically pre- and post-war motorcars appeal to progressively fewer collectors as the average age goes down with the enthusiasts of tomorrow being the children of the 80’s……The rapid collapse of many of the small scale wedding car hire firms will have a sudden and profound knock-on effect not only to the multi-million pound wedding industry but also to the auction industry, the collectors/enthusiasts involved and ultimately, the values of the cars themselves”. Many would be totally unsaleable due to their type being of limited value anyway, and those of more appeal would but much reduced in price due to the excess in supply over demand for that vehicle type. Many such vehicles
would be of no value as they are only of appeal to the wedding car user. Not good news”. It has been noticeable that since the last economic downturn the demand for wedding cars by both existing and new businesses within the UK has dropped dramatically. This is partly due to the reluctance to start new businesses in a recession and also the more onerous lending facilities offered by the banks. It is now also noticeable that people will not commit themselves to a new acquisition until the uncertainty of the outcome of the potential licensing issue is resolved.

Broadly speaking, there are a few different categories of wedding cars that are used purely for wedding car hire:

1. Pure vintage cars, technically vintage and pre war, as vintage implies manufacture prior to 1930.
2. Post war and classic Rolls-Royces up to and including the Silver Shadow models.
3. The Vanden Plas Princess and Daimler DS420 limousines from the 1950s through to the 1990s.
4. The replica cars including Regents, Bramwiths, Beaufords, Brenchleys, etc.
5. American classic cars, e.g. 1950s, 1960s, novelty cars, other post war ‘classic’ cars.

My sources say would say that the above categories cover 90% of the main wedding cars used in the UK and the ones that are the most popular.

1. Pure vintage cars, technically vintage and pre war, as vintage implies manufacture prior to 1930. This is probably the safest category to keep with as far as your investment is concerned. The
market for GOOD pre war Rolls-Royces is still strong with many UK cars being sold to European
2. Post war and classic Rolls-Royces up to and including the Silver Shadow models. Again, popular cars that serve the wedding trade well, although specifically the Rolls-Royce Silver Cloud is the more expensive car. The effect of a significant number being sold from wedding car businesses would probably depress prices short term by up to about 20%, But again many are bought by individuals and are currently popular in Europe as enthusiasts’ cars. The all white ones might suffer more if a load were to appear on the market. The effect on Silver Shadows would be greater I think, especially the white ones. Again a repaint might be an option, but not cheap on these cars.
3. The Vanden Plas Princess and Daimler DS420 limousines from the 1950s through to the 1990s. Now we are starting to get into pure wedding car territory! Most Princesses are bought by individuals that are looking to do the odd wedding. There is a market for them in Europe, but it is small. It could be that if licensing was to force more of these on to the market, then values would drop by up to 40 or 50%. In my experience, only the very best would sell and many of the others ones would just end up being scrapped. The Daimler DS420s are used virtually exclusively for weddings and I would say the values of the average ones have dropped significantly anyway in the last few years. The effect of enforced licensing on these cars would be to force the majority of the average cars into the scrapyard on the basis that they are worth more as parts than they are as unworkable cars. The better
and best of them including the landaulette conversions should ultimately sell but short term devaluations of up to 50% would be expected.

4. The replica cars including Regents, Bramwiths, Beaufords, Brenchleys, etc. There are a number of firms now running replica cars around the country that represent a similarly large investment for wedding use. These are cars that are made purely for wedding use and because of their age they can be sold abroad but normally need to be converted to Left Hand Drive and need to be capable of passing at least a Euro 4 emission test. This is an expensive fix! Few of these cars could be sold to private enthusiasts. I would imagine that if they could be licensed a few might carry on, but ultimately their values would plummet as the market for their purchase disappeared overnight. Maybe the Government would compensate their owners for making their cars worthless overnight? (As they did with gun owners after the 1997 firearms act)?

In summary, the advent of licensing for classic and specialist wedding cars would, needless to say, be a loss making exercise as far as owners of the cars and businesses are concerned. Most may might end up with several tons of scrap and nothing else.

Yours Faithfully
Mrs Margaret Murray
I have given below my answers to your consultation document. I have replied to as many questions as I can within my experience.

Provisional Proposal 1.
I agree.
Provisional Proposal 2.
No comment.
Provisional proposal 3
All transport carrying passengers for reward on public roads should be subject to regulations and enforcement.
Question 4.
No comment
Question 5
I Agree.
Question 6.
No comment
Question 7.
No comment
Question 8.
No comment
Question 9.
No comment.
Question 10.
No comment.
Question 11.
No comment.
Question 12.
No comment.
Question 13.
I agree,
Question 14
I agree.
Question 15.
I agree.
Question 16.
No comment.
Question 17.
No comment.
Question 18.
I agree.
Question 19.
I agree.
Question 20
No comment
Question 21.
I agree.
Question 22.
I agree.
Question 23.
Taxi and Private Hire terms should be retained to avoid customer confusion.
Question 24.
I agree.
Question 25.
I agree.
Question 26.
I disagree.
Question 27.
It is imperative that Private Hire drivers have local knowledge the same as Hackney Drivers. From a safety point of view a driver who is lost would not be fully focused on road conditions and hazards. From a customer point of view the least they expect is a driver who knows the local area.
Question 28.
No comment.
Question 29.
No comment.
Question 30.
No comment.
Question 31.
No comment
Question 32.
I agree.
Question 33.
I agree.
Question 34.
I agree.
Question 35.
No comment.
Question 36.
Yes they should.
Question 37.
No comment
Question 38.
No comment.
Question 39.
I agree.
Question 40.
Peak time licences are not practical and would only confuse things further.
Question 41.
This is totally unacceptable. Local Authorities must still be able to set standards locally according to the needs of the local area.
Question 42.
A return to area requirement should be introduced therefore reducing the problems which occur when drivers sit out and are often illegally plying for hire.
Question 43
No comment.
Question 44
No.
Question 45.
No comment.
Question 46.
No comment.
Question 47.
The Secretary of State Regulations should apply.
Question 48.
I agree.
Question 49.
NO
Question 50.
Agree.
Question 51.
Yes
Question 52.
No comment
Question 53.
No.
Question 54.
I disagree. Licensing authorities should have the power to restrict taxi numbers. This is a decision that only local authorities with their knowledge and considerations that need to be taken into account can make. This has been proved by the fact that many authorities have reversed their delimitation policy. A proposal for an unlimited number of Taxis will cause congestion, more emissions and chaos and a lack of rank space. This still does not guarantee more taxis when and where they are required.
Question 55.
See answer above
Question 56.
See answers above. This is not practical in any way.
Question 57.
No comment
Question 58.
This could be an incentive for more drivers to switch from saloons due to high cost of WAV’s
Question 59.
No comment.
Question 60.
I disagree. There should be a percentage of WAV’s across all fleets.
Question 61.
I agree.
Question 62.
No comment.
Question 63.
No comment.
Question 64.
Yes.
Question 65.
More severe penalties.
Question 66.
Not practical.
Question 67.
Within reason
Question 68.
I agree.
Question 69
No comment.
Question 70
I agree.
Question 71.
No comment
Question 72.
No comment.
Question 73.
No comment.

Submitted by Brian Sanderson, Hackney Carriage Licence Holder.

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From: Wedding Day Beauford
Sent: 09 September 2012 22:37
To: TPH
Subject: Law Commission Paper Number 203

Dear Sir / Madam,

I have read the consultation paper closely and as a wedding company owner I am concerned with the proposal to include Wedding Cars as private hire vehicles. It appear pointless on a number of issues, firstly safety having seen the stats published on National Association of Wedding Car providers website wedding cars account for less than 0.03 per cent of accidents.

Secondly my vehicles carry out on average of 10 weddings per season and the increased testing fees would not make it financially viable to continue which in turn would mean the small amount of drivers I rely on would also have to go. They are older people who enjoy their jobs and are both safe and competent drivers who would not wish to become Private Hire drivers. Would I be compensated for the loss of value of my current fleet of vehicles which would become valueless overnight!!!!!!

If this legislation were passed there would have to be an overhaul of current private hire testing for vehicle ie: only 4 door models, any age cars etc which would then weaken the testing of those cars used for private hire doing many thousands of miles of journeys per month, wedding cars on average about 20 miles per month carrying passengers. Furthermore I would not want to use my cars as daily private hire cars ie: airport runs in order to cover my overheads.

There are many other specific reasons why wedding cars were not contained within current legislation.....nothing has changed..... if it hasn’t broken don’t fix it!!!!!!

Regards

Lisa Groutage

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Dear Sir/Madam,

I am writing this letter as I feel compelled to object to proposal number 11 in your proposals to reform the taxi and private hire laws. As you are aware, proposal number 11 is to introduce wedding and funeral cars (which are currently exempt) into in the new law.

As the proprietor of a small wedding car company, I can categorically say the new law, if agreed, would present so much unnecessary expense, that I would, along with 95% of other wedding car companies have no choice but to close my business down. The most frustrating aspect of the proposal is that it is fundamentally designed to improve passenger safety, at a time when other legislation has deemed it unnecessary for cars older than 1960 to undergo an MOT test.

The annual mileage of wedding cars is negligible compared with taxis, and certainly my cars are only insured for the sole purpose of weddings, therefore the risk of any accident or incident is significantly lower. In fact it would be interesting if you can provide any statistics which show wedding cars being involved any accident where a member of the public has been hurt. It is also interesting how you propose to allow horse and carriages to be exempt, I have personally witnessed a horse and carriage bolt across the road and through the windscreen of an oncoming car!! I have never seen a wedding car of any description involved in an accident.

Wedding car owners take a lot of pride in their cars, they have to, they are responsible for the biggest day in a couple's life, and if they present cars which were scruffy and dangerous, they would soon be out of business anyway as their reputation would be in tatters.

It also appears to me that wedding and funeral cars have only been included as a "catch all" for the legislation as there does not appear to be any substantiative evidence in the proposal or the impact assessment, indeed by your own assessment you have indicated that the decision to include wedding/funeral cars could be eligible to be decided by local councils, therefore, I believe you are not overly concerned about the risks, but as mentioned want to use the opportunity to capture all forms of hire vehicles into the legislation.

This is a mistake, and will have far reaching consequences which would include the demise of the classic car market and render the collections of many operators worthless. I am particularly angry about this, as I have invested every spare penny and every spare minute into my business for the last 13 years, all for it to be made worthless overnight due to an act of beaurocracy which has no substantiation to recommend any improvements regarding safety.

It will also see the demise of a long standing tradition of brides being chauffeured to their weddings in gleaming vintage and classic cars.

Finally I would like to point out, which you may have noticed by my address, that my business is in Scotland therefore not directly affected by the proposals at the moment, I am writing this objection in support of all the enthusiasts who dedicate their passion of classic and vintage cars to providing a
special service to the public on their special day. I am also writing to object against the proposal as there is no evidence to warrant their inclusion, I am also writing to object to save the classic car market from imploding to protect my life's work. I am also writing to object to protect my future job security.

I have also joined the newly formed "National association of wedding car professionals" which has been set up in response to the proposed legislation in an attempt to regulate the industry and provide public confidence in wedding car companies.

Martin and Susan Hall
"Gretna Wedding Cars"
Re: Law Commission Consultation document for Taxi and Private Hire Services, specifically the proposed removal of the exemption for licensing all wedding and funeral cars.

We operate a vintage wedding car hire business in Billericay, Essex known as Aristocars, www.aristocars.co.uk
I am writing to you to submit my concerns and objections to the potential proposal to operate a licensing system for wedding cars in the UK, currently exempt from licensing requirements.

We understand that the reasoning behind this consultation document is to standardise the legislation across the country that varies from area to area in relation to taxi and private hire vehicles, thus enabling taxi and private hire vehicles to ply for trade in different areas whilst operating under standardised national regulations.
We are a full time business currently offering part time employment to over 20 mainly semi retired enthusiasts and full time employment to myself and my wife. We have traded successfully for over 20 years now and now run 15 vehicles including vintage Rolls-Royces and Daimlers together with modern replica cars; In total we have an investment of about half a million pounds in our vehicles and stock.

The proposals would mean that all our drivers would not want to be licensed, (the cost is prohibitive), and the business would collapse along with hundreds of others around the country. I will briefly itemise our reasoning and objections below:

• Proposed licensing of drivers would not be economic. A driver may only work 10 – 20 weddings a year – it would not be worth him paying to be licensed and the cost would not be recoverable.
• The consequent inability to economically license the ‘right’ sort of driver would drive us out of business. We cannot use just any old taxi driver – wedding car drivers that are ‘sympathetic’ to older and replica wedding cars are a unique breed that add to the enjoyment of a Bride’s day.
• Proposed licensing of cars is similarly cost prohibitive as there is simply not enough revenue being generated to cover these costs. Would a licensed vintage wedding car then only be able to be driven by a licensed driver when at shows and on private use? Potentially absurd!!
• None of the specialist wedding cars that we are dealing with are ‘dual purpose’. They are used solely for weddings and private use as collectors’ cars. The potential for recovering these extra costs is nil as we are not covered under our wedding car insurance policies. The extra cost to insure for ‘hire and reward’, (i.e. for school proms, evening trips, etc., is about £1,500 per car!)
   It is a VERY limited and seasonal trade anyway that is simply not financially viable.
• The proposals are supposed to reduce red tape - this would actually cause a disproportionately extra amount of work and cost.
• Why license an industry that causes no problems? Cars are booked up to 2 years in advance and the clients mostly meet us personally at our premises.
• Most of our cars carry out about 30 to 40 weddings per year whereas taxis can do that amount of trips in a day! We do not travel around the country, only working within 30 miles of our base.
• 90% of our work is carried out between April and October.
• Many companies around the country only do weddings to cover their costs as a hobby. These proposals would drastically reduce values in the classic car market.
• Similar proposals in Northern Ireland were recently quashed due to similar overwhelming opposition.
• The proposals would effectively stop a Bridal couple’s democratic right to choose a vehicle of their choice on their
special day.

- An age limit on the licensing requirement for specialist wedding cars will not cover the broad range of specialist wedding vehicles currently being offered. Many vehicles are ‘replica’ vintage wedding cars based on modern mechanics that may be registered as a 1990 or later vehicle. Ironically, many of these vehicles are based on restored 1990s LTI Fairway ‘black cab’ chassis. The cost of these vehicles is similarly high, (ours are totally restored and cost us in excess of £35,000 each).
- If all these cars were suddenly deemed to be unusable for wedding hire, the market values would disappear overnight together with their owners’ investment. Would the government be paying compensation to their owners as happened when the gun laws were revised some years ago?
- A knock on effect would also be to the flourishing classic car services industry in this country, employing many hundreds of people who supply parts and services to our companies.

The purpose of the Law Commission’s consultation document is deemed to be: ‘To review the law relating to the regulation of taxis and private hire vehicles, with a view to its modernization and simplification, having due regard to the potential advantages of deregulation in reducing the burdens on business and increasing economic efficiency.’

I believe the proposals seek to standardize the regulations nationwide, enabling ‘cross border’ operation and equality around the country between different operators.

Our cars don’t even travel outside Essex and most wedding car companies only operate within about a 30 mile radius due to the nature of their vehicles.

It can be seen that the proposals would have the direct opposite effect on the specialist wedding car industry to the effect that it would finish it off completely.

Our professional body’s website www.nawcp.co.uk itemizes many more of the objections that have been raised from companies and individuals around the country. Within this website you will see an article that I have written regarding the effect on classic car values.

May I also point you to the support received from Greg Knight MP, chairman of the All Party Parliamentary Historic Vehicles Group –
http://nawcp.co.uk/wp-content/uploads/2012/08/Greg-Knight-PR.pdf

We also have the backing of many MPs around the country in whose constituencies most have several wedding car companies that would be affected.

I urge you to recommend retaining the exemption for wedding and funeral cars to enable our industry to continue providing a service that is in demand by the public and has to date caused no requirement for licensing either on the grounds of safety or regulation.

Tim Fleming,
Aristocars,
‘Brooklands’,

Regards,
Tim Fleming
Re: Law Commission Consultation document for Taxi and Private Hire Services, specifically the proposed removal of the exemption for licensing all wedding and funeral cars.

We operate a vintage wedding car hire business in Billericay, Essex known as Aristocars, www.aristocars.co.uk

I am writing to you to submit my concerns and objections to the potential proposal to operate a licensing system for wedding cars in the UK, currently exempt from licensing requirements.

We understand that the reasoning behind this consultation document is to standardise the legislation across the country that varies from area to area in relation to taxi and private hire vehicles, thus enabling taxi and private hire vehicles to ply for trade in different areas whilst operating under standardised national regulations.

We are a full time business currently offering part time employment to over 20 mainly semi retired enthusiasts and full time employment to myself and my wife. We have traded successfully for over 20 years now and now run 15 vehicles including vintage Rolls-Royces and Daimlers together with modern replica cars; in total we have an investment of about half a million pounds in our vehicles and stock.

The proposals would mean that all our drivers would not want to be licensed, (the cost is prohibitive), and the business would collapse along with hundreds of others around the country. I will briefly itemise our reasoning and objections below:

- Proposed licensing of drivers would not be economic. A driver may only work 10 – 20 weddings a year – it would not be worth him paying to be licensed and the cost would not be recoverable.
- The consequent inability to economically license the ‘right’ sort of driver would drive us out of business. We cannot use just any old taxi driver – wedding car drivers that are ‘sympathetic’ to older and replica wedding cars are a unique breed that add to the enjoyment of a Bride’s day.
- Proposed licensing of cars is similarly cost prohibitive as there is simply not enough revenue being generated to cover these costs. Would a licensed vintage wedding car then only be able to be driven by a licensed driver when at shows and on private use? Potentially absurd!!
- None of the specialist wedding cars that we are dealing with are ‘dual purpose’. They are used solely for weddings and private use as collectors’ cars. The potential for recovering these extra costs is nil as we are not covered under our wedding car insurance policies. The extra cost to insure for ‘hire and reward’, (i.e. for school proms, evening trips, etc., is about £1,500 per car!) It is a VERY limited and seasonal trade anyway that is simply not financially viable.
- The proposals are supposed to reduce red tape - this would actually cause a disproportionately extra amount of work and cost.
- Why license an industry that causes no problems? Cars are booked up to 2 years in advance and the clients mostly meet us personally at our premises.
- Most of our cars carry out about 30 to 40 weddings per year whereas taxis can do that amount of trips in a day! We do not travel around the country, only working within 30 miles of our base.
- 90% of our work is carried out between April and October.
- Many companies around the country only do weddings to cover their costs as a hobby. These proposals would drastically reduce values in the classic car market.
- Similar proposals in Northern Ireland were recently quashed due to similar overwhelming opposition.
- The proposals would effectively stop a Bridal couple’s democratic right to choose a vehicle of their choice on their special day.
• An age limit on the licensing requirement for specialist wedding cars will not cover the broad range of specialist wedding vehicles currently being offered. Many vehicles are ‘replica’ vintage wedding cars based on modern mechanics that may be registered as a 1990 or later vehicle. Ironically, many of these vehicles are based on restored 1990s LTI Fairway ‘black cab’ chassis. The cost of these vehicles is similarly high, (ours are totally restored and cost us in excess of £35,000 each).
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---

Tim Fleming,  
Aristocars,  
‘Brooklands’,  
http://www.nawcp.co.uk
Numerical control

It is said that about 30% of authorities have numerical restriction. There is a choice based on evidence.

It must be shown that the restriction can be justified.

This is a knowledge based decision.

An empirical survey is undertaken; statistics gathered are published to allow criticism and objective challenge.

In 2004 the Transport Select Committee concluded the OFT report lacked evidence the 2007 paper referred to contains assumptions and is similarly open to criticism, as being insufficiently empirical,

No evidence is put forward in support of the proposal to remove the choice available to licensors.

It has been made clear that the DFT clings to the OFT report. Why a government department is able to ignore empirical criticism is not clear. It is a sponsoring department & it has been explained that strong arguments to the contrary are needed, but that in face of such the Commission would assert its independence of prior policy commitments.

Surveys are criticised in the report as not being sufficient or robust but, again, no empirical evidence is put forward.

As elsewhere in the report arguments are advanced which (as one would expect) are clever; but which do not mask the lack of actual knowledge (by which is not meant ‘belief’).

Experience in other jurisdictions in different situations is quoted. However, here we have had to justify control since 1985. In cases where re-restriction has occurred the local regulatory authorities (e.g. police) support the decision.

It was stated by Commission staff that numerical control should not be justified by the economic situation of drivers and that trade protection to support participants was never suitable.

On July 6th Mathew Hancock MP (in a parliamentary debate) quoted Alan Greenspan [former chairman of the US ‘Federal Reserve’] as admitting he made a mistake “in presuming that the self-interests of organizations,
specifically banks....were such that they were...capable of protecting their own shareholders...." Clearly then financial regulators are conscious of the need to consider the health of the commercial entity, not just account holders.

On 17th July William Waldegrave (now Lord Waldegrave) wrote in the Times that intervention in local markets was a proper policy of which he approved, - free enterprise can sell cars; but the state protects where necessary, he wrote.

During the consultation period the Higgs Boson has been identified scientifically, not only as a theoretical concept. On a politics programme shown on BBC1 discussing this the physicist Prof Brian Cox stated that two thirds of the UK economy is knowledge based but that much less money had been spent by government on science in the last two centuries than on supporting financial institutions in the recent past yet we are dependant on the advance of such knowledge. There was no dissent.

Local authority licensor have been free to choose since 1985, the choice is based on knowledge; the cost of the acquisition of this knowledge is borne by the licensees who acquiesce in the use of their licence fees.

Licence fees are ring fenced, although some authorities ignore this requirement. ¹

It can be seen therefore that the situation is not as exemplified in other jurisdictions where there has been no choice available. It was in 1985 that the need to choose was enacted. If the vehicle licence was previously ‘property’ this was changed by legislation at that time.

There was a conference or seminar at Napier University, which was attended by the commission on July 26th.¹

People from Eire attended; it was stated that the industry there was being re-regulated. What shape that may take is not quite clear. De-regulation in the sense formulated in the paper has however, proved unsatisfactory.

The trade in Northern Island was also subject to discussion, it is being re-organised, the problems presented are different as might be expected. However, income levels are ’ in the mix in that’ jurisdiction.

Speakers told us of the satisfactory working of numerical control in other jurisdictions.

Dr Ray Mundy from the USA showed how jurisdictions in USA were re – restricting, removal of control having proved unsatisfactory. In the US vehicle licenses are ‘property’ and have to be paid for in a’ de-regulatory’ framework.

¹ Manchester v King - herewith
This conference brought together the latest knowledge available in many fields relevant to taxi /phv activity.

It is clear that a doctrinaire approach to the abolition of numerical control is wrong, or has been superseded.

As the Commission was present, further detail need not be set out, there is clearly a clear divergence of opinion from the arguments advanced in the report. The conference was presented with examples based on evidence.

The local transport plan produced by Merseytravel shows that the average occupancy of a bus is 10, Merseytravel confirm directly that the average occupancy of a socially necessary (subsided) bus is 5.5.

For the most part taxi / PHV fares compete! The Commission came to Bootle Town Hall for a meeting with the trade & council. The taxi fare from the town hall to Lime Street station is £6-60, with the meter on ‘distance’ only.

The bus fare is £2 each, even with two people in a taxi the extra £2.60 in cost is offset by not having to walk to the bus and undertake a (comparatively) lengthy journey; if there are 3 – people there is no comparison.

The major PHV competitor would charge £4.60, and would carry four people.

The failure that needs addressing is the transport policy and its (lack of?) inclusivity.

No consideration is given at all to transport outside the taxi / PHV industries.

The local ITA (Merseytravel) receives a £20 million subsidy (being cut by about 20%), to spend on the BUS & rail industry, the money is not given to travelers to decide on which mode of transport (or which provider) to use.

The money may assist the traveling public; it actually supports the travel industry, but not taxis!

There is a marked reluctance to adopt the “taxi bus” provisions, which people do operate in the unsubsidised field.

It is reasonable to expect that the availability of vehicles available for hire with a driver at low prices affects other forms of transport?

Considerations of e.g. pollution and road space are being considered by others and PHV operators.

The licensor:

A horrible mix of national and local licensors and conditions is posited.
A PHV driver (included in the definition of taxi drivers according to our authority – apart from controls on door signs) is proposed as being licensed in (say) Ystradgynlais and being also able to work in Carlisle, or Liverpool.

Liverpool has recently been referred to as a tourist center. Hotels and the like often engage vehicles for customers, often PHVs. The chap from Ystradgynlais does not know where the Tate gallery is, no postcode is available and the hotel forecourt is busy ……. 

It transpires that cartographers include small errors in order to check copyright infringements A practice adopted by Sat Nav people. Why is it thought quicker to instruct a Sat Nav than look at a map. The Sat Nav is not supposed to be in line of sight anyway, voice instruction by these devices is not accurate.

A mental schematic of the area of operation is essential.

A driver at the main train station asking where the waterfront was is not apocryphal. Both places have to be accessible from his ‘base’ in a nearby borough!

A customer asking a taxi local to Merseyside to collect him in Blackpool does not expect detailed knowledge of Blackpool; not to have such on a day-to-day basis in his own area is not a practical idea but only a regulator's aberration?

Locations proximate but outside a controlled border should be easily acquired. Mr. Casey in Carlisle will easily be able to find Gretna Green, even if he is a recent resident.

Integrated Transport Authorities are regional authorities, and cover the whole country. Transport is not defined or limited by local political boundaries.

If there are to be powers to amalgamate, zone & de-zone then there must be a trigger, and a decision-making mechanism. If the ITA is the licensing authority then it can keep, zone, or alter areas on an authorised, rational, basis.

In that event the free for all between buses / PV / taxis must be considered.

Is it right in context, to have such cheap facilities to hire a single vehicle and driver?

Control and enforcement is then facilitated by the ITA, the perceived burden falling outside a licensors area will no longer cause difficulty.

Bus quality partnerships are statutory; some ITAs adopt a Taxi Quality partnership as an extra statutory provision. Merseytravel operate one, which is ignored by PHVs.
Merseytravel is also in the course of undertaking a study of taxi / PHV use on which to base policy and which is the type of study that should be undertaken before a review such as this is undertaken.

**Proposed Definition of taxis / PHVs**

The proposed definition is that of PHVs in the 1976 Act, s 80:

“A vehicle provided with a driver for the carriage of passengers”; there are many occasions when goods are carried with no passenger: newspapers for a hotel in the early hours, shopping for the housebound or blood for the NHS.

This is be outside the definition of a PHV’s licence at present.

A taxi is a carriage of any kind or description adapted to the carriage of persons (s 37 of the 1847 Act.

If a PHV can, in fact, carry goods it is probable that its insurance must expressly so specify.

The definition of both taxis should permit carriage of goods.

If the licensor is the ITA then worries that crystals are gazed to ‘future proof’ may be alleviated. Transport Acts are reasonably frequent – as transport requirements actually change. Any New Act may be the Transport Act (Taxis & PHVs) 2021…

**The ability of a taxi to work - ranks**

Taxis are said to be a staple part of the transport system (but not considered together with such system as suggested above).

Engagement is by telephone, or computer, by rank, by hail. The report acknowledges that there is almost no functional difference.

It is proposed that there should be an arbitrary increase in the number of taxis, in a recession. It is suggested that this will increase employment. It is not shown how an increase in numbers will more than make up the dilution of earning.

It is accepted that, marginally, extra numbers demonstrate availability, which will itself sell the service. A temporary phenomena given the nature of the total market.

On May 22nd an email was received as follows:

Ranks or stands were something we gave a great deal of thought to in preparing the consultation paper, but ultimately we felt that they should not be included. This is
because there is very little different law reform could make - the current problems stem from issues concerning resource allocation, communication between different agencies and competition for road space. The Law Commission has been tasked with proposing a new legal framework, rather than looking at the specific content of this framework, and it would not be for us to dictate how local authorities should use their powers and resources. We appreciate that this is a significant issue, and that our response is no doubt disappointing to you, but unfortunately it is not one which we felt it would be appropriate for us to tackle.

I hope this answers your question.

There is not really a great deal to add except to thank the Commission for being straightforward, failure to tackle this problem is a fundamental flaw in the report – if it is to change anything this problem needs resolution under existing legislation.

Many more taxis & nowhere to work, surely not a credible position to adopt

At least with a BPC completed & nowhere to go there is a marketable skill!

No doubt it will be appreciated that this only supports the view that the report is (kindly) “not up to the job”.

Is it policy that apprenticeships are offered and people trained KNOWING there will be nowhere to work?

Possibly there will be openings for traffic wardens instead?

A policy that does not provide a framework for rank provision fails totally.

Presently ranks may be appointed, s 63 of the 1976 Act. This should be amended to read:

“Shall be appointed where reasonably required, having regard to the use of a locality, and maybe appointed for certain periods of the day only, commensurate with commercial usage and activity.”

This amendment is needed now. A proviso should be added?:

“No further taxi licences shall be granted without a proportionate increase in taxi ranks and rank spaces”.

Clearly congestion, already a problem, will otherwise become a matter of bad administration.

Only taxis can rank up:
The County of Merseyside Act\(^2\) At s S110 (5) provides that “for the purpose of S 53 of the 1847 Act “street” shall include any air or sea terminus, any car park, any hotel forecourt and any unenclosed land within 6 metres of a street” – with a saving against a hackney “standing for hire” in a local authority metered spot!

This provision of S 110 (5) the County of Merseyside Act 1980 should be adopted universally, to avoid PHVs forming ranks as public hire vehicles.

*Ranks should be provided at all travel interchanges, rail, bus, coach, port, and air, for all local hackneys, if there are no hackneys or too few in the area of the facility then licensing authorities should be required to stipulate / cooperate and decide which authorities’ vehicles should be licensed for that facility; this problem occurs primarily at provincial airports.*

There should be no toll or charge, for any rank. Any existing contractual monopoly should cease at the expiration of the current period.

It is glib to say that this interferes with “private” property rights: travel facilities are just that, they must integrate. Car parks at e.g. pubs & shopping centres are facilities for parking to facilitate trade at that spot.

The purport of the planning permission is thwarted if travel facilities are not available at such locations.

This is similarly the case with supermarkets.

The report agrees that use of an electronic / telephone device at such spots is functionally the same as hailing. The provision of a dedicated telephone should be regarded as servicing a taxi rank & should not be a PHV contract.

**Disability – the Equality Act**

The Equality Act provides at s 165 that there are duties on a driver of a designated taxi, one is designated if the authority has a list under s167, most have (Sefton has not). The duty includes one to provide mobility assistance (it does not define this). There is also a duty not to (unreasonably) refuse carriage by reason of the 1847 Act.

S 165 also reads “a driver is not required to carry a person in circumstances in which it would otherwise be lawful for the driver to refuse to carry a person”.

It is also a defence if “it would not have been possible for the wheelchair to be carried safely”

\(^2\) Herewith
It must be remembered WAVs developed because the taxi market became ‘defined’ by the London cab, which has a separate driver compartment enabling a modification to load wheelchairs.

The report agrees that this is an expense that does not fall on PHVs. Yet it continues with such obligation while diluting available work.

It follows that if there is less work more authorities will be forced to allow saloon vehicles and that there will be a decreasing number of WAVs available.

A wheelchair can be loaded if it is such that it can be turned round, this may well be a matter of judgment for a driver, see the report prepared for Edinburgh drivers\(^3\).

A telephone call with a prosecutor who obtained a conviction because a wheelchair was not actually fastened elicited the information that he did not know if the wheelchair could have been secured. Neither was it known what the passenger’s wishes were - there a number of reasons why not which are not sheer bravado.

The DfT do not know which wheelchairs can be secured; surprisingly few is the answer – no electric wheelchair can be as far as experience suggest.

The generic “vehicle and driver for hire” market may be out of kilter if one section is burdened with extra costs, which are not being met, the number of journeys where a WAV is required is small, this facility, alone, does not cover the cost.

The separate driver compartment provides a secure working environment.

**Training**

Training is referred to in relation to disabilities and re-training in respect of any new regulation.

There is presently no mechanism for re-training or continued training in spite of the adequacy of existing licence fees (however, Liverpool City have problems paying for failed litigation when the expense was allowed to get out of control).

Training is under the auspices of a “sector skills council” operating as a limited liability company.

On acquiring the VRQ locally it became evident that there were errors therein.

\(^3\) Herewith
These were accepted as such by the local authority. One such error resulted in local liaison with the CPS to endorse a notice in licensed vehicles as follows:

By entering this vehicle you are representing that you have the means to pay for the journey.
If you do not have the means to pay you can be arrested for a criminal offence [Fraud Act 2006]

A complaint was made to the sector skills council, DfT and the awarding body, EDEXCEL, about various errors.

The sector skills council have not replied (complaint made 3 years ago).

The DfT acknowledged.

Edexcel replied 4 – 5 months down the line to say they did not have the expertise to deal with the matter [really!]

They should not be awarding the certificate. Does this need saying even?

The sector skills council are obviously in a worse position.

The report speaks of re-training, not until competency is checked at a higher level than hitherto!

**Identifiers:**

**Signs:**

In Sefton a taxi does not have to be London Cab.

There are TX vehicles, Peugeots, Mercedes etc..

Except for 3 all those in Bootle / Crosby/ Waterloo/ Aintree have separate driver compartments.

In Southport (the north end of the borough) historically all were saloons, as are PHVs, there is now a mix; there are also radio circuits with both taxis & PHVs.

There is confusion in the south, the public all know that a saloon is a PHV and scratch heads when presented with a saloon taxi. In the north, if there is confusion it is that a saloon (irrespective of licence type) is cheaper than the purpose built vehicle.

The council recently decided that saloon taxis should have yellow top signs, that is there will be conformity with the purpose built vehicle as to signage.
Vehicle type alone is no longer sufficient to cope with the legislative provision that a PHV that may be confused with a taxi should not be licensed, otherwise the Peugeot vehicle could be one but not the other – similarly with the Mercedes.

This type of illumination is commended.

**Nomenclature:**

The County of Merseyside Act s111 prohibits the use of the word ‘taxi’ or ‘cab’ on the vehicle signage itself.

In all other advertising use of either word is permitted by the local authority.

The training provided (VRQ / NVQ) teaches that a taxi is a public hire vehicle.

The various statutes mentioning taxis define them as being a hackney carriage and a PHV as a vehicle defined by section 80 of the 1976 Act.

The taxi & PHV division of the local authority is administered by the Trading Standards manager, who advises that there court decisions in the trading standards field that say a PHV is a taxi, presumably a first instance decision.

There is a local impasse therefore.

PHVs also advertise outside the borough as taxis.

The word taxi is an abbreviation of taximeter; PHVs should therefore have taximeters on display.

Locally PHVs use electronic dispatch systems; one firm states these as being accurate enough to record an actual journey, which therefore requires no other identifier, or record.

These dispatch systems have a button to press to calculate the journey cost.

They should be on display, not simply tucked away so that they have to be searched for by the cognoscenti.

Use of the word “taxi” needs to be resolved.

**Enforcement**

There have been suggestions that enforcement is not something the licence fee can pay for. Locally authorities do not adhere to this suggestion by a district auditor.
There are matters of licensing, signage carrying a fire extinguisher (the Fire Authority advise against the use of extinguishers saying a driver should await a fire engine, yet there remains a requirement to carry on …)

Then there are matters dealing with the vehicle itself:

A breach of mechanical fitness, for example, will be as much a matter of general law it is when applying to a private motorcar, it is a licensing requirement that a vehicle is fit. Enforcement officers however, can check no more than e.g. tyres. They have no other training, should not stop vehicles or remove them.

In Sefton during 2010–2011 78% of taxi inspections by the enforcement team were fault free. There were 352 inspections from a fleet of 271

74% of PHVs were fault free. There were 1662 inspections out of a fleet of about 2700 vehicles.

The enforcement unit commented that the paucity of prosecutions against drivers licenced by the borough was a result of the pro-active enforcement policy.

The unit is happy with its performance and with licensees. Why it would like other powers is interesting.

There is no requirement to have more than one annual test until a vehicle reaches a set age. Legislation permit 3 such tests. The grant of more (arbitrarily used) powers is therefore unacceptable.

Is there evidence suggesting such a power is of any use?

Test purchase operations to counter illegal plying for hire (mostly in Southport) are bearing fruit an increasingly small number are resulting in prosecution.

The current enforcement problem lies with the number of Liverpool licenced hackney vehicles plying for hire in Sefton!!

Sefton has a policy of operating in accord with the Hampton & McRory reports as well as the Regulator’s Compliance Code4. The principles set out in these documents do not receive even a mention in the report.

The thought of an enforcement officer towing away a car is mind boggling, if any licenced vehicle is poor enough to have a plate removed fine, if it cannot be driven fine, towing with no prosecution, no police involvement - no, totally out of proportion.

The Regulator’s code, Hampton. Mcrory?

4 Herewith, cf the CPS code also herewith
There would have to be total failure by the licensing authority for such actions to be contemplated. If there are failing authorities where this is contemplated they should be stripped of their licensing function, which should be given to a nearby authority forthwith.

The report writes of penalties for not wearing a badge. Such may be displayed, not worn. In some areas there are 2 one for display & one to be worn. However, if someone started examining ones chest one would treat this as an assault, how does one know someone wants to look at a badge?

If a driver has left a badge at home go & get it? Why any further penalty, an officer has plenty of other checks on identity available.

Another abject failure if action is taken on this ground.

This is a purely licensing matter; there is no indication that failure to wear a badge would mean the driver would refuse to identify himself.

There are many identifiers available from the vehicle registration / licensing details.

There are ample occasions where enforcement officers & police work together, there are few occasions where the police take more interest in taxis / PHVs than other vehicles bearing in mind the extra distances covered.

Sorry to harp on about the point but where & what evidence is there.

Drivers are already checked ad nauseam.

It is possibly true that drivers are financially squeezed and that some repairs are done when they have to be not because they may be needed next week; increasing numbers further may exacerbate this trend? Is that a reasonable proposition? Are fares too low, are there too many taxis / PHVs?

There are problems outside the borough:

A local driver took a personal booking. In pouring rain he parked in Liverpool centre, his passengers got in. After they got in a chap nearby approached and identified himself as an enforcement officer; he was happy the booking was legitimate but told the driver off for having a front wheel on a cab rank.

A couple of weeks later the same driver was approached by the same officer, who, again, was happy the booking was legitimate. The driver was using the same cab. The officer then said the no smoking signs were not of the statutory type, proceeded to say he would be reported for that matter. He then proceeded to go through the cab, finding various minor points to criticise. This inspection should have taken place when the cab was empty, if at all.
Clearly these inspections are to protect the economic interest of other fleets and do not follow the compliance code.

Inside the borough checks are made of empty vehicles.

Test purchases catch PHVs plying for hire and Liverpool taxis plying for hire.

In a separate case a driver was inveigled into taking a fare at a hospital. Liverpool City licensing refused to look at a hospital CCTV record in contravention of the Criminal Procedure & Investigations code of practice.

In the Borough these matters are dealt with properly & in accord with the relevant codes and protocols although not all departments act in accord with their brief. “Parking Services” seem to not read the Traffic Penalty Tribunal reports!

Giving officers power to issue a fixed penalty would be a retrograde step and is not acceptable.

It is recognised that a fixed penalty is a fashionable way to proceed. If these powers were to be adopted then the regulatory procedure set out in part 3 of the Regulatory Reform and Sanctions Act must be utilised to give some safeguards.

The other benefit of utilising that Act is that the procedures & guidelines therein may protect against court costs. There is consultation required and, for example, a penalty may be appealed internally to the regulator on the grounds shown in s 40(6), including that the decision was unreasonable.

**Cross border matters**

There is a hue & cry over PHVs being able to operate outside a licensed area.

More to the point is the lack of PHV numerical control.

Locally Liverpool taxis ignore the border.

This is an economic problem, which the paper steadfastly refuses to consider.

A proper investigation of the whole market including the economic situation of the trade in relation to the whole transport system is overdue.

It is sad that when a taxi is detected picking up outside its area a charge is laid for a ‘no insurance’ offence. Unfortunately without such a charge the cross border problem may become endemic.

The cure is to deal with the underlying economic problems.
There is a policy costing several thousand pounds, the provisions of s 148 (2) of the RTA 1988 protect a person with mechanical defects but not crossing an arbitrary political line.

Sefton has only one case on record of a driver having no policy at all & that did not arise because of a ‘cross border, contravention.

**PHV regulation**

A PHV and a taxi undertaking pre-booked contracts can work anywhere.

The proposal that a PHV driver does not need a topographical test is greeted with incredulity; PHV drivers in the, main have no idea that this is proposed.

At a recent trade meeting in Sefton it was suggested that PHV drivers should participate. The local operators agreed that if drivers appeared then yes; but no they should not be specifically consulted.

There is no PHV driver consultation mechanism that is active; the local union has a PHV section that is almost moribund.

It is simply not accepted that a PHV (advertised by operators as taxi driver!) driver does not need local knowledge.

Why should the same not apply to a taxi driver; both collect people who are not local, both can read a map & operate GPS.

Taxi drivers deliver outside their immediate area (& have pre-booked work there); in Sefton the licensing area exists following a political decision in 1972.

The proper answer is that authorities should discuss together the local demographics, with the ITA and test accordingly.

In spite of being able to work anywhere drivers are based in the general area with which they have topographical knowledge. To drive a vehicle licensed elsewhere confuses regulation.

There is no reason why a tested car should not seek a licence elsewhere for the period remaining on the test. Subject to signage only?

Operating licences were required when it was known that some were acting outside the law, and some employed drivers with incomplete insurance, poor vehicles etc.

The licensing criteria should concentrate more on money laundering, criminal association & so on.

Why an owner (not driver) and operator should need an enhanced CRB is not understood.
The existing proposal would lead to a proliferation of licensees scattered over the country, some with duplicate licence numbers maybe…. A hotchpotch.

**Taxi operators:**

Historically taxi operators did not cause the same problems, whether licensed or not the recording regulations should be on a level playing field?

A taxi should register with an operator if it is not being used simply by its driver; to carry out a journey on his own behalf.

The problem arising in the “Berwick” scenario does not then arise.

**References to “Ministers”**

The provisional proposals refer to ministers making regulation, with or without consultation.

The trade would like to have all proposals put before it for consultation, it is NOT acceptable to work in a donative environment, where ministers are gifted further power

Subordinate legislation is not satisfactory; it is convenient for a regulator.

Here is a test of the modern approach to regulation & regulatory reform; do not use any such legislative procedures.

If an ITA considers regulation necessary it can consult at a local level.

The CRB check is more than sufficient.

There is no EVIDENCE in the proposal that suggests the construction & use regulation or Road Traffic Acts are insufficient.

**Monopolies**

The paper makes reference to monopoly situations.

If a person hails a cab, they have the option to telephone another taxi or PHV.

They have the option to wait for the next cab.

A cab at the front of a rank – a person can wait for that cab to move and engage conversation with the driver behind. The same person can phone a PHV or taxi from the next corner.
You do not bargain with a bus driver, you can wait for the next bus, if you wish.

The taxi fare is set as reasonable; the democratic process is involved & responsive; locally we have proposed & objected to fare alterations. The process works!

A PHV has a table of fares.

If you telephone a taxi or PHV firm locally they will agree a rate – if an appropriate one can be found! A taxi firm is constrained not to quote (inadvertently) above the metered fare.

A taxi driver will negotiate where appropriate, a chap in a pin stripe at Euston going to the High Court in the Strand will have little traction!

To say an individual driver is inflexible is just not true; although if you have a few happy hours in a pub you should be able to pay to get home.

The jargon used is entertaining, the particular application to these particular every day situations is not very sophisticated or sensitive?

London

At the conference at Napier University it was said that the London knowledge test took 11 months in the 1960s & 4 years now, but was much the same. The examiners are badly organised.

London PHVs were licensed in 1998 when large numbers of drivers had set up business with no knowledge, a failure of the regime.

There is no reason why knowledge should not be tested now.

As a region there is a very sensible ability to have one vehicle licence with badges indicating an expanding knowledge base. This can be extended to the provinces if ITAs are involved?

Sheer numbers in London may result in different enforcement problems.

Most of the regulatory regime could be the same.

Legal Process:

Above Crown Court level (say) the cheaper alternative is the Tribunal Service.
It is not sensible to overload the higher court with parochial taxi & PHV disputes. Yes a judicial review is the same whichever route is taken, it remains a review. The Tribunal process helps accessibility & costs.

The use of counsel in the magistrates’ court on a summary prosecution should not be charged to a defendant.

**Fees**

These are not covered in the report.

They should be for the purpose of administering the licensing scheme and ring fenced

If the ITAs are involved then the cost of enforcement will be shared across areas of economic activity by both trades.

A response to each numbered proposition is attached

**Impact Assessment:**

The assessment is not comprehensive - the data is not stated as not being very accurate.

Table 7 is interesting:

Presumably the column for taxis includes both trades.

Google the number of cars on the road, the Society of Motor Manufactures says there are 31 million.

5.82% of taxi / PHV vehicles are involved in accidents, and only 1.88% of cars.

This is a terrible indictment of both trades and surely demonstrates the need for proper empirical research into the industry

It is probable that the following matters are relevant:

- low fares relative to the amount of work involved
- the need to get these low priced jobs done quickly
- hours worked
The consultation exercise;

The staff at the Commission have been a pleasure to work with, in spite of disagreements over the report’s content.

We reiterate that a review of the industry should start again. Different research is needed. However, in order not to waste the expertise gained the Commission should be asked to work alongside some statistical researchers?
THE NUMBERED RESPONSE BELOW ARE – WHERE RELEVANT CONSIDERED IN SEPARATE TEXT

Provisional proposal 1 - Regulation should continue to distinguish between taxis, which can accept pre-booked fares, be hailed on the street and wait at ranks, and private hire vehicles, which can only accept pre-booked fares

- Agreed – The two tier system should be retained

REFORM OF DEFINITIONS AND SCOPE

Provisional proposal 2 - London should be included, with appropriate modifications, within the scope of reform.

- Agreed where possible

Provisional proposal 3 - The regulation of taxi and private hire vehicles should not be restricted to any particular type of vehicle but should rather focus on road transport services provided for hire with the services of a driver.

- Agreed – however it should be noted vehicles currently also carry goods as well and this needs to continue.

The Law Commission need to consider the definitions in Section 37 of the 1847 Act and Section 80 of the 1976 Act.

(See also questions 8 & 23)

Question 4 - Would there be (and if so what) advantages to restricting licensing to motor vehicles that require a driving licence?

- No – however licensing should cover all vehicles available for hire with a driver e.g. Pedicabs Horse Omnibus – terrestrial vehicles

Provisional proposal 5 - Public service vehicles should be expressly excluded from the definition of taxi and private hire vehicles; and taxi and private hire vehicles should only cover vehicles adapted to seat eight or fewer passengers.

- Agreed – carriage of more passenger is contrary to EU provisions

Provisional proposal 6 - References to stage coaches charging separate fares should no-longer feature as an exclusion from the definition of taxis?

- Agreed

Provisional proposal 7 - The Secretary of State should consider issuing statutory guidance to the Senior Traffic Commissioner about the licensing of limousines and other novelty vehicles to assist consistency.
• **Agreed – but licensing of the vehicles should be mandatory**

Provisional proposal 8 - The concept of “in the course of a business of carrying passengers” should be used to limit the scope of taxi and private hire licensing so as to exclude genuine volunteers as well as activities where transport is ancillary to the overall service

• It is agreed genuine volunteers should be excluded however the concept of “in the course of a business of carrying passengers” needs to cover those who might exploit such a system by charging ‘expenses’; does the proposed definition allow the carrying of goods without passengers? (e.g. packages collected from Blood Transfusion services at agreed rates and shopping for the housebound are common daily activities locally.

**Question 9 - How, if at all, should the regulation of taxis and private hire deal with:**

(a) Carpooling; and (b) Members clubs?

• a) Carpooling should be exempt & b) Members Clubs should be licensed – the concept of “in the course of a business of carrying passengers” needs to be clearly defined.

Provisional proposal 10 - The power of the Secretary of State and Welsh Ministers to set national standards should be flexible enough to allow them to make exclusions from the taxi and private hire licensing regimes.

*No exemptions should be in primary legislation*

Provisional proposal 11 - Weddings and funerals should no-longer be expressly excluded from private hire licensing through primary legislation.

• **Agreed**

**Question 12 - Would there be merits in reintroducing the contract exemption, by means of the Secretary of State and Welsh Ministers’ exercise of the power to set national standards? If so, what modifications could be made to help avoid abuse?**

• **No**

Provisional proposal 13 - Regulation of the ways taxis and private hire vehicles can engage with the public should not be limited to “streets”.

• Regulation should not be limited to streets. We suggest that the new definition should be “within the district”; regardless of where a vehicle is licensed. This definition should include any air or sea terminus, and approaches thereto, any car park, any hotel forecourt and any unenclosed land within 10 metres of a street.

*Without affecting a taxi drivers ability to accept a pre-booking.*
Question 14 Is there a case for making special provision in respect of taxi and private hire regulation at airports? In particular, where concessionary agreements are in place should airports be obliged to allow a shuttle service for passengers who have pre-booked with other providers, or to the closest taxi rank?

- The regulations for Airports, Railway Stations and Seaports should mirror those nationally and be regarded as public places. These facilities should however, as monopolies, be obliged to provide easy access and pick up points for pre-booked hackney carriage vehicles / pre-booked private hire vehicles; those places must no be on display and vehicles must not wait there for a booking not given to them before entering the facility.
- There must be good access to ranks where local hackney carriages stand for hire.

Provisional proposal 15 - The defining feature of taxis, the concept of “plying for hire”, should be placed on a statutory footing and include:

(a) References to ranking and hailing;
(b) A non-exhaustive list of factors indicating plying for hire; and
(c) Appropriate accommodation of the legitimate activities of private hire vehicles.

- Agreed; the failure to include these proposals for consultation is one of the reasons for expressing the view that the report under consultation is a failure. The appropriate activities of a PHV are to accept bookings made through an operator; any wording negating that concept is quite unacceptable.

Provisional proposal 16 - The concepts of hailing and ranking should not cover technological means of engaging taxi services.

- Agreed

Question 17 - Would there be advantages to adopting the Scottish approach to defining taxis in respect of “arrangements made in a public place” instead of “plying for hire”?

- Agreed but link to provisional proposal 15 (above). The criticism remains

Provisional proposal 18 - The concept of compellability, which applies exclusively to taxis, should be retained.

- Agreed; the statutory defence of reasonableness must remain and must be an assessment by the driver. This can be extended to PHVs quite legitimately?

Provisional proposal 19 - Pre-booking would continue to be the only way of engaging a private hire vehicle and cover all technological modes of engaging cars. This is without prejudice to the continued ability of taxis to be pre-booked.

- Agreed and it should be explicit that a private hire contract is made through a local operator. This proposal should prevail over proposal 16 above.

Provisional proposal 20 - Leisure and non-professional use of taxis and private hire vehicles should be permitted. There would however be a presumption that the vehicle is being used for professional purposes at any time unless the contrary can be proved.
Agreed – provided there is a requirement for driver to carry proper identification & insurance documents.

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.

- Agreed – but with the proviso that such changes are subject to consultation at both national and local level and such exclusions should be advisory and not mandatory and be determined locally. The legislation must bear the direction “have regard to”.

Provisional proposal 22 - Reformed legislation should refer to “taxis” and “private hire vehicles” respectively. References to “hackney carriages” should be abandoned.

- It is agreed a standard term is required, i.e.” taxis” or “hackney carriages”, not both however this needs to be considered with question 23.

Question 23 - Should private hire vehicles be able to use terms such as “taxi” or “cab” in advertising provided they are only used in combination with terms like “prebooked” and did not otherwise lead to customer confusion?

- The statutory reference all refer to taxis as licenced under the b1847 Act, or another which refers, in turn, thereto.

- The VRQ / NVQ qualifications teach that a taxi is a hackney carriage.

- No however, the term is currently often used in bona fide company names, see provisional proposal 22 (above). We would also draw your attention to decisions made by the Advertising Standards Authority in respect of complaints regarding alleged misuse of the term.

The dictionary definition of ‘taxi’ is a ‘vehicle provided for hire with the services of a driver. Both hackney carriage and private hire vehicles fit within that proposed definition, (see also questions 3 and 8). Confusion has been caused by inconsistency of application in legislation and over time. We refer to our answer to (22) above.

However the review should consequently consider the notion that a taxi should have a taxi meter.

A REFORMED REGULATORY FRAMEWORK

Provisional proposal 24 - Taxi and private hire services should each be subject to national safety requirements.

- Agreed – but this in so far as it relates to mechanical standards is the present case.
The construction & use regime is sufficient. There is EVIDENCE to the contrary.
There should be a mechanism for ensuring reasonable uniformity of application – but that appears to be the case IN ANY EVENT

Provisional proposal 25 - National safety standards, as applied to taxi services, should only be minimum standards.

There is no reason why the points in 24 above do not apply

Provisional proposal 26 - National safety standards, as applied to private hire services, should be mandatory standards.

As above

Provisional proposal 27 - Private hire services would not be subject to standards except those related to safety. Requirements such as topographical knowledge would no longer apply to private hire drivers.

Disagree – it should be noted that anecdotal evidence suggests that satellite navigation systems do not always take customers by the shortest route and require updating to ensure accuracy.
Given both taxi & PHV work rarely stays just within one locality the need for a topographic test that provides knowledge of the area actually worked is sensible. If the regulations permit work anywhere then the normal scope of the work must be catered for a taxi driver may well work across a border, he must know how to get from Aintree race course to the Tate gallery.

The case where a PHV driver from a contiguous authority does not know the route from a transport hub to a local point of interest need to be catered for.

Question 28 - Should local standard-setting for private hire services be specifically retained in respect of vehicle signage? Are there other areas where local standards for private hire vehicles are valuable?

No - National standards should apply.

Question 29 - What practical obstacles might there be to setting common national safety standards for both taxis and private hire vehicles?

We envisage no major obstacles involved in setting common national safety standards as this would allow vehicle manufacturers to produce vehicles to match said requirements. However standards should be subject to consultation at both national and local level; they should not however, exceed the normal construction & use regulations except in so far as they relate to a special vehicle.

Question 30 Should national conditions in respect of driver safety be different for taxi services compared with private hire services?

No – what is meant by the question; there are problems with CCTV. Such recordings are commonplace in e.g. shops. There should be NO central storage
which has a greater risk of misuse that a simple recording device that is recorded over every 8 hours – unless there is an incident.

- Recordings MUST be available AT ONCE to a driver whose insurers need immediate knowledge to handle claims.

Provisional proposal 31 - The powers of the Secretary of State and Welsh Ministers to set standards for taxis and private hire vehicles should only cover conditions relating to safety.

- No, standards should be subject to consultation at both national and local level.
- Giving a secretary of state power to vary standards is not acceptable, standards should be a matter for the licensor / licensee

Provisional proposal 32 - The powers of the Secretary of State and Welsh Ministers to set national safety standards should be subject to a statutory consultation requirement.

- Agreed, but with the proviso that such changes are subject to consultation at both national and local level and such exclusions should be advisory and not mandatory and be determined locally.

Question 33 - What would be the best approach for determining the content of national safety standards? In particular should the statutory requirement to consult / refer to a technical advisory panel?

- We agreed that there should be the statutory requirement to Consult with / refer to a technical advisory panel. This happens locally now. A technical panel for what? Vehicles are produced quite safely & tested with an adequate regime.

Provisional proposal 34 - Licensing authorities should retain the power to set standards locally for taxis provided above the minimum national standards.

No a level playing field with PHVs should be retained

Question 35 - Should there be statutory limits to licensing authorities’ ability to set local taxi standards?

- Agreed to aid consistency This should not be necessary.
- but with the proviso that such changes are subject to consultation at both national and local level.

Question 36 - Should licensing authorities retain the power to impose individual conditions on taxi and private hire drivers or operators?

- Yes in relation to taxi drivers private hire drivers and operators. All provide a vehicle for hire with the service of a driver?

Question 37 - Should the powers and duties of licensing authorities to cooperate be on a statutory footing or is it best left to local arrangements?

- Local arrangements with minimum requirements and guidance set down in legislation. Guidance not fettered by the “have regard to” requirement. Authorities must have nudge, how else can e.g. zones be discussed? The ITA’s should have a licensing function.
Provisional proposal 38 - Neighbouring licensing authorities should have the option of combining areas for the purposes of taxi standard setting.

- Agreed - This proposal would allow taxis and private hire vehicles to be administered by the respective strategic transport authority and integrated with bus and rail services. It would also facilitate conurbation wide ‘districts’.
- See also the response to 37 above

Provisional proposal 39 - Licensing authorities should have the option to create, or remove, taxi zones within their area.

- Yes but see also 37 & 38 above.

Question 40 - Would it be useful for licensing authorities to have the power to issue peak time licences which may only be used at certain times of day as prescribed by the licensing authority?

- No – this seems like numerical restriction by another name – would it be demand led & if so how would demand be measured. NO

Provisional proposal 41 - Private hire operators should no longer be restricted to accepting or inviting bookings only within a particular locality; nor to only using drivers or vehicles licensed by a particular licensing authority.

- PHVs should continue to have the three licence requirements. They accept bookings anywhere, at any time. They should not operate dedicated telephones this is a public hire function.

Provisional proposal 42 - We do not propose to introduce a “return to area” requirement in respect of out of area drop offs.

- Agreed

Provisional proposal 43 - Licensing authorities should retain the ability to regulate maximum taxi fares. Licensing authorities should not have the power to regulate private hire fares.

- Agreed having regard to Provisional proposal 38 (above). PHV fare should be displayed on a taximeter

Question 44 - Should taxis be allowed to charge a fare that is higher than the metered fare for pre-booked journeys?

- No.

REFORM OF DRIVER, VEHICLE AND OPERATOR LICENSING

Question 45 - 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?

- The principle of “fit and proper person” and national driver safety standards should be set out in primary legislation. The Secretary of State and Welsh Ministers’ allowed to further define driver safety standards by regulation should the need arise but with the proviso that such changes are subject to consultation at both national and local level. All powers given to a department of state must be on the basis that primary legislation requires a de-regulatory approach be adopted.

Provisional proposal 46 - Vehicle owners should not be subject to “fit and proper” tests and the criteria applied would relate solely to the vehicle itself.

- Disagree; this test must be directed toward money laundering etc akin to casino licensing.

Question 47 - Should national vehicle safety standards 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?

- National driver safety standards should be set out in primary legislation. The Secretary of State and Welsh Ministers’ allowed to further define driver safety standards by regulation should the need arise but with the proviso that such changes are subject to consultation at both national and local level.

Provisional proposal 48 - Operator licensing should be retained as mandatory in respect of private hire vehicles.

- Agreed

Question 49 - Should operator licensing be extended to cover taxi radio circuits and if so on what basis?

- Yes – Licensing hackney carriage operators in so far as they should engage vehicles licensed by the same authority in the way PHVs is logical, the exception being where a taxi drivers takes a personal fare as a ‘private’ booking. It cannot be mandatory to join a radio circuit with finding a way to ensure the operator provides sufficient work.

Provisional proposal 50 - The definition of operators should not be extended in order to include intermediaries.

- Disagree

Question 51 - Should “fit and proper” criteria in respect of operators be retained?

- Yes – see 46 above

Provisional proposal 52 - Operators should be expressly permitted to sub-contract services.
Question 53 - Where a taxi driver takes a pre-booking directly, should record-keeping requirements apply?

Yes

REFORMING QUANTITY CONTROLS

Provisional proposal 54 - Licensing authorities should no longer have the power to restrict taxi numbers.

Disagree but Local Authorities need alternative criteria to ‘unmet demand’, as the retention of a mechanism for the collection of empirical data is important.

Question 55 - What problems (temporary or permanent) might arise if licensing authorities lost the ability to restrict numbers?

- Over ranking, obstruction and general parking problems. Possible public order problems between competing drivers. Less work could lead to reduced maintenance of vehicle and force owner-drivers out of the trade. ‘Cherry picking’ best jobs.
- We would draw you attention to recent events in Wirral MBC where restriction has been reintroduced.
- Unacceptable loss of income. More than a job is at stake – families & communities are involved.

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?

Yes

TAXI AND PRIVATE HIRE REFORM AND EQUALITY

Question 57 - Should there be a separate licence category for wheelchair accessible vehicles?

This could involve:
(1) a duty on the licensee to give priority to disabled passengers; and
(2) a duty on the licensing authority to make adequate provision at ranks for wheelchair accessible vehicles.

No.- there is a duty to carry passengers subject to a reasonableness test see s 165 of the Equality Act as well

Question 58 - Should licensing authorities offer lower licence fees for vehicles which meet certain accessibility standards?

Yes

Question 59 - Do you have any other suggestions for increasing the availability of accessible vehicles, and catering for the different needs of disabled passengers?
• No specific solution but draw attention to our response to provisional proposal 38. If quantity restrictions disappear over time there will be less income to support WAVs.

Provisional proposal 60 - We do not propose to introduce national quotas of wheelchair accessible vehicles

• Agreed, however this can only be attained with economic management eschewed by the report!

Provisional proposal 61 - National standards for drivers of both taxis and private hire vehicles should include recognised disability awareness training

• Agreed BUT this happens already

Provisional proposal 62 - In order to better address concerns about discrimination, taxis and private hire vehicles should be required to display information about how to complain to the licensing authority.

• There is already a surfeit of notices! Most badly designed by licensors.

Question 63 - What would be the best way of addressing the problem of taxis ignoring disabled passengers seeking to hail them? Could an obligation to stop, if reasonable and safe to do so, in specified circumstances, help?

• A legal obligation with sanctions for failure to comply but we would draw attention to Section 165(6) of the Equality Act and its proviso which already seems to contain this recommendation, “This section does not require the driver ……. (b) to carry a person in circumstances in which it would otherwise be lawful for the driver to refuse to carry the person, nor could it do so,
• Some wheelchairs cannot be carried, some drivers can manage some & not others.
• It is not agreed that drivers do ignore them; maybe they cannot manage them

REFORMING ENFORCEMENT

Question 64 - Should authorised licensing officers have the power to stop licensed vehicles?

NO – Application of the Regulatory Enforcement and Sanctions Act 2008 is important as matters such as proportionality, transparency, where, when, how, mobile or roadblock style, uniformed officers, marked vehicles need to be considered.

Question 65 - What more could be done to address touting? Touting refers to the offence “in a public place, to solicit persons to hire vehicles to carry them as passengers.

• We believe ‘test purchasing’ is the best remedy.

Question 66 - Would it be desirable and practicable to introduce powers to impound vehicles acting in breach of taxi and private hire licensing rules?
What is meant by rules does it include local authority pre-requisites and conditions. This needs to be considered further. Removal by licensing officers is totally unacceptable.

Question 67 - Should licensing authorities make greater use of fixed penalty schemes and if so how?

- No but if fixed penalties are introduced – ‘Civil’ penalties for ‘licensing / TRO violations & criminal penalties for safety / and Road Traffic violations. – Sanctions need to be proportionate and adhere to Hampton & Macrory principles. (See Question 64= part 3 of the Regulatory Enforcement and Sanctions Act must be utilised)

Provisional proposal 68 - Enforcement officers should have the powers to enforce against vehicles, drivers and operators licensed in other licensing areas.

- Agreed – but in relation to issues in common investigation of vehicles from other areas must be proportionate, monitored and consistent.

Question 69 - Should cross-border enforcement powers extend to suspensions and revocation of licences? If so what would be the best way of achieving this?

- NO but via a report and evidence to a ‘Home Licensing Authority’ and subject to a national code of practice being introduced to ensure consistent, transparent and proportional application of such powers.

REFORM OF HEARINGS AND APPEALS

Provisional proposal 70 - The right to appeal against decisions to refuse to grant or renew, suspend or revoke a taxi or private hire licence should be limited to the applicant or, as appropriate, holder of the relevant licence.

- Agreed

Provisional proposal 71 - The first stage in the appeal process throughout England and Wales, in respect of refusals, suspensions or revocations should be to require the local licensing authority to reconsider its decision

- Agreed

Provisional proposal 72 - Appeals should continue to be heard in the magistrates’ court

- Agreed

Question 73 - Should there be an onward right of appeal to the Crown Court?

- Agreed
With respect to (71), (72) and (73) we would suggest consideration be given to determining such matters by tribunal as a more affordable route than Crown / High court procedure, the expense of which is often prohibitive. Beyond the Crown Court the Tribunal service should certainly be involved.
Ergonomics assessment of the movement of wheelchair users by taxi drivers

ERG/05/36

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EXECUTIVE SUMMARY

Objectives

As part of the HSE Better Backs Initiative, a joint visit was conducted to Lothian Community Transport Services (LCTS) on 15th June 2005. The purpose of the visit was to observe the disability awareness and wheelchair access training that LCTS provide to Edinburgh City Black Cab drivers. This was with a view to informing an initial ergonomics assessment of the movement of wheelchair users by taxi drivers.

Main Findings

(1) Two tasks were demonstrated during the 90-minute practical wheelchair handling component:

(A) The movement of wheelchair users up and down a kerb

During the site visit, taxi drivers did not appear to have much difficulty performing the task, nor did they show signs that the task was physically demands. Thus, where drivers are knowledgeable and skilled at assisting wheelchair users over a kerb, the majority of fares are unlikely to present a significant risk of injury. However, where there is a high kerb and heavier than average wheelchair occupants, laboratory simulations suggest that the pushing forces required may exceed what some drivers can perform safely.

(B) The movement of wheelchair users into and out of a TXI Black Cab

Where drivers are knowledgeable and skilled in the transport of wheelchair users in their taxi, the majority of fares are unlikely to present a significant risk of injury. However, as is typical with pushing and pulling tasks, a much greater risk of injury can arise if one or more risk factors are mismanaged. Thus, there may be occasional circumstances that can present a high or very high risk of injury to both taxi drivers and wheelchair passengers.

An important risk factor appears to be the availability of accessible pick-up and drop-off locations where the taxi driver can pull up alongside a kerb. Where this is not the case, it is estimated that the forces required to move many wheelchair users up the taxi’s extended ramp will be beyond the safe performance for about 25% of males and 75% of females.

(2) The LCTS training course providers did not have sufficient time to provide taxi drivers with adequate practical experience in moving and securing a wheelchair user into a taxi.

(3) Drivers were told that there was typically no system of work in place for special high-risk circumstances that might arise, such as those involving heavy passengers, poorly maintained wheelchairs, or dangerous environments. Thus, drivers were told that they should politely but firmly decline the fare if they believed they would have to operate under unsafe conditions. Nonetheless, in the time available, it is not believed that the training course could provide drivers with sufficient information to conduct adequate individual risk assessments in the field. LCTS clearly indicated to trainees that they had insufficient time to deliver a manual handling training course.
Recommendations

(1) Ensure that accessible taxi stands are available at areas where wheelchair users may visit frequently. These areas should allow taxi drivers to pull alongside the kerb so that the angle of the ramp is minimised.

(2) Consider extending the practical component of the disability awareness training session. Additional practical time should be made available for:

- Practical attempts of fastening and unfastening the wheelchair user’s safety restraint;
- Further practical attempts of pushing wheelchair users of different body sizes into the various types of Black Cab;
- Knowledge and identification of manual handling risk factors that result in special ‘high-risk’ circumstances so that drivers can carry out suitable individual risk assessments and follow safe systems of work or take appropriate measures to manage the risks.
- Practice driving wheelchair users and experiencing transport in the back of a taxi as a wheelchair user;

(3) Alternatively, consider the development of a more in-depth wheelchair handling training course, which focuses on aspects such as individual risk assessment and the control of risk factors specific to assisting wheelchair users and peripatetic work.

(4) Where the extended ramp must be used, taxi drivers should push the wheelchair up the ramp in two separate motions. They should first position the chair centrally within the width of the ramp and move the chair forward until the rear wheels touch the edge of the ramp. They should then review the alignment of the chair on the ramp, take a step back, straighten their arms and lean into the push. This would allow the drivers to use their body weight and larger muscle groups in the legs to counteract the downward force of the wheelchair user on the ramp.

(5) Taxi companies should ensure that manual handling risk assessments have been completed for the transport of wheelchair users. Such risk assessments should consider:

- What systems are in place for reporting and repairing any damage to equipment such as the extendable ramp or safety restraint, which may increase the risk of injury to either the driver or wheelchair user?
- What policies and systems are in place for managing and reviewing the transport of particular wheelchair users that may pose a higher level of risk to taxi drivers?
- What systems are in place for managing and reviewing the transport of wheelchair users to particular locations that are less accessible and may pose a higher level of risk to taxi drivers and passengers?
1 INTRODUCTION

As part of the HSE Better Backs Initiative, a joint visit was conducted by Gaynor Parry, HM Inspector of Health and Safety, Edmund Milnes, Senior Ergonomist, Health and Safety Laboratory (HSL) and Jeremy Ferreira, Higher Ergonomist, HSL, to Lothian Community Transport Services (LCTS) on 15th June 2005. The purpose of the visit was to observe the disability awareness and wheelchair access training that LCTS provide to Edinburgh City Black Cab drivers. This was with a view to informing an initial ergonomics assessment of the manual movement of wheelchair users by taxi drivers. As part of the Licensing conditions, Black Cab drivers are required to transport disabled passengers unless they have a medical exemption.

The duration of the training session was 3 hours and was provided by Kenny Duncan, who possessed 20 years of experience in transporting disabled people. There were 6 trainees in the morning session (09:30 – 12:00) and 8 trainees in the afternoon session (13:00 – 16:00), although sessions were reported to be busier typically. Training consisted of a disability awareness component, lasting approximately 1.5 hours, followed by a practical demonstration of wheelchair handling, which also lasted about 1.5 hours. Two tasks were demonstrated during the practical wheelchair handling component: the movement of wheelchair users up and down a kerb stone; and the movement of wheelchair users into and out of a TX1 Black Cab.
2 TRANSPORTING A WHEELCHAIR UP AND DOWN A KERB

2.1 OBSERVATIONS

Trainees were given a practical demonstration and single practice attempt of transporting a wheelchair user up and down a kerb stone. LTCS deemed this to be a reasonable task that taxi drivers would be expected to perform as part of their duties to assist passengers. However, it was emphasised that, as taxi drivers were not undertaking a manual handling training course, they should not attempt to transport wheelchair users up and down multiple steps; for example, the front steps of a private home.

Trainees were instructed to push wheelchairs forwards when transporting up kerbs (Figure 1). This appeared to be an effective method of handling and was consistent with advice provided by the Disabled Living Foundation (DLF 2005). The DLF suggests that transporting a wheelchair user up a kerb backwards is problematic as it takes extra time to turn the chair, and this can expose the occupants to traffic for a longer period of time.

Transporting the wheelchair user up the kerb involved:

1. Moving the wheelchair user up to the kerb but stopping short of the kerb to avoid any bump;

2. Tipping the front castors up over the kerb by pushing down together on the handles and the foot tipping lever (Figure 1);

3. Moving the rear wheels against the kerb edge while watching around the side of the chair to ensure the front castors clear the kerb;

4. Placing one foot in front of the other and adopting a wide stance; and

5. Rolling the rear wheels up the kerb, ensuring that they stay in contact with the edge of the kerb at all times (Figure 2).

It was emphasised that moving the rear wheels up the kerb required a slight bit of pushing and a slight bit of lifting to prevent back injury. This ensured that the rear wheels of the chair remained in contact with the kerb, allowing most of the weight of the wheelchair and user to be supported by the rear wheels at all times. An excessive amount of pushing would result in the rear wheels becoming lodged against the kerb. An excessive amount of lifting would result in the rear wheels being raised off the kerb, which would place additional load on the drivers’ low back. Lifting the rear wheels off the kerb would also shift more of the load onto the front castors of the wheelchair, which are less stable and tend to pivot under the additional load.
Trainees were instructed to control the wheelchair’s descent backwards down the kerbs (Figure 3). The DLF (2005) advises that this may be easier than descending the kerb forwards, although cautions that a clear view of the road is essential.

Transporting the wheelchair user down the kerb involved:

1. Pulling the chair’s rear wheels towards the edge of the kerb but stopping short of the kerb;
2. Ensuring the chair is positioned 90° to the kerb so that both wheels roll down the kerb simultaneously;
3. Placing one foot in front of the other and adopting a wide stance;
4. Slowing the descent of the rear wheels off the kerb, ensuring that the rear wheels remaining in contact with the kerb;
5. Pulling the chair away from the kerb, keeping the front castors raised in the air; and
6. Lowering the front castors to the ground, using the foot tipping lever to ensure a smooth descent.
After the practical demonstration, trainees were each given a single practice attempt. A couple of errors were observed on the first attempts of transporting the wheelchair up the kerb. This included lifting the rear wheels off of the kerb and not tipping the front castors up high enough to clear the kerb. However, there was insufficient time available to allow further practice attempts. Nonetheless, the trainees did not appear to have much difficulty performing the task.

2.2 MAIN RISK FACTORS

2.2.1 Force

Trainees did not show any visible signs to suggest that moving a wheelchair user up and down the kerb at LCTS was a physically demanding task. In practice, the amount of force required would depend upon several factors including:

- The weight of the wheelchair and occupant;
- The technique and posture adopted;
- The height of the kerb; and
- The extent to which the wheelchair user can contribute to the operation (for example, by helping to control the descent of the wheelchair with the hand rims).

2.2.1.1 Task simulations conducted in the Human Performance Laboratory, HSL

Task simulations were conducted at the Human Performance Laboratory at HSL (Figure 4). The purpose of these simulations was to measure the resultant force (simultaneous pushing and lifting) exerted by an attendant when moving a self-propelled wheelchair and occupant up and down a kerb in the manner observed. The resultant force was measured with calibrated Kistler 9281B force platforms, on which the attendant stood when performing the simulations. Data was collected at a sampling frequency of 100 Hz and processed with Bioware force platform software (v 3.11, Kistler Instrumente AG, Winterthur, Switzerland).

![Figure 4: Laboratory simulation set up.](image)

The height of the simulated kerb was 17 cm. This was slightly higher than typical pavement heights (10 – 13 cm) and would represent a worst-case scenario, for example, moving a wheelchair user up and down a single step. The weight of the wheelchair was 19.4 kg and the
diameter of the rear wheels was 61 cm. Figure 5 shows the results of the simulation for a range of combined wheelchair and occupant weights. According to a recent survey of UK wheelchair users (Stait et al. 1999), a combined weight of 90 kg corresponds to the 50th percentile weight value for wheelchair users, while a combined weight of 123 kg corresponds to the 95th percentile value. The amount of force required to ascend the kerb was found to be about 4% more than that required to descend the kerb.

Figure 5: Resultant force measured to move a wheelchair and occupant up and down a 17 cm kerb.

Mital et al. (1997) have produced tables of maximum acceptable forces (MAF) for occasional two-handed pushing over a distance of 2.1 metres (Table 1). MAF are categorised according to the percentage of the male and female working population that would consider the pushing force acceptable. This was determined using psychophysical methodology (Snook and Ciriello 1991), whereby 22 male and female participants pushed against a stationary horizontal bar while walking on a treadmill (the resistance of the treadmill could be controlled by the participant). The height of the horizontal bar was 95 cm for males and 89 cm for females.

Table 1. Recommended maximum acceptable start and sustained forces for male and female industrial workers during occasional two-handed pushing over 2.1 metres (Mital et al. 1997)

<table>
<thead>
<tr>
<th>Population percentile</th>
<th>Males</th>
<th>Females</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Start force</td>
<td>Sustained force</td>
</tr>
<tr>
<td>90 %</td>
<td>310 N</td>
<td>220 N</td>
</tr>
<tr>
<td>75 %</td>
<td>410 N</td>
<td>300 N</td>
</tr>
<tr>
<td>50 %</td>
<td>510 N</td>
<td>380 N</td>
</tr>
<tr>
<td>25 %</td>
<td>610 N</td>
<td>470 N</td>
</tr>
<tr>
<td>10 %</td>
<td>700 N</td>
<td>540 N</td>
</tr>
</tbody>
</table>

1 Percentage of the population that would deem the forces to be acceptable.

A comparison of maximum acceptable start forces (Table 1) to those measured in the simulations suggests that:

- Moving wheelchair users of 50th percentile weight over high kerbs or single steps requires forces that would be deemed acceptable to 90% of the male working population and 50% of the female working population.
• Moving wheelchair users of 95th percentile weight over high kerb or single steps would require forces that would only be deemed acceptable to only 25% of the male working population.

However, it should be recognised that this does represent a worst-case scenario. Where there are lower pavement heights (10 – 13 cm), the forces required to pivot the rear wheels over the kerb are expected to be less. In addition, some wheelchair users would be able to offer assistance by applying force to the wheelchair rims.

2.2.2 Exposure / frequency

The frequency that drivers would have to transport wheelchairs over kerbs would depend on the number of wheelchair users that were transported as well as the accessibility of the pick-up and drop-off locations. Anecdotally, one taxi driver in Edinburgh reported that he transported 4 – 5 wheelchair users a day on average. However, some drivers could transport more wheelchair users than this, particularly if their cab company has a contract with a hospital or care home to provide a transport service for their clients. Edinburgh City Council also offers a taxi concession scheme to people who cannot use public transport buses. This provides a person on the scheme with a £3 discount for 104 single trips per year and may increase the number of wheelchair users that travel regularly in a taxi.

Negotiating kerbs would not be required with every fare from a wheelchair user. With dropped kerbs at many crossings, kerbs may be avoided at many pick-up and drop-off locations. It is also likely that wheelchair users will be familiar with the accessibility of these locations and know ‘good places’ to be picked up as well as ‘bad places’ to avoid.

2.2.3 Environment

The peripatetic nature of the work makes it difficult to obtain information about environmental risk factors without undertaking site visits. However, personal experience would suggest that risk factors could include:

• damaged kerb stones;

• traffic in close proximity to the kerb;

• obstacles along the kerb (e.g. parked cars) that could restrict visibility, create confined spaces in which to perform the task, and impose long distances between the pick-up point and the taxi;

• uneven terrain (e.g. cobble stones); and

• snow or ice, which would increase the potential for slipping.

There was insufficient time to cover the impact of these risk factors in the environment during the training session.

2.2.4 Time-pressure

It was accepted practice that drivers charged for the time involved in transporting the wheelchair user into the taxi. This would reduce any financial pressure on drivers to hurry or take unnecessary risks when assisting disabled passengers.
2.2.5 Special high-risk circumstances

Drivers were told that there was typically no system of work in place for special high-risk circumstances that might arise, such as heavy passengers, poorly maintained wheelchairs, weaker drivers, or dangerous environments. Thus, drivers were told that they should politely decline the fare if they believed they would have to operate under unsafe conditions, and they would receive full support from the training provider and Edinburgh City Council. However, trainers suggested that drivers may experience pressure from their individual taxi companies to transport all potential customers. Unfortunately, no information was available to suggest how frequently such high-risk situations arose.

2.3 ASSESSMENT

During the site visit, there was little indication that the task of moving a wheelchair user up and down a kerb was beyond the capabilities of the all-male group of trainees. They did not appear to have much difficulty performing the task, nor did they show signs that the task was physically demanding. Where drivers are knowledgeable and skilled at transporting wheelchair users over a kerb, the majority of fares are unlikely to present a significant risk of injury.

However, where there is high kerb and heavier than average wheelchair occupant, simulations in the laboratory suggest that the forces may be beyond the safe performance for some taxi drivers. Drivers were told that, as there was typically no system of work in place to manage special high-risk circumstances that might arise, they should politely decline the fare if they believed they would have to operate under unsafe conditions.
3 TRANSPORTING WHEELCHAIR USERS INTO AND OUT OF TAXIS

3.1 OBSERVATIONS

Instruction was provided on the TX1 cab, which was the most common type of Black Cab in Edinburgh. Training was not provided for other taxi vehicles driven in Edinburgh, including Fairway cabs (which were being phased out) and Metro cabs (which comprised approximately 10% of the Edinburgh Black Cab fleet). Whereas the TX1 cab had an intrinsic fold out ramp (Figure 6), both the Fairway and Metro cabs have an attachable channel ramp system (Figure 7).

![Figure 6: TX1 cab with intrinsic ramp (LCTS 2005)](image)

![Figure 7: Metro cab with attachable channel ramp (LCTS 2005)](image)

Trainees were given a practical demonstration and single practice attempt of moving the wheelchair user into and out of the TX1. This involved a ‘worst-case’ scenario where a ramp extension would be required if the taxi could not pull alongside a kerb.

Figure 8 shows the tasks required to move a wheelchair user into the TX1. Moving a wheelchair user out of the TX1 would essentially involve a reverse of these steps. Due to time constraints, only one trainee was able to practice securing the wheelchair and user in the cab with the safety belts, and complete the task in its entirety. The other trainees were only able to practice those tasks outlined in red: connecting the ramp extension, moving the wheelchair user up and down the ramp, and turning the wheelchair to its travelling position inside the cab. The majority of trainees were unable to practice securing the wheelchair inside the taxi or practice fastening the safety belt to the wheelchair user.
Figure 8: Hierarchical task analysis for moving and securing a wheelchair user into a TX1 cab
3.2 MAIN RISK FACTORS

3.2.1 Equipment design

Table 2 shows several key dimensions of various taxis as reported in the Department for Transport (DfT 2005) publication “wheels within wheels: a guide to using a wheelchair on public transport”.

**Table 2: Key taxi dimensions (mm)**

<table>
<thead>
<tr>
<th>Dimension (mm)</th>
<th>TX1</th>
<th>Fairway</th>
<th>Metrocab II</th>
</tr>
</thead>
<tbody>
<tr>
<td>Door width</td>
<td>800</td>
<td>640</td>
<td>650</td>
</tr>
<tr>
<td>Door height</td>
<td>1370</td>
<td>1170</td>
<td>1240</td>
</tr>
<tr>
<td>Internal height</td>
<td>1400</td>
<td>1300</td>
<td>1300</td>
</tr>
<tr>
<td>Ramp length (^1)</td>
<td>700 – 1250</td>
<td>888 – 1540</td>
<td>900 – 1590</td>
</tr>
<tr>
<td>Ramp angle – to kerb</td>
<td>11 – 17°</td>
<td>11 – 18°</td>
<td>10 – 16°</td>
</tr>
<tr>
<td>Ramp angle – to ground</td>
<td>17 – 29°</td>
<td>16 – 28°</td>
<td>14 – 24°</td>
</tr>
</tbody>
</table>

\(^1\) Ramp length varies with use of ramp extenders

3.2.1.1 Ramp

The angles of taxi ramps range from 11° to 29° and depend on the make of taxi, whether the ramp rests on the pavement or the ground, the height of the pavement and how far the ramp is extended. These angles far exceed 4.78°, which is the maximum recommended ramp angle suggested in inclusive mobility access guidance (Oxley 2002).

The width of the ramp on the TX1 was 680 mm at its narrowest point (Figure 9). The distance between the rear wheels of the wheelchair was 610 mm, which only allowed a 35 mm margin of error to either side of the rear wheels when aligning the wheelchair on the ramp. On some practice attempts, a rear wheel did run off the side of the ramp when pushing the chair up the ramp. Side edges were available for the channel ramp systems; however, not for TX1 which had an intrinsic ramp design.

Extending the intrinsic ramp of the TX1 cab also left an uneven recess in the floor of the cab, which the wheelchair would have to travel over (Figure 9). When pushing the chair up the ramp, taxi drivers had to apply additional downward pressure on the wheelchair handles to take the weight off the front castors of the wheelchair. This would reduce the risk of the wheelchair stopping suddenly and tipping forward, possibly jettisoning the occupant into the door frame of the taxi.

3.2.1.2 Head clearance

The door height and interior height of the TX1 (Table 2) were both greater than 1353 mm, reported to be the 95th percentile height of wheelchair users (Stait et al. 1999). This would allow adequate head clearance for the majority of wheelchair passengers (Figure 10). However, this was not the case for the Fairways and Metro cab taxis, which would require some wheelchair users to bend forward or slouch in the wheelchair if possible.
3.2.2 Force (Pushing a wheelchair user up a ramp)

The force exerted to transport a wheelchair user into the taxi will be highly variable and will depend upon a number of factors including:

- The weight of the user and chair;
- The technique and posture adopted;
- The speed of the operation;
- The level of assistance that is provided by the wheelchair user (for example, if they grab the door handles as they approach the taxi door); and
- The angle of the ramp (which in turn depends upon whether the ramp rests on the pavement or ground, whether the ramp is extended and the height of the pavement) (Table 3).

It was not possible to measure the force required to move a wheelchair user into and out of the taxi during the site visit. However, it is possible to make calculations based on geometry and representative weights to estimate theoretical forces. Table 3 shows calculated forces for pushing a 90 kg load and a 123 kg load up various ramp angles. These weights of wheelchair and occupant correspond to the 50th and 95th percentile values from a recent survey of actual values recorded in the UK (Stait et al. 1999). A start force (required to accelerate a wheelchair from stationary to a desired speed) and a sustained force (required to keep the trolley in motion) are presented according to calculations outlined in Appendix A. The ramp angles selected include the recommended maximum for accessibility (4.78°) as well as a range of more realistic angles typically encountered (Table 2).
Table 3: Calculated forces (N) for transporting 90 kg and 123 kg loads up ramps with various angles

<table>
<thead>
<tr>
<th>Ramp angle</th>
<th>90 kg load (50th percentile)</th>
<th>123 kg load (95th percentile)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Start force</td>
<td>Sustained force</td>
</tr>
<tr>
<td>4.8°</td>
<td>78 N</td>
<td>74 N</td>
</tr>
<tr>
<td>12°</td>
<td>188 N</td>
<td>184 N</td>
</tr>
<tr>
<td>16°</td>
<td>248 N</td>
<td>243 N</td>
</tr>
<tr>
<td>20°</td>
<td>306 N</td>
<td>302 N</td>
</tr>
<tr>
<td>24°</td>
<td>363 N</td>
<td>359 N</td>
</tr>
<tr>
<td>28°</td>
<td>419 N</td>
<td>414 N</td>
</tr>
</tbody>
</table>

1 Maximum angle recommended in inclusive mobility access guidance (Richardson and Yelding 2003)

Several of the trainees raised concerns about the amount of effort that would be required to push heavier customers. Drivers were again told that they should politely but firmly decline the fare if they believe they would have to operate under unsafe conditions, and they would receive full support from the training provider and Edinburgh City Council. Unfortunately the trainees were left with no indication of what customer weights or circumstances might be indicative of an unsafe operation.

Table 4 shows an assessment of the level of risk based on a comparison of MAF (Table 1) to calculated forces (Table 3). Several conditions are presented depending on the presence of a kerb, resulting ramp angles, and passenger weight. Due to considerable variability amongst these factors, there was often a large range in the calculated forces and consequently a large range in the percentage of the population for which the task would be acceptable. The sustained force, rather than the start force, would typically be the limiting factor for the task. Table 4 suggests that much of the risk could be controlled by providing and selecting suitable drop off and pick up locations where taxis can pull alongside a kerb.

Table 4: Assessment of level of risk according to the force calculated to transport a wheelchair user into a taxi

<table>
<thead>
<tr>
<th>Kerb</th>
<th>Ramp angles</th>
<th>Passenger percentile</th>
<th>Forces acceptable for…</th>
<th>Level of risk</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>11 – 17°</td>
<td>50th % ile</td>
<td>90% of males</td>
<td>Low for males</td>
</tr>
<tr>
<td></td>
<td></td>
<td>95th % ile</td>
<td>50 – 75% of females</td>
<td>Moderate for males</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>25 – 50% of females</td>
<td>High for females</td>
</tr>
<tr>
<td>No</td>
<td>17 – 29°</td>
<td>50th % ile</td>
<td>25 – 75% of males</td>
<td>Mod – high for males</td>
</tr>
<tr>
<td></td>
<td></td>
<td>95th % ile</td>
<td>10 – 25% of females</td>
<td>High for females</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>&lt;10% of females</td>
<td>Very high for females</td>
</tr>
</tbody>
</table>

3.2.3 Exposure / frequency

The number of wheelchair users a taxi driver could transport each day would vary. Anecdotally, one Black Cab taxi driver in Edinburgh reported that he transported 4 – 5 wheelchair users a day on average. However, some drivers could transport more wheelchair users than this, particularly if their cab company has a contract with a hospital or care home to provide a
transport service for clients. Taxi concession schemes for people who cannot use public transport buses may also increase the number of wheelchair users that travel regularly in a taxi.

3.2.4 Posture / technique

Two techniques were demonstrated to push the wheelchair user from the ground up the ramp (i.e. when there is no kerb present): one technique was demonstrated during the morning session (Technique 1; Figure 11) while the other was demonstrated during the afternoon session (Technique 2; Figure 12).

With Technique 1, the wheelchair was first stopped a few inches in front of the ramp and positioned centrally within the width of the ramp. Technique 1 was characterised as pushing the wheelchair up the ramp in one continuous motion. As the front castors reached the edge of the ramp, the driver would then place his foot on the tipping lever and tip the chair back slightly so that the front castors did not bump, turn or suddenly stop upon hitting the edge of the ramp. The driver continued to push the wheelchair up the ramp at a fairly high speed, before the momentum of the wheelchair subsided. The wheelchair was then decelerated and stopped as it entered the taxi. Trainees were told that they should not stop the wheelchair half way up the ramp as they would never be able to start the wheelchair in motion again, and would have to descend the ramp. During the training session, Technique 1 was described as “almost taking a run up”.

Technique 2 was characterised by pushing the wheelchair up the ramp in two separate motions. First, the front castors of the wheelchair were moved up to the edge of the ramp and positioned centrally within the width of the ramp. Using the foot lever, the wheelchair was then tipped backwards and pushed forwards so that the front castors were placed on the ramp, while the rear wheels touched the edge of the ramp. The driver then paused and, while holding the handles, took a step backwards, which allowed his elbows to straighten and lock. The driver then pushed the wheelchair user up the ramp, and gradually adopted a more upright posture as the chair moved up the ramp. Table 5 describes the various hazards associated with the two techniques. In all but the last aspect, Technique 2 appears more favourable to Technique 1, particularly for drivers who are inexperienced with this task.
### Table 5: Characteristics of the two pushing techniques observed

<table>
<thead>
<tr>
<th>Hazards</th>
<th>Technique 1</th>
<th>Technique 2</th>
</tr>
</thead>
</table>
| Inadequate driver strength    | • To reach the tipping lever with their foot, drivers must stand close to the wheelchair handles.  
                                 | • Drivers adopt a more upright posture with bent elbows                     | • By taking a step back before pushing, drivers adopt a biomechanically advantageous posture  
                                 | • Drivers adopt a biomechanically disadvantageous posture, using smaller muscle groups which cannot generate as much force | • Drivers lean into the push, using their body weight to counteract the downward force of the wheelchair and thereby generate more force |
| Musculoskeletal injury to driver | • Possible overexertion of smaller muscle groups may increase the risk of musculoskeletal injury to the driver | • Reduced risk of musculoskeletal injury as driver uses larger muscle groups to generate force |
| Wheelchair falling off the ramp | • The wheelchair is aligned centrally within the width of the ramp while it is positioned off the ramp. Thus it has a greater distance to travel up the ramp | • Drivers given the opportunity to reassess the alignment of the chair on the ramp before the passenger is pushed up into the taxi  
                                 | • The task is performed in one complex continuous motion with a greater likelihood that the chair may run off the side of the ramp | • The wheelchair is aligned centrally within the width of the ramp while it is positioned partially on the ramp. Thus it has a shorter distance to travel up the ramp |
| Passenger discomfort or shock | • The wheelchair passenger is exposed to greater accelerations, tipped backwards and transported in a fairly quick uncontrolled manner | • The wheelchair passenger is tipped backwards and transported in a more controlled manner  
                                 |                                                                                   | • More time is available to communicate actions with the passenger |
| Driver slipping or stumbling  | • If drivers slip or lose their footing, they are in a more upright posture and may be able to recover their step before falling | • More reliant on good traction with the ground. By leaning with their body weight, drivers are more vulnerable in the event of a slip or loss of footing and may be less likely to recover from a potential fall. |

### 3.2.5 Manoeuvring force (turning the wheelchair inside the taxi)

Once the wheelchair was pushed into the taxi and the intrinsic ramp was folded away, the wheelchair then had to be manoeuvred into the travelling position so that the safety belt could be fastened (Figure 13). This was an awkward manoeuvre that required the taxi driver to push on the left handle of the wheelchair and pull back on the right handle simultaneously. The floor of the TX1 taxi, which was raised up at the rear to accommodate the rear wheel drive chassis, also added to the complexity of the manoeuvre. It was not possible to measure the force exerted...
for this manoeuvre during the site visit; however, the force would likely vary according to the level of assistance that the wheelchair user could offer. Nonetheless, this manoeuvre required the driver to adopt an awkward posture, reaching out about 70 cm across the back of the chair while twisting the trunk (Figure 14). This awkward posture would limit the amount of force that a driver could apply safely and increase the risk of musculoskeletal injury. When manoeuvring the wheelchair out of the travelling position the driver could use their right foot to apply additional force to turn the chair (Figure 15).

3.2.6 Equipment Maintenance

During the training session, the extended ramp that was used with the taxi was bent slightly, creating a 2 cm lip between the intrinsic ramp and extended ramp segment. On one occasion, the front castor of the wheelchair became stuck against the lip, the wheelchair stopped suddenly and the chair began to tip forwards.

3.2.7 Environment

Again, the peripatetic nature of the work makes it difficult to obtain information about environmental risk factors without undertaking site visits. However, personal experience would suggest that risk factors could include:

- roads on a hill; increasing the risk of the wheelchair tipping sideways or running off the ramp;
- traffic in close proximity to the taxi;
- obstacles along the kerb (e.g. parked cars) that could restrict visibility, and create confined spaces in which to perform the task;
- uneven terrain (e.g. cobble stones);
- pavement surfaces with reduced roughness (e.g. tiles, cobble stones) that would increase the potential for slipping; and
- rain, snow or ice, which would increase this risk even further.
In particular, snow and ice could have a major impact on task performance by reducing pushing capability and increasing the potential for slip. If the foot slips on the ground, demonstrating that there is a low coefficient of friction (COF) between the shoe soles and the ground, the amount of force that a person can apply to the wheelchair handles will be limited to the amount of traction force at the feet. Where there is good traction (COF of 0.6 or more), a person can push a wheelchair user with as much as 50% more force than when pushing in a poor traction environment (e.g. COF of 0.3 or less) (Darcor Ltd 2001). Poor traction can further reduce pushing capability if drivers have to adopt a more upright posture.

While both dry and wet pavements will have relatively good traction (COF of 0.7 – 0.9), traction on snow or ice is significantly reduced (COF of 0.1 – 0.2 or lower) and depends upon both the type of shoe sole, temperature and wetness of the snow and ice (Gao and Abeysekera 2004).

A biomechanical model (University of Michigan, 2001) was used to estimate the coefficient of friction that would be required at the feet to push a wheelchair user up a ramp under various conditions. The COF required to push a wheelchair user up the ramp was estimated to be 0.33 for a typical fare (e.g. a 50th percentile passenger and there is a kerb available). The COF required to push a wheelchair user up a ramp was estimated to be 0.77 for a worst-case scenario (e.g. a 95th percentile passenger where no kerb is present). Where the estimated COF required for the task exceeds the COF for traction between the shoe soles and the ground, there is an increased potential for slipping.

Again, the impact of these risk factors in the environment was not covered in any detail with the time available in the training session.

### 3.2.8 Individual differences

In terms of individual strength, there is considerable overlap between genders, and some women can safely handle greater loads than some men. However, female pushing and pulling strengths typically tend to be 50% – 90% that of male strengths, depending upon the posture adopted (Darcor Ltd 2001). Nonetheless, gender differences are likely to be minimised using Technique 2 where leg strength, as opposed to upper body strength, becomes more influential when performing the task.

Body weight also influences pushing capability, especially when it is used to enhance force directly by leaning into the push.

### 3.3 ASSESSMENT

Where drivers are knowledgeable and skilled in transporting wheelchair users in their taxi, the majority of fares are unlikely to present a significant risk of injury. However, as is typical with pushing and pulling tasks, a much greater risk of injury can arise if one or more risk factors are mismanaged. Thus, there may be occasional circumstances that can present a high or even very high risk of injury to both taxi drivers and wheelchair passengers.

An important risk factor appears to be the availability of accessible pick-up and drop-off locations where the taxi driver can pull up alongside a kerb. Where this is not the case, it is estimated that the forces required to move many wheelchair users up the taxi’s extended ramp will be beyond the safe performance for about 25% of males and 75% of females. Other important risk factors can exist in the environment that increase the risk of slipping (e.g. ice,
smooth pavement surfaces), or the risk of tipping for the wheelchair user (e.g. poorly maintained ramps, sloped pick-up and drop off locations).

With peripatetic work, it is crucial that drivers have adequate knowledge of the risk factors in the field so that they can identify high-risk circumstances and take measures to mitigate the risk. Drivers also require knowledge of their personal capabilities and knowledge of safe systems of work.
Figure 16 shows that wheelchair access in taxis is a multifaceted topic. It would not be sensible to focus simply on taxi design, as there are many contributing factors to the safety and effectiveness of transporting wheelchair users in taxis. Instead, a systems approach is required to make taxi travel more accessible for wheelchair users, while at the same time manage the risks of injury to both taxi drivers and passengers.

Similarly, taxi drivers are exposed to a combination of other risk factors that may contribute to the onset of low back pain. Magnusson et al. (2004) suggest that these (listed in order of increasing importance) would include:

- Prolonged sitting posture, as influenced by drivers’ cab and seat design;
- Cumulative exposure to whole body vibration; and
- Cumulative exposure to other manual handling activities, such as assisting passengers with items of baggage.

Figure 16: Systems approach required to make taxi travel more accessible for wheelchair users and manage the risks to drivers and passengers
The assistance that taxi drivers provide to wheelchair users must be understood within the wider context of taxi drivers’ overall exposure to risk factors for low back pain.

4.1 WHEELCHAIR ACCESS IN TAXIS

The intention of this report is not to discourage the travel of wheelchair users in taxis. For many independent wheelchair users, travel by taxi is flexible and does not have the stigma that can sometimes be associated with dial-a-ride or ambulance transport services. Thus, the fact that Black Cabs are accessible at all may prevent some people from levelling any criticism at them. However, there appears to be considerable discrepancy between optimal inclusive mobility access guidance for taxis (Richardson and Yelding 2003) and that currently achieved. In particular, observations at LTCS imply that the design of the current TX1 intrinsic ramp presents additional risk to wheelchair users if the front castors of the chair become stuck against any uneven features on the ramp or run off the side of the ramp.

However, this report shows that one of the most effective ways of managing the risk of injury to driver and wheelchair passenger is to ensure that accessible pick-up and drop off locations are available for the taxi to pull alongside a kerb. Where a kerb is not present and an extended ramp must be used, the forces required to move many wheelchair users up the taxi ramp will be beyond the safe performance of some taxi drivers. With peripatetic work, it is crucial that drivers have adequate knowledge of the risk factors so that they can identify high-risk circumstances and take measures to mitigate the risk. Drivers also require knowledge of their personal capabilities and knowledge of safe systems of work.

4.2 LCTS TRAINING COURSE

The content of the training course was engaging and informative. However, sufficient time was not available to provide taxi drivers with adequate practical experience in moving and securing a wheelchair user into a taxi. In particular, the majority of trainees were unable to practice fastening the passenger’s safety restraint. In the time available, trainees were unable to practice moving a wheelchair user into and out of the taxi more than once. They were unable to practice moving and securing a wheelchair user into a Fairways or Metro cab. Trainees were not given an opportunity to practice driving a wheelchair user or experience travel as a wheelchair passenger themselves. Presumably, further content would be have been omitted for Black Cab drivers that already possessed their Licence when the disability awareness training was first introduced. This was reported to be only 70 minutes in duration.

LCTS clearly indicated that they had insufficient time to deliver a manual handling training course. Drivers were told that there was typically no system of work in place for special high-risk circumstances that might arise, such as those involving heavy passengers, poorly maintained wheelchairs, weaker drivers, or dangerous environments. Thus, drivers were told that they should politely but firmly decline the fare if they believed they would have to operate under unsafe conditions, and they would receive full support from the training provider and Edinburgh City Council. Nonetheless, in the time available, it is not believed that the training course could provide drivers with sufficient information to conduct adequate individual risk assessments in the field. This would require drivers to possess detailed knowledge and skill in identifying risk factors and taking appropriate steps to manage any high-risk circumstances that might arise. This would also require drivers to have a better understanding of their physical capabilities than that developed with one practice attempt during the training session.
LCTS did offer free refresher training to taxi drivers on an ad hoc basis; however, they admitted that few drivers requested this service. The Democracy, Disability and Society Group (2003) also provide an online taxi driver training pack (http://www.ddsg.org.uk/taxi).

4.3 STATE OF CURRENT GUIDANCE

A brief search of the literature would suggest that considerable research has been undertaken to determine accessible requirements for taxis (Richardson and Yelding 2004). Guidance is available on using a wheelchair on public transport, which includes taxis (DfT 2005). There is some guidance available at the moment to help drivers manually assist wheelchair users (DLF 2005; Democracy, Disability and Society Group 2003). However, there appears to be a lack of guidance available to help taxi drivers identify and manage occasional high-risk circumstances that they might encounter in their job.

There is also a lack of general scientific information about the pushing and pulling capabilities of workers in such instances. The characteristics of the task of assisting a wheelchair user up a taxi ramp are not consistent with the assumptions behind much of the general research on pushing and pulling, which tended to investigate steady and sustained effort lasting several seconds; for example, when pushing a trolley along a corridor. Table 6 shows HSE’s guideline figures for pushing and pulling. Where the activity exceeds the guideline figures, or involves transport over uneven terrain, a detailed risk assessment should be undertaken with a view to reducing the level of risk as low as reasonably practicable (HSE 2004). The movement of wheelchair users up taxi ramps would certainly require pushing forces that exceed HSE’s guideline figures. However, it is not known whether taxi companies have conducted generic manual handling risk assessments for the transport of wheelchair passengers.

<table>
<thead>
<tr>
<th></th>
<th>Men</th>
<th>Women</th>
</tr>
</thead>
<tbody>
<tr>
<td>Start force</td>
<td>200 N</td>
<td>150 N</td>
</tr>
<tr>
<td>Sustained force</td>
<td>100 N</td>
<td>70 N</td>
</tr>
</tbody>
</table>

Table 6: HSE guideline pushing figures for men and women
5 RECOMMENDATIONS

5.1 RECOMMENDATION FOR LCTS TRAINING COURSE

- Where the extended ramp must be used, the demonstrations suggest that taxi drivers should push the wheelchair up the ramp in two separate motions. They should first position the chair centrally within the width of the ramp and move the chair forward until the rear wheels touch the edge of the ramp. They should then review the alignment of the chair on the ramp, take a step back, straighten their arms, and use larger muscle groups in their legs to push the wheelchair user up the ramp. The technique, described in this report as Technique 2, is discussed on page 11.

5.2 RECOMMENDATIONS FOR TAXI COMPANIES

- Ensure that manual handling risk assessments have been completed for the transport of wheelchair users. Such risk assessments should consider:
  - What systems are in place for reporting and repairing any damage to equipment such as the extendable ramp or safety restraint, which may increase the risk of injury to either the driver or wheelchair user?
  - What policies and systems are in place for managing and reviewing the transport of particular wheelchair users that may pose a higher level of risk to taxi drivers?
  - What systems are in place for managing and reviewing the transport of wheelchair users to particular locations that are less accessible and may pose a higher level of risk to taxi drivers and passengers?

5.3 RECOMMENDATIONS FOR EDINBURGH CITY COUNCIL, TAXI COMPANIES AND OTHERS

- Ensure that accessible taxi stands are available at areas where wheelchair users may visit frequently. These areas should allow taxis to pull alongside a kerb so that ramp angles are minimised. Improving pick up / drop off locations for taxi accessibility is likely to have the greatest impact on reducing the risk exposed to both taxi drivers and wheelchair passengers. Taxi companies and drivers should have knowledge of particular locations where wheelchair users frequently visit and where there are particular obstacles in the environment that make wheelchair access difficult.

- Consider extending the practical component of the disability awareness training session. It was understood that at the time of observations, a written assessment component was to be added to the training course. However, additional practical time should be made available for the following topics:
  - Practical attempts of fastening and unfastening the wheelchair users’ safety restraint;
  - Further practical attempts of pushing wheelchair users of different body sizes into the various types of Black Cab;
- Knowledge and identification of manual handling risk factors that result in special ‘high-risk’ circumstances so that drivers can carry out suitable individual risk assessments and follow safe systems of work or take appropriate measures to manage the risks.

- Practice driving wheelchair users and experiencing transport in the back of a taxi as a wheelchair user;

Alternatively, the development of a more in-depth wheelchair handling training course should be considered, which focuses on aspects such as personal risk assessment and the control of risk factors specific to wheelchair users and peripatetic work.

• Further work should be undertaken, perhaps at first in the form of site visits, to:
  - Obtain information on risk factors within the physical and organisational environment;
  - Understand the impact that such risk factors can have on the safety of handling procedures, and
  - Inform stakeholders on how risks to taxi drivers and wheelchair passengers can be managed in the field.
APPENDIX A: CALCULATIONS FOR PREDICTING PUSHING FORCE UP THE RAMP

Several assumptions were made in order to predict pushing force up the TX1 ramp:

- Friction and wheel orientation would be excluded from the calculation. The effect of friction on taxi ramps was deemed to be negligible. The front wheel orientation is an important factor; however, the training session suggested that the front castors would typically be aligned parallel to the ramp as the wheelchair is positioned at the bottom of the ramp.

- For starting force, an estimated acceleration value of 0.5 m/s\(^2\) was assumed as this equates to the attainment of a slow walking speed after a push lasting two seconds.

Examples of the calculations for sustained force and start force are presented below.

**Sustained force**

\[
\text{Sustained force} = \text{weight} \times \text{gravity} \times \sin(\text{angle of ramp})
\]

\[
= 90 \text{ kg} \times 9.81 \text{ m/s}^2 \times \sin(12^\circ)
\]

\[
= 184 \text{ N}
\]

**Start force**

\[
\text{Start force} = \text{weight} \times \text{acceleration} + \text{[weight} \times \text{gravity} \times \sin(\text{angle of ramp})]
\]

\[
= 90 \text{ kg} \times 0.05 \text{ m/s}^2 + [90 \text{ kg} \times 9.81 \text{ m/s}^2 \times \sin(12^\circ)]
\]

\[
= 229 \text{ N}
\]
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*3D Static Strength Predictor Programme*, Version 4.3. The Regents of the University of Michigan, USA.
APPLYING THE REGULATORS’ COMPLIANCE CODE AND ENFORCEMENT CONCORDAT
Local Better Regulation Office briefing for local authority regulatory services
3 Introduction
   Background
4 Comparing the Compliance Code with the Enforcement Concordat
6 Comparing the requirements of the Enforcement Concordat with the Regulators’ Compliance Code
   Economic progress
   Risk assessment
7 Advice and guidance
8 Inspections and other visits
9 Information requirements
10 Compliance and enforcement actions
11 What is expected of a local authority as a law enforcement agency?
11 How are sanctions and penalties to be decided?
12 Preparing for action
13 Taking action
14 Accountability
15 Checking compliance
17 Reference material

LBRO briefings provide helpful information about important topics for local authority regulators. They do not constitute legal advice or direction, and should not be treated as formal statutory guidance, which will be issued separately.
Introduction

This briefing is the second in a series produced by the Local Better Regulation Office aimed at helping local authority regulatory services operate in accordance with better regulation principles. It introduces the Regulators’ Compliance Code, which comes into force in April 2008, and compares it with the current Enforcement Concordat.

Many local authorities will already be voluntarily following the requirements of the Concordat. This guide looks at what else regulatory services need to do to comply with the new statutory requirements of the Code. It should be read alongside the statutory code of practice published by the Department for Business, Enterprise and Regulatory Reform (BERR) and guidance from the Local Authorities Coordinators of Regulatory Services (LACORS).

The Regulators’ Compliance Code introduces new statutory requirements for all English local authorities, including fire and rescue services. It does not replace the Enforcement Concordat.

Local authority regulatory services have a key role to play in supporting local economic prosperity and community wellbeing. They ensure that well-run, legally compliant businesses are supported and that consumers, workers and the environment are adequately protected.

Compliance with the Code will lead to increased transparency, responsiveness and targeting of local regulatory services, and help improve the service to businesses and the reputation of local regulatory services.

Background

The Cabinet Office published the central and local government Concordat on Good Enforcement – the Enforcement Concordat – in March 1998, setting out six principles of good enforcement. Following the Hampton review on administrative burdens, the BRE was established and has published the Regulators’ Compliance Code, which aims to promote efficient and effective approaches to regulatory inspection and enforcement, improving the outcome of regulation without imposing unnecessary burdens. The actions required by the Code reflect the principles of better regulation identified by the Better Regulation Task Force, which state that regulatory activities should be carried out in a way which is consistent, transparent, accountable, proportionate and targeted.
Comparing the Compliance Code with the Enforcement Concordat

The table below compares the Concordat with the Code.

<table>
<thead>
<tr>
<th>The Concordat:</th>
<th>The Compliance Code:</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Concordat is a voluntary, non-statutory code of practice to which all local authorities in the United Kingdom can sign up. It defines enforcement activity in the broadest sense, including advisory visits and other assistance, and is not limited in the regulatory activities it applies to. Once an authority commits to compliance, the Concordat becomes a central part of its policy and practice. Failure to meet these obligations could lead to a finding of ‘maladministration’ by the Local Government Ombudsman.</td>
<td>The Regulators’ Compliance Code is a statutory code that comes into force on 6 April 2008, as specified within the Legislative and Regulatory Reform Act 2006 (Section 22). It applies to trading standards, environmental health and licensing as well as fire and rescue.</td>
</tr>
<tr>
<td>Local authorities can choose whether or not they wish to adopt the Concordat.</td>
<td>The Code is a statutory requirement for all English local authorities. A regulator must explicitly consider the Code and the five principles and any decision to depart from them must be properly reasoned and based on material evidence. The duty to “have regard to” the Code applies when authorities are developing general policies or standards (paragraph 2.5), and not to any regulatory function in individual cases (paragraph 2.4). In cases of conflict, other statutory duties take precedence over the Code. An authority is not bound to follow a provision of the Code if it properly concludes that this is: • not relevant; or • outweighed by any other relevant consideration (paragraph 2.6). Decisions to depart from the Code must be properly reasoned and based on evidence, which means that local authorities must follow a policy-making process that is documented and that records clear accountability for key decisions. This is particularly important to demonstrating why a decision has been made to depart from the Code.</td>
</tr>
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</table>
### Comparing the Compliance Code with the Enforcement Concordat

<table>
<thead>
<tr>
<th>The Concordat:</th>
<th>The Compliance Code:</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Concordat is based on six principles:</td>
<td>The Code is a requirement for all English authorities.</td>
</tr>
<tr>
<td>• Setting clear standards.</td>
<td>It is consistent with Hampton principles for improved inspection, enforcement and outcomes:</td>
</tr>
<tr>
<td>• Providing clear and open information.</td>
<td>• Regulators should allow, or even encourage, economic progress and only intervene when there is a clear case for protection.</td>
</tr>
<tr>
<td>• Helping business by advising on and assisting with compliance.</td>
<td>• Regulators should use comprehensive risk assessment to concentrate resources on the areas that need them most</td>
</tr>
<tr>
<td>• Having a clear complaints procedure.</td>
<td>• Regulators should provide authoritative advice easily and cheaply</td>
</tr>
<tr>
<td>• Ensuring that enforcement action is proportionate to the risks involved.</td>
<td>• No inspection should take place without a reason;</td>
</tr>
<tr>
<td>• Ensuring consistent enforcement practice.</td>
<td>• Businesses should not have to give unnecessary information</td>
</tr>
<tr>
<td></td>
<td>• Businesses that persistently break regulations should face meaningful sanctions</td>
</tr>
<tr>
<td></td>
<td>• Regulators should be accountable for the effectiveness of their activities</td>
</tr>
</tbody>
</table>

Many authorities will have corporate standards that regulatory services must meet in dealing with business, for example governing how data is collected and how advice and information are provided. These standards should meet the requirements of the Concordat and Code.
Comparing the requirements of the Enforcement Concordat with the Regulators’ Compliance Code

Many aspects of the Concordat and the Code require a similar approach to delivering regulatory services, as the table below shows.

**Economic progress**

How can regulatory activity promote the local economy?

<table>
<thead>
<tr>
<th>The Concordat</th>
<th>The Compliance Code</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Concordat recognises that equitable, practical and consistent enforcement helps to promote a thriving national and local economy.</td>
<td>The Code requires local authorities to consider the impact that regulatory action has on economic progress, especially on small businesses. Burdens should be minimised and activities must be kept under review.</td>
</tr>
</tbody>
</table>

**Risk assessment**

When should assessment be used?

<table>
<thead>
<tr>
<th>The Concordat</th>
<th>The Compliance Code</th>
</tr>
</thead>
</table>
| The Concordat states that costs to business should be minimised by ensuring that action is proportionate to risk. | The Code puts risk assessment at the forefront of decision making (section 4) and it must precede and inform all aspects of regulatory activity, including:  
  • data collection and other information programmes;  
  • inspection;  
  • advice and support;  
  • enforcement and sanctions.  
  Stakeholders should be consulted in the design of risk methodologies, which should also be published and regularly reviewed. |
Advice and guidance

Does a local authority have to offer advice and guidance?

<table>
<thead>
<tr>
<th>The Concordat:</th>
<th>The Compliance Code:</th>
</tr>
</thead>
</table>
| The provision of advice and assistance is central to the Concordat, and it underpins the principle of helpfulness. It is a requirement to provide written advice on request and to distinguish a legal obligation from best practice advice. | The Code introduces additional requirements relating to the provision of advice and information:  
• All regulatory legal requirements must be communicated to relevant businesses.  
• Clear, concise and accessible information, advice and guidance, which meets the needs of business, must be provided to help businesses meet their obligations.  
• Advice and guidance aimed at meeting minimum standards must be distinguished from best practice.  
• Local authorities must consult on the content, effectiveness and additional costs incurred by businesses.  
Basic advice and guidance on compliance is presumed to be free, although additional services may be charged for. Businesses with particularly complex practices may need specialist or professional advice.  
This is not a comprehensive list. |

Get online to compliance

Using email, webpages and links to other e-resources may help you meet these requirements. Do you need to rethink your use of electronic communication?
### Inspections and other visits

Is a local authority free to act independently when setting inspection programmes?

<table>
<thead>
<tr>
<th>The Concordat:</th>
<th>The Compliance Code:</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Concordat requires clear standards to be published, setting out the level of service and performance sought, along with the actual results achieved. Wherever possible, local regulatory services should be co-ordinated and arrangements should be in place for liaison with other authorities and enforcement bodies.</td>
<td>The Code provides specific practical steps that are to be followed in designing inspection programmes.</td>
</tr>
<tr>
<td></td>
<td>Inspections and other visits – such as meetings to provide advice about compliance – should result from risk assessment, reflecting the Hampton principle of “no inspection without a reason”. This does not apply if a business has asked for a visit.</td>
</tr>
<tr>
<td></td>
<td>Greatest effort should be focused where both:</td>
</tr>
<tr>
<td></td>
<td>• failure to comply would pose a serious risk; and</td>
</tr>
<tr>
<td></td>
<td>• there is high likelihood of non-compliance.</td>
</tr>
<tr>
<td></td>
<td>Random inspection should be limited to tests of a risk-assessment method or the effectiveness of interventions.</td>
</tr>
<tr>
<td></td>
<td>There is a duty for local authority departments to collaborate with other regulators, both internal and external, on planned inspections (paragraph 6.5), for example by attending together or sharing data.</td>
</tr>
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</table>

### Relevant collaboration

The local regulatory landscape is complex, with many different regulatory bodies. In the duty to collaborate, local authorities should think about collaborating where relevant (this is covered by section 2.6) since there is a very large number of regulators.
Information requirements
What must a local authority do before requesting information from businesses?

<table>
<thead>
<tr>
<th>The Concordat:</th>
<th>The Compliance Code:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Much of the Concordat is concerned with how information is provided. It includes commitments to:</td>
<td>The Code is particularly concerned with the collection of information.</td>
</tr>
<tr>
<td>• publish clear standards for the level of service and performance, and performance against these standards;</td>
<td>Before requesting information, local regulators must consider the costs and the benefits to business, and consider how to minimise those costs.</td>
</tr>
<tr>
<td>• provide advice and information in plain language;</td>
<td>Businesses should be consulted about what data is required and how it is collected.</td>
</tr>
<tr>
<td>• provide contact information and publish complaints procedures.</td>
<td></td>
</tr>
</tbody>
</table>

How to reduce costs
The Code sets out ways to reduce the costs to businesses of information requirements:
• Base your requests on risk.
• Limit data collection to specific business sectors.
• Collect data less often.
• Obtain data from another source.
• Collect data electronically.
Compliance and enforcement actions
What is expected of a local authority as a law enforcement agency?

<table>
<thead>
<tr>
<th>The Concordat:</th>
<th>The Compliance Code:</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Concordat imposes both policy and procedure</td>
<td>The Code has broadly similar requirements and sets out</td>
</tr>
<tr>
<td>requirements. The policy requirements are:</td>
<td>the following specific actions:</td>
</tr>
<tr>
<td>• set standards</td>
<td>• Incentivise and reward businesses for good levels</td>
</tr>
<tr>
<td>• discuss specific compliance failures</td>
<td>of compliance.</td>
</tr>
<tr>
<td>• provide prompt and efficient service</td>
<td>• Hold discussions with a business when considering</td>
</tr>
<tr>
<td>• set up complaints procedures with an explanation</td>
<td>formal enforcement action (exemption</td>
</tr>
<tr>
<td>of how to appeal</td>
<td>for serious breach or compromising the action).</td>
</tr>
<tr>
<td>Examples of procedural requirements are:</td>
<td>• Apply sanctions and penalties consistent with the</td>
</tr>
<tr>
<td>• provide clear and simple explanations of why</td>
<td>Macrory principles.</td>
</tr>
<tr>
<td>remedial action is needed and by when, and this</td>
<td>• Publish an enforcement policy.</td>
</tr>
<tr>
<td>should be separate from best practice advice</td>
<td>• Measure outcomes.</td>
</tr>
<tr>
<td>• give businesses an opportunity to explain the</td>
<td>• Justify the choice of enforcement actions year on year</td>
</tr>
<tr>
<td>circumstances of any non-compliance before</td>
<td>to interested parties.</td>
</tr>
<tr>
<td>enforcement action is taken</td>
<td>• Follow up enforcement actions where appropriate.</td>
</tr>
<tr>
<td>• explain why immediate action is needed and</td>
<td>• Enforce and apply penalties in a transparent manner.</td>
</tr>
<tr>
<td>provide written confirmation</td>
<td>• Avoid perverse incentives that might influence the</td>
</tr>
<tr>
<td>• provide a written explanation of how to appeal</td>
<td>choice of sanctioning response.</td>
</tr>
<tr>
<td>against formal action should be given at the time</td>
<td>• Provide clear reasons for any formal enforcement</td>
</tr>
<tr>
<td>action is taken</td>
<td>action at the time it is taken, explain complaints</td>
</tr>
<tr>
<td>• take action proportionate to risk;</td>
<td>and appeals processes and place these in writing</td>
</tr>
<tr>
<td>• take attitude of operator into account in deciding</td>
<td>at the earliest opportunity.</td>
</tr>
<tr>
<td>action (as far as the law allows);</td>
<td>• Ensure inspectors are able to interpret and apply</td>
</tr>
<tr>
<td>• avoid unnecessary expense to business;</td>
<td>relevant legal requirements and enforcement</td>
</tr>
<tr>
<td>• promote consistency;</td>
<td>policies fairly and consistently within and across</td>
</tr>
<tr>
<td>• carry out duties in a fair and equitable manner.</td>
<td>regulatory agencies.</td>
</tr>
</tbody>
</table>

Train to gain
To help compliance, make sure that your authority includes training and development plans for staff as part of their continuous professional development, which is a requirement of the Code.
How are sanctions and penalties to be decided?

<table>
<thead>
<tr>
<th>The Concordat:</th>
<th>The Compliance Code:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Not covered by the Concordat.</td>
<td>The Code requires sanctions and penalties to be applied according to the following principles, which emerged from the Macrory review:</td>
</tr>
<tr>
<td></td>
<td>• Aim to change the behaviour of the offender.</td>
</tr>
<tr>
<td></td>
<td>• Aim to eliminate financial gain or benefit from non-compliance.</td>
</tr>
<tr>
<td></td>
<td>• Be responsive and consider what is appropriate for the particular offender and offence.</td>
</tr>
<tr>
<td></td>
<td>• Be proportionate to the nature of the offence and the harm caused.</td>
</tr>
<tr>
<td></td>
<td>• Aim to repair the harm done by the offence, where appropriate.</td>
</tr>
<tr>
<td></td>
<td>• Aim to deter non-compliance in future.</td>
</tr>
</tbody>
</table>

The following flowchart will help put these principles into practice.
Preparing for action

Is the action to be taken within the jurisdiction of an English local authority or fire authority under legislation listed in Parts 3 & 4 of the order?

Have enforcement policy been published?

Has outcome measures been set?

Are all procedures, decision making processes (including penalty setting) and risk assessment methodologies in the public domain?

Blue arrow indicates 'yes' answer
Red arrow indicated 'no' answer

Code does not apply

Review and reflect the needs of small businesses

Has account been taken of small businesses and their special circumstances in the preceding activities?

Prepare necessary policies / procedures / measures, consult if required and seek agreement within authority. (Note that the Code required consultation in many cases)

Consider training and development schemes

Is an incentive scheme in place to reward the achievement of consistently good levels of compliance?

Have steps been taken to ensure staff interpret and apply all requirements and policies consistently and fairly for all businesses?

Ready to conduct compliance and enforcement activities.

This chart includes the requirements imposed by Section 8 of the Code. Other sections impose additional requirements, for example data handling, collaboration and consultation

Local Better Regulation Office briefing for local authority regulatory services
Taking action

Is the business compliant with the law?  
Does the matter warrant sanction or penalty?  
Does matter warrant formal enforcement action?  
If appropriate discuss circumstances with the business and take these into account when deciding the best approach. Not applicable in some circumstances.

Is the business consistently achieving good levels of compliance?  
Keep record for future  
Select appropriate informal sanction in accordance with authority’s policy. Give advice if needed  
Does matter still warrant formal enforcement action?  
Select appropriate sanction or penalty in accordance with authority’s policy  
Tell business reasons for formal action at same time as it is taken. Also inform of complaints and relevant procedures. Put reasons into writing at earliest opportunity

Apply reward scheme  
Advise or take other steps to secure compliance including follow-up if appropriate  
Record justification for later use with interested parties if needed  
Follow up enforcement action if appropriate
Accountability
What steps are needed to ensure regulatory services are accountable to stakeholders?

<table>
<thead>
<tr>
<th>The Concordat:</th>
<th>The Compliance Code:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accountability is not a principle specifically covered in the Concordat. However, there are several requirements for openness that aim to improve accountability.</td>
<td>The Code requires effective consultation and feedback opportunities to be created, which will help forge effective relationships with business. Local authority employees are required to provide courteous and efficient services, taking into account comments regarding the behaviour and activity of inspectors. Timely and effective complaints procedures are to be published, including an appeal process to the Local Government Ombudsman.</td>
</tr>
</tbody>
</table>

Measuring business perceptions
The new national indicator set for local authorities includes NI 182, measuring business satisfaction with local authority regulatory services. By surveying local companies in your area, this is one way your authority can begin to show its accountability to business and compliance with the Code.
# Checking compliance

The checklist below has been designed to help you audit your compliance with the code.

<table>
<thead>
<tr>
<th>Responsibility</th>
</tr>
</thead>
<tbody>
<tr>
<td>Has the relevant legislation and the parts of the authority enforcing it been identified?</td>
</tr>
<tr>
<td>Have staff responsible for ensuring compliance with the Code been identified and informed?</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Economic progress</th>
</tr>
</thead>
<tbody>
<tr>
<td>Is a process for measuring and minimising the burden of regulatory intervention in place?</td>
</tr>
<tr>
<td>Is a means of review in place?</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Risk assessment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Does risk assessment precede and inform all aspects of regulatory activity to ensure most effective targeting?</td>
</tr>
<tr>
<td>Are businesses consulted on methodologies?</td>
</tr>
<tr>
<td>Are methods subject to review and continuous improvement?</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Advice and guidance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Are legal requirements relating to regulatory activities promptly communicated to businesses, including changes?</td>
</tr>
<tr>
<td>Is advice, information and guidance made available to businesses in a range of formats?</td>
</tr>
<tr>
<td>Are businesses involved in developing the guidance?</td>
</tr>
<tr>
<td>Is the effectiveness monitored?</td>
</tr>
<tr>
<td>In offering advice, are statutory requirements distinguished from ‘best practice’ guidance?</td>
</tr>
<tr>
<td>Are basic advice services to businesses offered free of charge?</td>
</tr>
<tr>
<td>Can help be sought by businesses without triggering enforcement action?</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Inspections and other visits</th>
</tr>
</thead>
<tbody>
<tr>
<td>Except for dealing with requests or acting on intelligence, do all visits and inspections come from a risk-assessment process?</td>
</tr>
<tr>
<td>Is random inspection kept to a minimum and solely to test risk-assessment methodology?</td>
</tr>
<tr>
<td>Is positive feedback from inspections given to businesses to reinforce and encourage good practices?</td>
</tr>
<tr>
<td>Are steps in place to ensure collaboration between different regulators on inspections to minimise burdens on businesses?</td>
</tr>
</tbody>
</table>
### Information requirements

<table>
<thead>
<tr>
<th>Question</th>
<th>Answer</th>
</tr>
</thead>
<tbody>
<tr>
<td>Before asking businesses for data has a cost-benefit analysis been undertaken?</td>
<td></td>
</tr>
<tr>
<td>Is there a process to ensure sharing of data between regulators?</td>
<td></td>
</tr>
<tr>
<td>Are forms designed with input from businesses?</td>
<td></td>
</tr>
</tbody>
</table>

### Compliance and enforcement actions

<table>
<thead>
<tr>
<th>Question</th>
<th>Answer</th>
</tr>
</thead>
<tbody>
<tr>
<td>Are positive incentives in place to reward businesses that consistently achieve good levels of compliance?</td>
<td></td>
</tr>
<tr>
<td>Are the circumstances of any breach discussed with a business before formal action is taken?</td>
<td></td>
</tr>
<tr>
<td>Do any sanctions or penalties comply with Macrory principles?</td>
<td></td>
</tr>
<tr>
<td>Is an enforcement policy published?</td>
<td></td>
</tr>
<tr>
<td>Are outcomes of regulatory activity measured?</td>
<td></td>
</tr>
<tr>
<td>Is the choice of enforcement action justified externally year on year?</td>
<td></td>
</tr>
<tr>
<td>Does follow-up to enforcement action happen?</td>
<td></td>
</tr>
<tr>
<td>Is the whole process of regulation transparent?</td>
<td></td>
</tr>
<tr>
<td>Are reasons for formal enforcement action given to a business at the time it is taken, together with details of relevant appeals procedures?</td>
<td></td>
</tr>
<tr>
<td>Are inspectors enabled to be consistent in similar situations?</td>
<td></td>
</tr>
</tbody>
</table>

### Accountability

<table>
<thead>
<tr>
<th>Question</th>
<th>Answer</th>
</tr>
</thead>
<tbody>
<tr>
<td>Are effective consultation processes with businesses in place?</td>
<td></td>
</tr>
<tr>
<td>Are employees courteous and efficient in their dealings with businesses?</td>
<td></td>
</tr>
<tr>
<td>Are comments and feedback acted on?</td>
<td></td>
</tr>
<tr>
<td>Is the complaints procedure publicised, including the right to complain to the Local Government Ombudsman?</td>
<td></td>
</tr>
</tbody>
</table>

### Decision making

<table>
<thead>
<tr>
<th>Question</th>
<th>Answer</th>
</tr>
</thead>
<tbody>
<tr>
<td>Are reasons for decisions not to comply with the Code properly documented?</td>
<td></td>
</tr>
</tbody>
</table>
Other sources of information


Acknowledgement
This briefing has been written with the help of Adrian Levett of Harrison Consulting.
ABOUT LBRO

Set up by the Government in 2007, LBRO’s role is help local authorities improve their enforcement of environmental health, trading standards, licensing and fire safety regulations – reducing burdens on businesses that comply with the law while targeting those who flout it.

For more information about the work of LBRO visit www.lbro.org.uk

Contact us:
The Local Better Regulation Office
The Axis
10 Holliday Street
Birmingham
B1 1TG
0121 226 4000

enquiries@lbro.org.uk
The Director of Public Prosecutions is responsible for issuing a Code for Crown Prosecutors under section 10 of the Prosecution of Offences Act 1985, giving guidance on the general principles to be applied when making decisions about prosecutions.

Section 10. reads:

Guidelines for Crown Prosecutors.

(1) The Director shall issue a Code for Crown Prosecutors giving guidance on general principles to be applied by them—

(a) in determining, in any case—

(i) whether proceedings for an offence should be instituted or, where proceedings have been instituted, whether they should be discontinued; or

(ii) what charges should be preferred; and

(b) in considering, in any case, representations to be made by them to any magistrates’ court about the mode of trial suitable for that case.

(2) The Director may from time to time make alterations in the Code.

(3) The provisions of the Code shall be set out in the Director’s report under section 9 of this Act for the year in which the Code is issued; and any alteration in the Code shall be set out in his report under that section for the year in which the alteration is made.

From The Times: November 27, 2008 In the public interest: speeding cases prove the case for the Crown Prosecution Service

By Michael Chance

A decision to charge a person with a criminal offence is not to be taken lightly. Reputations can be destroyed and lives ruined, even if the charges are abandoned subsequently.

The Royal Commission on Criminal Procedure, in its 1981 report, recommended that the responsibilities for investigating and prosecuting crime should be separated. If the police conduct an investigation — and believe that they have identified the offender and are responsible for a resultant prosecution — their approach may not be open-minded. The commission’s report led to the creation of the independent Crown Prosecution Service (CPS) in 1986.

In the early days initial decisions remained with the police. If a charge was brought the police passed the file to the CPS, who decided whether to proceed with the prosecution. This proved an imperfect compromise. More recently, the decision to bring a charge has been transferred to the CPS, save in a few comparatively routine cases.

Dominic Grieve, the Shadow Home Secretary, announced recently that the next Conservative government will “return charging discretion for all summary offences to the custody sergeant and review the scope for doing the same with offences triable either way”. Those two categories encompass most criminal offences, including many of great gravity.
In reaching decisions on prosecutions both the police and the CPS must comply with the code issued by the Director of Public Prosecutions (DPP) under Section 10 of the Prosecution of Offences Act 1985. The code requires careful consideration of the strength of the evidence and whether the public interest requires a prosecution, having regard to any mitigating circumstances. In these respects the code encapsulates principles understood by prosecutors throughout living memory.

These decisions are often difficult. Mr Grieve’s proposal is not founded on a belief that moving the responsibility from crown prosecutors to police sergeants would serve the interests of justice better. Instead, he estimates that a million police hours would be saved each year. If police sergeants and crown prosecutors approach this task with equal care, how is this eye-catching figure to be achieved? This is far from obvious.

Twenty-two years after the establishment of the CPS, there are still concerns among some police officers over what they see as a diminution of their authority. Mr Grieve’s new policy may reflect an element of seeking to meet those concerns. It is surely no accident that the policy was announced at a conference of police superintendents.

In the cases where the police have continued to be entrusted with these decisions, have they fulfilled their obligations under the Section 10 code? Alleged breaches of speed limits are much the most common of those cases. The DPP has made clear, and the Association of Chief Officers (Acpo) has acknowledged, that the code applies as much to these cases as to any others. The unhappy reality is that for many years it was Acpo’s national policy automatically to bring a prosecution for a speeding offence unless a motorist accepted a fixed penalty, including the endorsement of three penalty points on his or her driving licence. In direct disregard of the long-established principle and the express requirement of the Section 10 code, any mitigating circumstances were entirely disregarded.

Often the police indicated, in stark terms, that rejection of a fixed penalty was likely to result in the imposition by a court of a much more severe penalty, including up to six penalty points. There was no mention of the possibility of avoiding any penalty points by demonstrating to the court special reasons for that course. Faced with such an unbalanced ultimatum, few are likely to have opted for a prosecution.

There would rightly be an uproar if police officers engaged on urgent duties were penalised for exceeding speed limits. Why should wholly different criteria be applied to members of the public confronted with a genuine emergency or other extenuating circumstances, in clear contravention of the Section 10 code?

When Acpo’s policy came to my notice in 2005, I raised my concerns with the respected head of the Crown Prosecution Service Inspectorate. He shared those concerns, as did an official of the equally respected Inspectorate of Constabulary. Only in February this year, having belatedly obtained its own expert legal advice, did Acpo advise all forces that the Section 10 code requires them to have proper regard to any mitigating circumstances.

I have since tried, without success, to secure the help of the Home Office and the Ministry of Justice in identifying a way in which corrective action, short of applications to the High Court, can be taken in those cases where motorists have unjustly incurred penalty points that remain on their driving licences. It is likely that the “totting-up” provisions will have cost some people their driving licences and their jobs. I hope they will take prompt legal advice.

Mr Grieve may wish to reconsider the idea of entrusting the police with decisions on bringing charges in the overwhelming majority of cases.

The author is a former assistant director of Public Prosecutions and senior official of the CPS
Charging suspects - why it's a job for prosecutors

Frances Gibb, Legal Editor

Criminal suspects remain on bail for weeks or even months before being charged because of complex, inefficient and inconsistent charging practices, a new report today concludes. In one exceptional case, the time from arrest to charge was more than a year, at 369 days after arrest, although the average was 41.3 days, and suspects were regularly "rebailed".

The findings are contained in a report on the new charging scheme undertaken jointly by the Crown Prosecution Service Inspectorate and the Inspectorate of Constabulary.

Stephen Wooler, chief inspector of the CPS Inspectorate, said that suspects were on bail for a variety of reasons for longer than they should be because of the "more complex" arrangements. That was undesirable as "justice delayed was justice denied", he said. "Cases should go through the system at their proper pace, without undue delay — that’s what we are trying to achieve — to ensure swift but soundly based decisions.”

But the report concludes that, despite problems, the task of charging of serious criminal suspects should remain with the CPS despite recent calls for it to be given back to the police.

Related Links

- [Speeding cases prove the case for the CPS](#)

It is the first review of statutory charging, the scheme phased in between 2004 and 2006 in which police handed to prosecutors the job of charging serious offences. Present processes, it finds, are "inconsistent, overly complex, inefficient and lacking in pragmatism, often leading to avoidable delays and frustration”.

The practice of prosecutors and police holding face-to-face meetings to advise on charging leads to delay, the quality of police files is often wanting and there are wide variations in practice, the joint report finds.

Yet despite criticisms by Dominic Grieve, the Shadow Home Secretary, and Sir Ronnie Flanagan, Chief Inspector of Constabulary, that the system is over-bureaucratic and police should take back the charging of more cases, the report comes out in its favour.

Wooler said: “This report does not go along with the finding that there should be any diminution of the scheme.” Sir Ronnie had accepted the findings and agreed instead that efficiencies were the way forward, he added. Peter Todd, assistant inspector of the Inspectorate of Constabulary, said: “We are coming at it from a different angle but we agree it’s about making the scheme more efficient.”

The idea of giving prosecutors a charging role stems from a report on the criminal courts by Sir Robin Auld in 2001. Contrary to widespread belief, the CPS is responsible for only 30 per cent of all charging: in 2007-08 that was a total of 335,000 charging decisions of all 966,000 cases finalised by the CPS that year. So 70 per cent of charging is still done by police although that includes many motoring offences (see right).

The change has cost £150 million in extra funds. Yet the report, while concluding it has delivered benefits to the justice system, says that “in purely financial terms it was difficult to gauge the value for money of the scheme”.

But on the upside, Wooler said, the scheme had brought better working between police and prosecutors — and that was the verdict of “the vast majority” of those on the ground.

Positive benefits included “good quality” final charging decisions and earlier and fewer discontinuances,
stopping weak cases from going to court. In 2007-08, no further action was directed against nearly 30 per cent of all charging decisions. Results of cases had improved with higher guilty plea rates — in the Crown Court up to 71.3 per cent from 65 per cent in 2005-06. Overall though, the scheme needed to be “significantly more efficient” — and variations in practice needed to be ironed out.

Both police and prosecutors welcomed the report. Peter Lewis, the CPS chief executive, said: “This was a huge organisational and cultural change for the CPS and police working together . . . we are pleased the report acknowledges the progress made.” Tim Godwin, assistant commissioner of the Metropolitan Police, said that both parties had already embarked on projects that would “build on benefits achieved and improve overall efficiency”.

Will it change Tory policy? Grieve yesterday remained firm in his views. The scheme, he said, had “not only caused delays in the system, but undermined police discretion and created huge amounts of paperwork. It defies common sense that an officer can be tied up for eight hours, compiling the pre-charge case file, in a straightforward drugs possession case.”

The Conservatives would abolish the scheme, restoring charging to the custody sergeant for magistrates’ cases and review cases that can go before JPs or the Crown Court, leaving the CPS just with the most serious offences. “We estimate that in England and Wales this will save up to one million hours of police time a year.”

From The Times
November 27, 2008

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Michael Chance
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The author is a former assistant director of Public Prosecutions and senior official of the CPS

For Councils see: REGULATORY ENFORCEMENT AND SANCTIONS ACT 2008
From: Richard Jarman
Sent: 09 September 2012 23:38
To: LAWCOM Taxi / PHV regulation
Subject: response

Attachments: Quashie v Stringfellows Restaurants Ltd.doc
The enclosed is potentially relevant.

I have been told that a similar case in respect of PHVs is contemplated anyway?

RJ

This email was received from the INTERNET and scanned by the Government Secure Intranet anti-virus service supplied by Cable&Wireless Worldwide in partnership with MessageLabs. (CCTM Certificate Number 2009/09/0052.) In case of problems, please call your organisation’s IT Helpdesk. Communications via the GSi may be automatically logged, monitored and/or recorded for legal purposes.
From: Richard Jarman [REDACTED]
Sent: 10 September 2012 00:25
To: LAWCOM Taxi / PHV regulation
Subject: errors - all mine?
I have just spotted that the 1st sentence at the end under the title 'impact assessment should read:

The assessment is not comprehensive - the data is stated as not being very accurate.

Page Ewquality or equality... LOL?

Probably lots more?

Regards

RJ

This email was received from the INTERNET and scanned by the Government Secure Intranet anti-virus service supplied by Cable&Wireless Worldwide in partnership with MessageLabs. (CCTM Certificate Number 2009/09/0052.) In case of problems, please call your organisation’s IT Helpdesk. Communications via the GSi may be automatically logged, monitored and/or recorded for legal purposes.
FREEDOM OF INFORMATION REQUEST

Equality Act and wheelchair taxi provisions

Request 1

Please supply details / copies of any actual or draft accessibility requirements pursuant to sections 167 of the Equality Act 2010; whether circulated or not.

Please give details [summarise recommendations / drafts] of any exchange of such information with any local authority. Please also include such detail in relation to exchanges with any trade, professional association or disabled group. Are NALEO, IOL, NPHA included?

Request 2

Section 165(d) of the Equality Act requires people in wheelchairs to be carried in safety. Please provide detail of any recommendation, in draft or otherwise, prepared for use internally or for or on behalf or in conjunction with of any local authority, trade or professional body or disabled group setting out these safety parameters for taxis; whether or not such material reflects the view of the DfT

Request 3

In the light of Request 2, specifically also set out or detail any exchange [copying / summarising any discussion with the bodies referred to in Request 1] on the carriage of occupied wheelchairs that cannot be turned round in a taxi / PHV to face aft. This difficulty arises when.

- a. a person is in a posture prohibiting this
- b. the wheelchair is motorised
- c. the passenger declines to be turned
- d. the combined weight is too great (see Request 4 also)
- e. the disabled person requires to travel with more than one other person
- f. the wheelchair is not designed so as to facilitate the use of restraints available.

In each of the above examples the person is of sound mind, when asking to travel placed transversely. Set out, and copy, or précis any views exchanged with any of the bodies referred to in Request 1, or internally, dealing with either of these scenarios conflicting with the duties set out in s. 165(7), and any possible criminality. This request is directed toward information germane to the section.
**Request 4.**

The Health and Safety Executive (HSE) has recommendations dealing with manual handling techniques. Specifically 25kg is the maximum kinetic lifting weight recommended. Turning a wheelchair to face aft in a taxi PHV requires that the posture and weight involved will normally exceed these HSE parameters. The HSE recommendation forms part of the VRQ training syllabus undertaken by taxi & PHV drivers. HSE also recommends that the maximum force applied moving material up a slope is 100 Newtons, a 15 degree slope on a TX1 ramp (not a floor ramp) to the road (not kerb) will therefore permit 40kg to be moved up the ramp.

The majority of taxi wheelchair movements fall outside (exceed) these HSE guidelines, if carriage is therefore refused please repeat the exercise in considering criminality and the extent of the duty imposed by s. 165(7) in request 3

**Request 5**

Sub sections165 (5) (a) & (b) require mobility assistance, the difference between (a) & (b) is that in one case the passenger is in a wheelchair, in the other not. There are no parameters set out to describe or define the term mobility assistance.

Bearing in mind the HSE guidelines set out in request 4, set out, and copy, or précis, any views exchanged with any of the bodies referred to in Request 1, or internally, dealing with either of these scenarios which impinge upon the duties set out in s. 165(7), and any possible criminality. In particular any request that may be made by a passenger to lift him or her, out of a wheelchair.

**Request 6**

S.161(1)(b)(iii) allows The DfT to proscribe the size of a wheelchair, in the event of the use of the section.

Please describe the wheelchair it is envisaged should be proscribed and provide a précis any specification(s) drafted in relation thereto, and describe the existing vehicles (or which models of which vehicle) that could carry it.
Request 7

Identify any statistics / research into accident frequency [or probability] in hackney carriages, with and without wheelchairs loaded therein, and inform the applicants where and how such material may be obtained if DfT is to supply the relevant information itself.
Dear Mr Jarman

Thank you for your recent e-mails attaching 7 freedom of information requests. I apologise for the delay in responding. I am writing to confirm that the Department has now completed its search for the information which you requested on 8 and 11 November. I will deal with your questions in turn.

Request 1
Please supply details/copies of any actual or draft accessibility requirements pursuant to sections 167 of The Equality Act 2010; whether circulated or not.

Response
This information is held by the Department but has been withheld under the exemption Government Policy formation in section 35 of the Freedom of Information Act 2000. The information which is being withheld is draft statutory guidance made under section 167 of The Equality Act 2010. In applying this exemption we have had to balance the public interest in withholding the information against the public interest in disclosure. The attached annex A to this letter sets out the exemption in full and details why the public interest test favours withholding the information.

Request 2
Section 165(d) of the Equality Act requires people in wheelchairs to be carried in safety. Please provide details of any recommendation, in draft or otherwise, prepared for use internally or for or on behalf or in conjunction with of any local authority, trade or professional body or disabled group setting out these safety parameters for taxis; whether or not such material reflects the view of the DfT.
Response
No information held.

Request 3
You ask in reference to request 2, to also set out or detail any exchange, on the carriage of occupied wheelchairs that cannot be turned round in a taxi / PHV to face aft. This difficulty arises when:

- a. a person is in a posture prohibiting this
- b. the wheelchair is motorised
- c. the passenger declines to be turned
- d. the combined weight is too great (see Request 4 also)
- e. the disabled person requires to travel with more than one other person
- f. the wheelchair is not designed so as to facilitate the use of restraints available.

In each of the above examples the person is of sound mind, when asking to travel placed transversely. Set out, and copy, or précis any views exchanged with any of the bodies referred to in Request 1, or internally, dealing with either of these scenarios conflicting with the duties set out in s. 165(7), and any possible criminality. This request is directed towards information germane to the section.

Response
No information held.

Request 4
The Health and Safety Executive (HSE) has recommendations dealing with manual handling techniques. Specifically 25kg is the maximum kinetic lifting weight recommended. Turning a wheelchair to face aft in a taxi PHV requires that the posture and weight involved will normally exceed these HSE parameters. The HSE recommendation forms part of the VRQ training syllabus undertaken by taxi & PHV drivers. HSE also recommends that the maximum force applied moving material up a slope is 100 Newtons, a 15 degree slope on a TX1 ramp (not a floor ramp) to the road (not kerb) will therefore permit 40kg to be moved up the ramp. The majority of taxi wheelchair movements fall outside (exceed) these HSE guidelines, if carriage is therefore refused please repeat the exercise in considering criminality and the extent of the duty imposed by s. 165(7) in request 3.

Response
No information held.

Request 5
Sub sections 165 (5) (a) & (b) require mobility assistance, the difference between (a) & (b) is that in one case the passenger is in a wheelchair, in the other not. There are no parameters set out to describe or define the term mobility assistance.

Bearing in mind the HSE guidelines set out in request 4, set out, and copy, or précis, any views exchanged with any of the bodies referred to in Request 1, or internally, dealing with either of these scenarios which impinge upon the duties set out in s. 165(7), and any possible criminality. In particular any request that may be made by a passenger to lift him or her, out of a wheelchair.

Response
Please find attached a letter and response to an enquiry relating to the difficulties associated with manhandling a passenger who wants to transfer from a wheelchair to a seat.

Request 6
S.161(1)(b)(iii) allows the DfT to prescribe the size of a wheelchair, in the event of the use of the section.

Please describe the wheelchair it is envisaged should be prescribed and provide a précis any specification(s) drafted in relation thereto, and describe the existing vehicles (or which models of which vehicle) that could carry it.

Response
This information is held by the Department but has been withheld under the exemption Government Policy formation in section 35 of the Freedom of Information Act 2000. The information which is being withheld is draft Regulations to be made under section 161 of The Equality Act 2010. In applying this exemption we have had to balance the public interest in withholding the information against the public interest in disclosure. The attached annex A to this letter sets out the exemption in full and details why the public interest test favours withholding the information.

Request 7
Identify any statistics / research into accident frequency in hackney carriages, with or without wheelchairs loaded therein, and inform the applicants where and how such material may be obtained if DfT is to supply the relevant information itself.

Response
No information held

If you are unhappy with the way the Department has handled your request or with the decisions made in relation to your request you may complain within two calendar months of the date of this letter by writing to the Department’s Information Rights Unit at:

Zone D/04
Ashdown House

If you are unhappy with the way the Department has handled your request or with the decisions made in relation to your request you may complain within two calendar months of the date of this letter by writing to the Department’s Information Rights Unit at:

Zone D/04
Ashdown House
Please see attached details of DfT’s complaints procedure and your right to complain to the Information Commissioner.

If you have any queries about this letter, please contact me. Please remember to quote the reference number above in any future communications.

Yours sincerely,

Rachael Watson
Your right to complain to [DfT/Agency] and the Information Commissioner

You have the right to complain within two calendar months of the date of this letter about the way in which your request for information was handled and/or about the decision not to disclose all or part of the information requested. In addition a complaint can be made that DfT has not complied with its FOI publication scheme.

Your complaint will be acknowledged and you will be advised of a target date by which to expect a response. Initially your complaint will be re-considered by the official who dealt with your request for information. If, after careful consideration, that official decides that his/her decision was correct, your complaint will automatically be referred to a senior independent official who will conduct a further review. You will be advised of the outcome of your complaint and if a decision is taken to disclose information originally withheld this will be done as soon as possible.

If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at:

Information Commissioner’s Office
Wycliffe House
Water Lane
Exemption in full

Section 35 of the Freedom of Information Act 2000

Information held by a government department or by the National Assembly for Wales is exempt information if it relates to:

- (a) the formulation or development of government policy
- (b) Ministerial communications
- (c) the provision of advice by any of the Law Officers or any request for the provision of such advice, or
- (d) the operation of any Ministerial private office.

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<thead>
<tr>
<th>Public interest test factors for disclosure</th>
<th>Public interest test factors against disclosure</th>
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<tr>
<td>Promoting accountability and transparency by public authorities for decisions taken by them.</td>
<td>Policy in this area is still being formulated. Releasing the information now may prejudice the final version of the published document. The documents concerned may go through changes between now and their publication date and we would not want interested parties to make decisions on the basis of guidance that may change before it is published. We intend to consult on both documents before they are finalised.</td>
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**Decision**
**To withhold the information**
Dear Law Commission Members.

Please see attachments being my response to the Consultation Paper 203.

The length of time that has been allocated for this Consultation is miserly. You have been charged with updating laws, proposing new laws and even proposing the removal of current powers available to Local authorities. The results of your deliberations will affect directly and indirectly up to 1/2 million people who are involved in the tax and private hire industries in the UK. I get the distinct impression that the level of consultation has been half-hearted. There has been no national advertising campaign either by television radio or newspapers. Yet you are about to make proposals that may very well affect not just those directly and indirectly involved in the taxi and private hire industries but the several million consumers who use those services.

A more appropriate length of consultation would have been six or seven months supported by degree of nation wide advertising of the consultation. I have no doubt that concerning the taxi industry the vast majority of taxi drivers have no conception of what you are doing and are therefore in no position to make a coherent response to the consultation paper. Part of the reason for that situation is that many of the taxi drivers in the UK are of Asian origin and do not possess the level of understanding of the English language that is necessary to comprehend the information contained in the Consultation Paper. How then have they been consulted? Furthermore the size of the document is daunting: over 250 pages. Four months for this consultation is wholly inadequate.

Yours sincerely.

Adam Brown.

"1.9 . . . This means that we can leave it to market forces to regulate price and quality, including additional safety provision.

1.10 Hailing and ranking cannot operate in a normal competitive way, because of the nature of the transaction. In each case the consumer at the actual moment that they engage the taxi, is in practice facing a monopoly supplier. . . . " [This last statement is ridiculous. This transaction which takes place "at the actual moment that they engage the taxi" represents a contract between the two parties involved in the transaction and to describe it in terms of a monopoly is a subterfuge and an abuse of the term monopoly!]

"9.3 Since 1985, the ability to restrict the number of taxi licences granted has been restricted. Licensing authorities can only do so where they are satisfied that there is no significant unmet demand for taxis in the area. This created a presumption against restriction of numbers and in favour of allowing market forces to take their course."

How is it possible for market forces to take their course when the level of supply is being created by wanton dis-regard for the level of demand ??

It is obvious that they recognise the impact of market forces on businesses in terms of price and quality but deny the impact of market forces in setting the necessary level of supply in businesses according to the level of demand and instead prefer the uncontrolled issue of licenses which make up the level of supply and which results in a level of supply that is utterly divorced from the level of demand.

"9.4 . . . . The power to limit numbers in London was first abolished in 1833 upon consolidation of the taxi legislation. On the other hand, the stringent knowledge tests required of drivers in London and the costly vehicles required to meet the conditions of fitness constitute a significant barrier to entry and are widely regarded as achieving an equivalent result similar to quantity regulation."

"9.6 In the discussion that follows we consider the workings of quantity controls within the statutory framework outside London and consider some of the difficulties this has caused"

This is a completely unbalanced approach to the issue by considering only "the difficulties" and ignoring the benefits.

"9.7 . . . . Licensing authorities do not need to consider demand when deciding whether or not to remove restrictions.

This lack of a requirement to consider demand is utter folly : under the operation of the principles of market forces the two fundamental forces of demand and supply underpin the operations of all businesses with demand being the driver in relation to supply and not the converse. The level of supply does not dictate the level of demand.
9.8 ... decisions on derestricting have a **direct impact** on the financial interests ["financial interests" a rather vague term hiding the truth that drivers suffer a reduction in earnings as a result of an un-warranted surge in the supply element of their services] of persons working in the trades ... This ties in with the **political** dimension of decisions about whether to derestrict and it is difficult to unbundle these difficult and competing considerations into a transparent and balanced process.

How can they possibly be unbundled when they are directly interconnected??

9.9 On 16th March 2003 following the Office of Fair Trading's market study(discussed further below) the Department for Transport wrote to those licensing authorities operating quantity restrictions. It asked them to **justify** their policy publically by 31st March 2005 and every three years thereafter. This has become the usual period for assessing unmet demand.

The Department also said it expected the justification for any such policy to be included in the local transport planning process. [ the reference given for this statement is "See Transport Act 2000 ss 108 to 113B. So this statement was **not** made in consequence of the OFT's "market study" as the wording suggests to the reader but at least 3 years **before** the OFT report.] The criterion of unmet demand has given rise to the commissioning of unmet demand surveys, endorsed by the Department for Transport in order to defend decisions to limit numbers.

Actually the Transport Committee report of 2004 which scrutinised the OFT Report of 2003 said this : "39. The OFT recommends that local authorities should no longer set quantity limits . . . . . and the law should be changed to remove their power to do so . . . . . 59. The OFT Report **manifestly** does **not** contain the evidence required to support its only proposal for legislative change : the abolition of quantity regulation. . . . . Its recommendations on quantity control **should be rejected**."

No attempt is made to **justify** de-regulation but Councils which regulate are required to justify doing so every three years. This is tantamount to harassment and a witch hunt to bully and discourage Councils from regulating.

9.10 In March 2010 the Department issued new best practice guidance reaffirming its stance against quantity restrictions. Where restrictions are in place the Department urges authorities to reconsider them on a regular basis and in particular consider whether they are necessary. It recommends that the matter should be approached in terms of the interests of the travelling public rather than the trades. This approach echoes views expressed by the courts. [no references given to support this important point !] Case law has acknowledged that a shift to de-restricted taxi vehicle licences could lead to hardship but this factor should not be determinative.

The suggestion that hardship as a consequence of deregulation should not be a limiting factor to its implementation is callous and insensitive.

It is important to get some perspective on what the Department of Transport does say in its Best Practice Guidance. It states in its Introduction "4. the key premise **remains** the same - it is for **individual** licensing authorities to reach their **own**
decisions both on overall policies and on individual licensing matters, in light of their own views of the relevant considerations. The Guidance is intended to assist licensing authorities but it is only a guidance and decisions on any matters remain a matter for the authority concerned."

"9.12 The financing of surveys raise difficult issues. . . As licensing functions are self-funding, surveys are sometimes paid for via licencing fees. If surveys are not to be financed by the trades ( and the Department for Transport Best Practice Guidance suggests it should not ) then surveys are to be paid out of increasingly tight council budget. [ this is a nonsense and a manifestation of ignorance as the BPG actually states : "financing of surveys. It is not good practice for surveys to be paid for by the local taxi trade ( except through general revenues from licence fees ) ] Such expenditure could appear to be wasted unless the council decides to restrict numbers. This is because as we have seen, local councils can de-restrict or continue an existing policy of not controlling numbers for free."

Once it is realised that the above statement is based on a complete misunderstanding of the position of the BPG on the financing of surveys of demand it is clear that it is both misleading and irrelevant. The financing of surveys costs local councils nothing as they are paid for from the funds obtained from licence fees.

"9.16 the Office of Fair Trading found that quantity controls had the following effects on the supply of taxis.
(1) fewer taxis per head of population

"Taxi numbers
13. The OFT claims that taxi numbers increase when restrictions are lifted. We see no reason to doubt this. But taxis do not constitute the whole of the hire vehicle market and the Report does not adequately discuss the fact that although taxi numbers increase, the number of private hire vehicles decreases and that the number of vehicles for hire per head of population is in fact lower in derestricted areas than in restricted ones. [again their emphasis]" Transport Select Committee 2004

(2) people waited longer for taxis

"Waiting times in restricted and unrestricted areas

6. We do not find the OFT's report at all convincing. As the report itself says : "a straight comparison of waiting times in quantity controlled and uncontrolled areas, aimed at providing background on taxi usage, found waiting times in restricted areas 30% lower than in unrestricted areas." " TSC 2004.

As the Consultation Paper addresses the serious criticisms by the Transport Select Committee of the OFT study there is no need to continue with the points
from the OFT study that are raised in the Paper. However it must be stated that there is greater emphasis given to the seriously flawed OFT Report by providing six whole paragraphs referring to its contents and only one paragraph to the Report of the Transport Select Committee which examined the OFT Report and which trounced its recommendations. This is an obvious prejudice in favour of the OFT.

"9.22 In 2007 Europe Economics undertook a follow up study evaluating the impact of the Office of Fair Trading's report. . . . Overall, Europe Economics found that although customer waiting times decreased more as a result of derestriction (a key consumer benefit [!??]) driver waiting times increased disproportionately leading to an overall decrease in productive efficiency in the industry. [translation : driver waiting times increased disproportionately leading to a substantial decrease in earnings] On the other hand, derestiction resulted in increased utility through additional taxi journeys [un-quantified benefit] and an overall consumer benefit." [significant or insignificant isn't stated (provided of course its value was determined)]

"9.23 The government did not the remove the power of licensing authorities to impose quantity restrictions. Instead it "strongly encouraged" [harassed] licensing authorities to remove such restrictions."

"9.24 In summary the premise of the policy arguments in favour of de-restricting taxi licences relies on market forces to yield the best outcome. This is said to lead to a better and fairer result than licensing authorities artificially* limiting the number of taxis plying for hire. Indeed there are no powers to restrict private hire vehicles and that might suggest a similar approach could work for taxis. Most licensing authorities, [actually a small majority] London amongst them, appear to cope without numerical limits. [ and the large minority appears to cope with "numerical limits".] The international experience of de-regulation has been mixed but in Europe there is a definite trend towards de-restriction of taxi numbers. As discussed at the outset of this Consultation Paper, de-restricting numbers also appears to be in line with the current UK Government's "Red Tape Challenge "and it's drive to remove unnecessary regulatory burdens." [in that case we can look for the UK leaving the EU]

The above statement that "the premise of the policy arguments in favour of de-restricting taxi licences relies on market forces" . . is an utter nonsense. It is totally divorced from the operation of market forces. Please refer to the article on "Market Forces" for a tightly reasoned proof that market forces are being rendered ineffective by the policy of uncontrolled supply of taxi licences in the form of de-regulation.

*"artificially limiting" : this term was also used in the OFT report to refer to
the regulation of taxi licences. It is purely a device to cast regulation in a negative light and is a nonsense term. There is a distinct prejudice against regulation of taxi licences that pervades this Consultation Paper and it betrays nothing more than a political agenda to implement nation-wide a policy of de-regulation regardless of its economic effects on those who provide taxi services whose interests are sacrificed in the cause of producing a very meagre and vapourous consumer benefit - a slight reduction in waiting times.

The inevitable effect of the political policy of de-regulation is to reduce the earnings capacity of taxi drivers through the un-controlled increase of supply without taking account of the level of consumer demand. The consequent reduction in earnings will reach the point where under this policy the volume of new taxi drivers will slow to a trickle and eventually stop because the earnings capacity of the service will be so low as to deter new entrants to the trade.

Is this the intent of those who advocate this policy of de-regulation - to reduce the earnings capacity of taxi drivers to an un-acceptable level? If not then what do they propose to prevent this from happening?

Watford Borough Council authorised a Survey of Demand which concluded in March 2012, among other things, that the Council had issued about one third more licences than were actually required. This is a blatant example of the failure of the policy of de-regulation to produce a level of supply that is consistent with the level of demand. There are 303 taxis licensed by this Council and a minimum of 75 taxis in excess of requirement.

"Key arguments in favour of quantity controls
Congestion and environmental considerations.

9.25 The key argument in favour of maintaining a power to restrict taxi vehicle numbers lies in tackling congestion. This is closely related to environmental concerns about air pollution. On the other hand, evidence suggests that where taxis are not available, most people will opt to use a car rather than other forms of public transport and in many instances there may not be a public transport option. Congestion and emissions may also be controlled by other means."

Actually the key argument lies in enabling taxi drivers to earn a reasonable living from the work that they do without the need to work excessive hours in order to scrape a living and to protect the ability to earn a reasonable living without the need to work excessive hours in order to scrape a living.

So what this paragraph is doing is setting up a supposed key (?) argument in favour of quantity control and then knocking it down. This is devious and
duplicitous.

"Over ranking"
The trades have emphasised the problem of too many taxis lining up at ranks particularly in city centres and at transport hubs. [there would not be a problem of too many taxis lining up at ranks if there was not a policy of de-regulation in place.] Ranks compete with parking spaces and bus lanes and there is therefore limited scope for increasing provision. Limiting the number of licences reduces congestion at taxi ranks. However, there is evidence to suggest that removing restrictions increases the availability of taxis elsewhere in the district, with taxis congregating in town centres. [this statement is unsupported by any references. Our own experience is that the provision of ranks where taxis are unlikely to be used does not encourage taxis to use those ranks. Taxi drivers will rank up where there is the prospect of business and nowhere else. They drive a taxi to make a living.] Local authorities could address this through innovative approaches such as use of temporary ranks at peak times."

There may be peak times in London and one or two other big cities but in other places this idea is ridiculous. See comment on previous paragraph : same tactic being employed.

"Stability of the trade"
9.27 Stakeholders have highlighted that restricting access to the taxi trade could have significant positive repercussion for the public. If, for example, an uncontrolled increase in taxi numbers leads to a drastic reduction in drivers’ earnings, many will work longer hours to maintain income levels, with potential safety risks for passengers. Pressure for fare increases could also follow. Alternatively drivers may take other work to supplement their income, thus only providing taxi services at profitable times (such as late night and weekends)."

And the people who need a taxi at non-profitable times can do without because the taxi drivers who work at "profitable times" are working at a day job. What a ridiculous situation to advocate. Why create a situation through an unwarranted increase in taxi numbers that necessitates the suggestion that taxi drivers take other work in order to supplement their income. This is utter folly. See comment for "9.25"

"9.28 Where numbers are de-restricted drivers and owners are more likely to cut corners in order to make ends meet. Drivers and owners will have less incentive to invest in better vehicles. Other aspects geared towards quality of service and which do not yield and immediate return may suffer, such as developing proper local knowledge. This could also affect public safety. That said negative impact
on standards can be regulated via the imposition of minimum standards."

This is the thinking of a tyrannical mind: create a situation where drivers do not earn enough to properly maintain their vehicles then introduce legislation that says "You will maintain your vehicles to the proper standard". See comment for "9.25"

"9.29 On the other hand areas which have de-restricted have not had uniform experiences, with some areas enjoying improved [read increased] provision. However changes to licensing policies are rarely about numbers alone and include other variations to licensing conditions, for example in respect of standards. This makes it hard to establish and isolate the relationship between a change in numbers policy and the impact on provision." [this is a false "get out of jail card"]

This is abject nonsense as changes in licensing conditions are not normally co-incident with a change in policy regarding regulation.

"Decreased night time provision
9.30 Anecdotal evidence suggests that increased taxi numbers can result in decreased provision at the times when taxis are most needed. [This statement defies logic and reason. Reduced earnings as a result of increased taxi numbers demands that drivers work longer hours in order to try and raise the level of their earnings. It is unthinkable that drivers who need to earn more money will not be available when "taxis are most needed"] This is because where plate numbers are restricted, drivers who wish to enter the trade are forced to take less popular shifts in order to use the vehicle. Maximum use is made of the vehicle and night time provision is increased."

"9.31 By contrast where taxi numbers are not restricted, stakeholders have told us that unpopular shifts remain unfilled. A lack of numerical limits [de-regulation] therefore exacerbates the problems of overprovision during the day (leading to increased traffic and congestion) and under-provision at night. Alternative ways of attempting to improve provision at night, such as graduated fare increases, have been widely regarded as a failure by stakeholders. We have been told that, in London, provision decreased as drivers could earn their daily target more quickly." [and they were earning so much they could afford to reduce their working time ?? ]

I find the reasoning and logic of the last two paragraphs difficult to grasp. Where there is over-provision during the day this situation creates the need to work at night in order to make up the loss of earnings suffered through over-provision during the day. Assuming that the statement concerning the situation
in London is correct, it is hardly likely that it applies in most areas outside of London.

"Hardship to existing drivers
9.32 Many stakeholders representing the taxi trade have highlighted the perceived [it is just perceived it is not real!] unfairness of de-restricting to those who have paid a shortage premium [by whose definition is a premium paid for a taxi business a shortage premium? Does this mean that the money paid for a business that is being sold, is a shortage payment? Or is it simply being paid because the business is a viable business and makes a profit? The use of this term displays an ingrained prejudice against regulated issue of taxi licences.] In areas where the number of licences is restricted [There is a serious issue with the language that is used in this Consultation Paper in that the use of the word "restrict" is used in place of the word "regulate". "Restrict" has greater negative connotations compared to the word "regulate"] existing licences attract a high value when traded.

. . . . . Indeed, in Ireland the financial detriment to individual drivers upon de-restriction was such that a hardship panel was put in place to help deal with the problem. [that was created by de-regulation]

9.33 Given this background it is unsurprising that the trades have sought to resist licensing authorities decisions to restrict, arguing that to do so would breach their human right to peaceful enjoyment of property. Such legal challenges have however been unsuccessful."

It is no surprise that these legal challenges failed: it is the wrong argument and it is also very weak.

Paragraphs 9.34-7 require no comment.

"9.38 At the time of writing 92 councils regulate the number of taxi licences, which constitutes 26.7% of licensing authorities in England and Wales. Some councils which have de-regulated have now taken the decision to re-introduce limits (for example, Cardiff, Chesterfield, Coventry and most recently Wirral). We note however that the reasons for re-introducing quantity restrictions may also include political factors"

A situation similar then to the basis for the pursuit of de-regulation.

"9.39. . . . in order to avoid tax implications" [an attempt to paint regulation in a negative light.]
Why is there an obsession with the fact that, in places where the regulation of the issue of taxi licences is in place, those licences are sold for a few thousands of pounds? By any standard this fact **emphasises the success** of the policy of regulation demonstrating that the business of driving a taxi for a living is worth investing in (a situation that is opposite to that produced by the policy of de-regulation where drivers are working excessive hours in order to scrape a living.)

"Quantity restriction in France

9.40
[I have taken a taxi in Paris on a few occasions and in neither of them did I have the sense that I was paying more than was necessary.]

"Quantity restrictions in Australia

9.41 New South Wales, Victoria and Queensland all put in place quantity restrictions. The decision making-process behind numerical restrictions is not clear but it would appear to be a political decision and part of the discretion of states, rather than a power expressly granted in legislation. Quantitative restrictions on entry to the taxi market have been criticised by the Australian Productivity Commission on the grounds that they benefit licence holders in terms of licence value, but not consumers. They reduce competition and inhibit innovation within the market."

The reference to the provision of taxi services situation in Australia as though it should have some bearing on the situation in the UK is misleading as it is like comparing apples with pears. There are obviously serious problems in Australia that bear no comparison to the situation in the UK.

"De-restriction in the Netherlands

9.42 The Dutch taxi industry was subject to numerical restrictions on licences until 2000. Limits were set by local authorities based on an **estimate of demand** for taxi services and the potential to operate a profitable service. This led to a **mismatch** of supply and demand which gave too much protection to operators who enjoyed very high licence values, without benefiting consumers."

It is obvious from the above information that the Dutch authorities used the wrong yardstick for determining demand instead of using the scientific i.e. knowledge based surveys of demand which are the practice in the UK. Paras. 9.43-45 require no comment.

"De-restriction in Ireland

9.46 In 1999 the High Court found that the imposition of a numerical restriction on taxi numbers was not within the powers of the Irish Government . . . This
decision resulted in the overnight de-restriction of the Irish taxi market.

9.47 By 2008 taxi numbers had increased from 3913 to almost 20,000. This figure is often presented as an indictment of de-restriction, but although the increase was dramatic it at the very least suggests that previous limits were overly restrictive. [while that is blatantly obvious the resulting figure does not vindicate de-regulation. It is not de-regulation that was needed but a survey of demand to produce the knowledge required to arrive at a commonsense number of taxi licences that should be issued in order to meet that demand and that the Irish Government should have produced the necessary legislation to control the issue of taxi licences to meet that demand. It is so difficult, isn't it. I mean this is rocket science !]

9.48-49 need no comment.

"9.50 The main consumer benefit of de-restriction was inevitably, reduced waiting times [ no, this is not a joke ! ! ! ! ! ! ] The number of consumers waiting less than five minutes for a taxi increased from 23% in 1997 to 50.3% in 2008. [ this statement is meaningless without any reference to the numbers involved and no percentages are given for the number of people who did not have to wait at all and are we really to believe that in spite of the number of taxis increasing by almost 18,000 there were people still waiting for taxis ? ? ? ] . . . . .

9.51-54 no comment.

"9.55 The industry has been vociferous in its criticism of the de-regulated regime. Many existing licence holders lost out on investments, both with regard to licences and investment in vehicles and technology. Profitability was seriously impacted and it has been suggested that up to 1000 firms may have gone out of business within the first five years of de-regulation. Others struggled to earn a living which it has been suggested led to an increase in tax evasion. [all in all an excellent result of de-regulation and all for the benefit of consumers with 50% of those who wait, now only wait less than five minutes for a taxi.] It is unclear however how consumers feel about reforms which have led to better supply, shorter waiting times and a broader variety of vehicles, standards and prices being available."

If the reforms have made such an enormous difference to consumers it would be very clear - there would be no room for doubt. The truth is that reducing waiting times for consumers by a few minutes doesn't make a great deal of difference to the majority of taxi users. The perceived gain can just as easily be eliminated by traffic congestion, but 1000 firms can be put out of business with the rest struggling to make a living and the policy of de-regulation is a rip-roaring success. If the main consumer benefit of de-regulation is to be accompanied by so much negativity it can only be judged to be a miserable failure.

"9.56 The most telling aspect of Swedish de-regulation, however, has been the effect of de-regulating fares. The Swedish Competition Authority seems to suggest that the majority of change is as a result of fare de-regulation, rather than numerical de-restrictions. This is clearly the case as regards pricing and in many ways standards.
There appears to have been transitional phase where fares rose, the taxi fleet did not diversify and although customers believed taxis to have better availability, **demand did not increase. [supply never leads demand.]** Overall though it would seem [not sure, unclear?] that the effects settled in such a way as to produce better supply, steady fares [not lower fares?] and greater diversity in services. In particular, de-regulating fares has led to many more vehicle providers, a significant change given that prior to de-regulation there was only one major taxi company in Stockholm.

Is it Janus who is said to have been able to face both ways at the same time? Which is it? maximum fares or de-regulated fares?

"9.57 Our studies of Ireland and Sweden suggest that those within the industry are often dis-satisfied following de-regulation, consumers generally benefit. [i.e. to say that of the small percentage who waited for a taxi, 50% of those, wait for less than five minutes. So in spite of all of the negative effects of de-regulation upon the trade they are all offset by the meagre benefit of a reduction in waiting times for the small number of taxi users who had to wait]

This has not been, however, the experience in the Netherlands, where users, particularly in cities, have developed a very negative view of taxis. It should be noted, however, that taxis already suffered from a poor reputation due to disputes amongst operators prior to de-regulation. [de-regulation is not to blame - they were a bunch of bad eggs anyway] Moreover, de-restriction in the Netherlands failed to take into account the difference in the distinction between hail and rank taxis and pre-book only taxis. Studies of other experiences of de-regulation have shown that taking this distinction into account is essential to the successful removal of restrictions."

There is no explanation as to how awareness of the distinction between hail and rank taxis and pre-booked taxis enables the "successful removal of restrictions". Just what exactly is meant by the "successful removal of restrictions" and **how is its success measured**?

Human beings can frequently exhibit an unfortunate trait: that of holding fast to an idea in spite of abundant evidence that the idea is a failure. Tenacity is one thing and foolishness is another. Human beings do not like to admit to being wrong (another unfortunate trait which can work in conjunction with the other).

"Provisional conclusions

9.58 The studies above illustrate the complexities of regulatory reform [no they do not: they illustrate the complexities of the different situations that prevail in the taxi markets in different nations] and the difficulties in predicting the outcome of changes. [if the outcome of a particular activity or "change" can not be predicted then that activity is nothing other than an experiment] Rarely if ever does numerical restriction occur on its own. [It has happened on at least two occasions in St. Albans with no other regulation included. Therefore this statement is unsupported by events in St. Albans]

Whilst quantitative de-regulation is often criticised for giving rise to such problems as over-ranking, congestion, higher fares and lower standards, the comparative studies show that often these effects can be linked to other reforms such as the removal of fare regulation and changes to standard-setting. [the removal of fare
regulation and changes to standard-setting will only affect fare levels and standard-settings. They can not possibly cause over-ranking and congestion. To suggest that is the case, is highly mis-leading.]

Furthermore accompanying reforms can rectify damage caused by de-regulation for example by ensuring standards and service levels. [ a detailed explanation in support of this statement would have been a great help in making it believable.]

9.59 . . . . . Our provisional proposals to remove quantity controls which add a "scarcity" value to taxi plates [ I have already drawn attention to the prejudiced description of the money that is paid for taxi licences where there is regulatory control of the number of licences issued, but if there is justification for this term in some instances then the fault would lie with the relevant Local Authority which has failed to manage its regulation and so producing a scarcity] raises the question of whether compensation arrangements should be put in place for those plate owners who have invested a lot of money in obtaining a vehicle licence. Individuals may have taken out secured loans on these assets and relied on them as a pension.

9.60 In Australia's Northern Territory compensation was based on the highest licence sale price. In Ireland a hardship panel was established in order to pay compensation on certain criteria, but the payments fell far below the value of licences prior to de-restriction [de-regulation]. Generally the Organisation for Economic Cooperation and Development argues against paying compensation and no UK local authority has ever done so in these circumstances." [however, there is a first time for everything]

The following information is extracted from a Government document which details the Government response to the Recommendations contained in the Transport Committee Seventh Report 2010 -12.

"The Law Commission is an independent body with a statutory remit to modernise and simplify the law. The Government has indicated that it wants the review to be underpinned by a deregulatory objective commensurate with maintaining satisfactory levels of safety. Beyond that, the Law Commission has been charged with carrying out a root and branch review with a view to providing recommendations and drawing up a draft Bill. . . . . . the Government considers that the Law Commission is the ideal body to undertake such a review. Its fundamental purpose is to review complex areas of law, it has experience and expertise in carrying out this function and with its independent status comes an ability to assess the issues in an objective way. [ however in spite of its claimed independence, all of its assessments will be "underpinned by a deregulatory objective" in other words biased and prejudiced to a predetermined result ]. . . . .

The Government is satisfied that the Law Commission will undertake an effective and productive review, the final report of which will be delivered during the lifetime of the current Parliament. . . . . . .Whilst the Government expects the draft Bill produced by the Law Commission to have a good degree of support, there will be substantive and controversial issues to be addressed and the Government considers that these would best be considered and debated during the passage of a Bill through Parliament. . . . .
For the reasons set out in response to recommendation 11, the Government does not consider that directly restricting the area in which a taxi or PHV driver can pick up passengers by means of a condition attached to his licence is a sensible way of proceeding against the background of a review which has a deregulatory objective at its heart. . . .

DfT response: The Government has asked the Law Commission to carry out a comprehensive review of taxi and PHV licensing and they have agreed to include it in their Eleventh Programme of Law Reform starting in July 2011. The Law Commission's timetable involves them undertaking a consultation exercise in 2012. The Government's plans for introducing draft legislation arising from the Law Commission's review are still subject to consideration." (Government Response to Recommendations Transport Committee 7th Report. HC720)

"CHAPTER 10
CROSS-BORDER ISSUES

10.3 . . . . . Plying for hire is never allowed outside a taxi's licensing area. To this extent cross-border work is illegal. [ the issue of cross-border hiring can be solved at a stroke : make it illegal to accept any booking that is a hire from outside the area of the licensing authority. It could also be made a breach of insurance conditions. This solution should apply to both taxis and private hire.] By contrast, pre-booked work can be undertaken starting or ending outside of area provided certain conditions are met."

This situation concerning pre-booked work "provided certain conditions are met" is fostering difficulties that need not arise if the "certain conditions" were dis-allowed.

There is a serious flaw in the laws that govern the activity of private hire cars in that they are allowed to take bookings outside the area of the licensing authority which licenses these vehicles, drivers and operators. The problems concerning enforcement and other issues will not arise if the law is changed to prevent out of area hires including those which are pre-booked.

"14.3. . . . Completely unlicensed taxis or private hire services can not be completely prevented. [ However it can be largely eliminated by highly visible identification marks for both types of vehicles so that the public is left in no doubt that a taxi is a taxi and that a private hire car is a private hire car and not a taxi or a private car] . . . . It is also important that licensing barriers to entry are not set so high that large sections of the market are effectively pushed into a hidden economy." [To suggest that large sections of the market could be pushed into a hidden economy is an overt over-exaggeration.

It is plain that barriers to entry are devised in order to prevent (1) un-desirables from entering the market, (2) vehicles that are unsuitable for the service (3) drivers who do not have sufficient knowledge of the area for which a licence is given (4) drivers who are not physically capable of fulfilling the requirements of the task. (5) drivers who are less than competent in their driving ability.

It is also plain that these barriers to entry are in the consumer's best interest. If the
barrier to entry is raised it can only be for the benefit of consumers.]

"14.15 Overall we suggest that the power to regulate taxi and private hire services should apply to a wide range of vehicles. This would give flexibility and scope for imposing different standards in respect of widely different classes of vehicle . . . ."

This suggestion instead of simplifying the laws covering the services of taxis and private hire vehicles actually would extend its complexity. Which seems to be contrary to my understanding of one of the purposes of this Commission.

"14.17 . . . . and instead of excluding . . . carves out . . .
14.19 The Victorian taxi legislation expressly carves out . . . from licensing requirements."

The use of the term "carve out" in both of these paragraphs is contradictory in meaning : in 14.17 it is used to mean "includes" and in 14.19 it is used to mean "excludes". If background information or explanation is being used to justify proposals it is essential that words being used should have a consistent meaning.

"Provisional proposal 6
References to stage coaches charging separate fares should no longer feature as an exclusion from the definition of taxis"

I find this proposal ridiculous when it has been previously stated in 14.19 that "stage coaches and stage carriages are not defined in legislation."

"Question 17
["Arrangements in a public place" is vague and ill-defined. "Plying for hire" is a time honoured way of defining the function of taxis. I would go further : taxis should only be engaged in a "public place" i.e. a taxi rank or by hailing on a face to face basis between the consumer and the driver of the taxi without resorting to the use of radio communication or internet devices.]

"LEISURE USE OF VEHICLES

14.82 . . . . In England and Wales outside London, leisure use is not allowed, case law having created the concept that "once a taxi always a taxi". The position is different in London. Transport for London takes the view that London taxis and private hire vehicles can be driven by unlicensed drivers.

. . . . Provisional proposal 20 [case law contains the judgement that "once a taxi always a taxi". Therefore these vehicles REQUIRE in law a driver to be a licensed Hackney Carriage Driver and I suspect that the law is the same in the case of a private hire vehicle.]

TERMINOLOGY

14.90 We suggest for consideration the idea that advertising for private hire services could include the word "taxi" or "cab" provided it was in combination with "pre-booked" or equivalent qualifying language to signal the limited way consumers could engage them" [ this suggestion contradicts the previous statement
in 14.88 where "there are no compelling reasons to abandon the current division between taxi and private hire terminology" and it would only serve to increase the confused perception among consumers that a private hire car is a taxi. The awareness of the difference between the two types of vehicles would most definitely not be helped by this idea and indeed the distinction between the two vehicles would be fudged.]

14.92. . . On the other hand many consumers use the term taxi in respect of both sides of the trade. . . . [This is obviously a reason for education of the consumer rather than capitulation to his ignorance ]

LOCAL LICENSING AND ENFORCEMENT

15.4 . . . . Although we will recommend that some nationally set standards may be appropriate, the delivery of licensing functions and decisions would remain firmly at a local level.

15.5 . . . . We discuss below how licensing [local] authorities might decide that higher standards are appropriate in their area in respect of taxis . . . .

15.6 . . . . The deregulatory effect is also visible in respect of taxis to the extent that additional local regulation would only be put in place pursuant to local decision-making.

15.10 . . . . The ability of licensing authorities to control pricing and apply extra local standards to match local conditions is therefore important. Licensing authorities would retain the ability to impose standards over and above the national standards to taxis being hailed or using ranks within their licensing area. These could be linked to increased safety, but we also recognise that licensing authorities may wish to impose other quality standards . . . . We therefore suggest that some additional standards by licensing authorities should be allowed.

ADDITIONAL LOCAL STANDARDS FOR TAXIS

15.26 Local conditions would continue to apply but exclusively to taxis. . . .

15.27 . . . . However, our provisional view is that licensing authorities should retain the discretion to impose such requirements provided that they do not fall below national standards . . . [ how can they possibly fall below national standards when the local standards are IN ADDITION to national standards ?]

Provisional Proposal 34
Licensing authorities should retain the power to set standards locally for taxis provided above the minimum national standards.

15.29 . . . . this could potentially provide a useful model for limiting the scope of licensing authorities' discretion to set local standards. [this is contradicting the statements in paras. 15.5, 15.6 and 15.10]

[See also 15.36 "integrated transport authorities" this is obviously an additional tier of authority which has local authorities' power taken from them and delegated
or transferred to it. Can this delegation be reversed and returned to the local authority? If not then the **local authorities' power** over taxis and private hire car provision is **diluted** under this arrangement.

"A key benefit of this system is that it provides an integrated [combined] approach to public transport across a larger conurbation [area]. This facilitates a more coherent provision of public transport across a larger area than would have been possible by individual councils." [Local Councils in neighbouring areas provide public transport according to their **needs**. Why should it be thought an improvement if someone else does it rather than they?]

"ZONING
15.37 ... Whilst zones can be removed there is no power for an authority to re-instate zones once amalgamated or to create new zones. [So if a mistake is made it is written in stone. This is a folly.]

"15.38 The Department of Transport recommends the **abolition of zones**. This chiefly brings benefits to passengers through greater availability of vehicles and more consumer choice. [De-regulation provides greater availability of vehicles which makes the abolition of zones redundant]... and could lead to **administrative savings** for local authorities. On the other hand where licensing authorities have proposed removing existing zones drivers have raised concerns about potentially[?] higher fares through the proposed introduction of blanket tariffs across a wider area."

[The model of taxi provision to be pursued is that of an over-supply of taxis idly waiting for a fare on a taxi rank in order that a potential consumer should not have to wait for one]

"Officials at Shropshire Council today said they had abandoned plans to bring in a unified fare structure and over haul licences of all Hackney carriages in the county. ... The move followed an angry protest involving about 100 taxi drivers on the streets of Shrewsbury in January in a show of unity against the de-zoning plans. ... Taxi drivers in Shrewsbury today celebrated the move and claimed it had **prevented** fares from **rocketing by up to 300 per cent.**" [this report from the Shropshire Star of 17. 06. 20011 is referred to in the consultation paper but not quoted]

"15.39 We propose the introduction of more flexible powers ... Such powers could enable licensing authorities to **create** licensing **zones**, or remove them within their area."

These last two paragraphs (39/38) are **contradictory**: "The Department of Transport recommends the abolition of zones ... We propose ... powers ... to create licensing zones ..."

"PEAK TIME LICENCES

15.41 The possibility of introducing peak-time licences, which could only be used at specific times of day as determined by the local licensing authority provide an attractive targeted option for ensuring provision at times of perceived unsatisfied [unmet] demand. ...
15.42 **Peak time licences** are used in Victoria, Australia where 'green top' taxis can only work between 3pm and 7am and 24 hours a day during specified events. [of course this is a *cherry-pickers charter*. These drivers are not obliged to work all the hours that they are allowed to work. They can stop when they wish, go to bed and get up the next morning to go to work at their full-time job.]

**CROSS-BORDER HIRING**

**Taxis**

15.46 Under current law taxis may only ply for hire within their licensed area but may undertake pre-booked journeys anywhere in the country. We do not propose to change this. The scope for local variation in taxi standards and in particular the different fares and accessibility standards that may apply, mean that they should be restricted to working on ranks and to hailing passengers in their licensing area. On the other hand taxis would continue to be able to do pre-booked work 'out of borough' as they can under current law.

15.48 The move to a set of mandatory national standards would mean that although licences would be issued locally, by different licensing authorities, their requirements would be the same. Cross-border restrictions and the so-called 'triple licensing' requirement . . . would therefore fall away in respect of private hire services . . . whereby the operator, driver and vehicle must all be licensed by the same authority. [it is unbelievable that this suggestion is being made: each licence could be issued by a different authority and thus increase the complexity of the licensing accountability for private hire services.]

**Rejection of a 'return to area' requirement.**

15.49 We do not propose to adopt specific measures aimed to restrict cross-border activities of licensed private hire vehicles or taxis. We have considered the possible requirement that . . . drivers should come under a duty to return to their licensing area within a reasonable time.

15.50 We regard the key problem with this option that it brings no consumer benefit whatsoever. On the contrary, introducing a return to area requirement would only lead to increased prices [this is pure speculation] and reduced flexibility of provision. . . . Both taxis and private hire vehicles, could after dropping off a passenger, legitimately pick up a different fare outside their area pursuant to a pre-booking [and if there is no such fare available the situation has been created where the temptation to pick up illegally is strong] . . . If drivers were forced [this is a strange word: 'required' would have been much more appropriate] to drive back to their area empty this would not only be expensive but also environmentally damaging [this is a poor excuse: if they travel back with a passenger it is also environmentally damaging] as adding to dead mileage [dead mileage is factored into the cost of the fare]

15.51 The danger that an out-of-area taxi or private hire vehicle may illegally ply for hire is a problem that requires specific action through targeted enforcement . . . . Scarce enforcement resources are unlikely to be most effectively employed in
enforcing such requirements. [ we won't make a law against it because we couldn't enforce it]

15.52 As also noted above the introduction of common safety requirements reduces the seriousness of the cross-border problem. [that is correct : safe vehicles are now creating a cross-border problem] If a [safe] licensed vehicle illegally plies for hire it may be competing unfairly and breaching various regulatory requirements but it does not present a safety risk. . . . . The more serious safety problems relate to completely unlicensed vehicles. The cross-border issue diverts potential resources from this much more dangerous phenomenon. [ I am unconvinced that the volume of unlicensed vehicles is such that it merits more attention than spending resources on dealing with cross-border issues.

The failure to require a return-to-area creates the situation that will be exploited by drivers who ply for hire illegally]

**Vehicle Owner Requirements**

16.16 Vehicle owners do not come into any contact with the public, either directly or indirectly, in their capacity as owners. [ did it not occur to these people that a large majority of taxi drivers are also owners of the vehicles that they drive and therefore come into direct contact with the public on a daily basis ? ]

**ECONOMICS OF QUANTITY CONTROLS**

17.2 Quantity controls are a direct barrier to entry into a market and have the main purpose of limiting the number of sellers that can compete within the market. [Quantity controls protect consumers from inexperienced and transient drivers which are a result of de-regulation.] A direct result of the quota is that sellers within the market have less competition for customers than would otherwise be the case. [it is stated elsewhere in this paper that taxis which use ranks and are hailed in the street are uncompetitive.]

That being the case the previous statement concerning competition is inapplicable] As a consequence customers have a more restricted range of choice [see previous comment] and existing licence holders have a monopoly on fares. [this is another example of a misleading statement : individual licence holders who charge fares that have a regulated maximum can not possibly be compared to a monopoly. If and only if all of the taxi drivers in a licensing area were part of a single taxi company then that situation could justly be called a monopoly. I am greatly disappointed with the attempt to justify the de-regulation of taxi numbers by this feeble attempt to denigrate regulation.]

17.6 We recognise that the decision to restrict [regulate] numbers has a direct impact on the livelihood of the taxi trade. . . . . This can lead to licensing authorities being accused of 'regulatory capture'. This term describes the situation where regulatory decision-making has been dis-proportionately influenced by the relationship between the regulator and the regulatee. [This last remark is pure speculation and is potentially libelous.]

17.7 The main advantage of de-regulation is the opportunity of improved [increased]
provision. [This so-called main advantage can be achieved through managed regulation (and without the accompanying negative effects of de-regulation) by completing a survey of demand on a regular basis.]

17.8 Lack of provision can push passengers to take unlicensed vehicles. [Lack of provision is not a necessary feature of regulation of taxi numbers and taxis in this day and age are easily distinguishable from ordinary private cars.]

PROBLEMS WITH 'UNMET DEMAND'

17.9 . . . . . In particular there is concern about an insufficient acknowledgement of latent demand, that is hidden demand that typifies users decisions to not use ranks because of lengthy waiting times.[perhaps they phone for a taxi ! 'Latent demand' can not be scientifically measured as it is a subjective concept and not an objective one. Not only is it a subjective concept it is a speculative concept and any suggested volume of latent demand is even further speculation.

There are comments at point 6 in the Impact Assessment concerning latent demand with reference to the premium charged for licences being an indicator of the level of work available prior to de-regulation.

That premium is stated to be the cause of the desire of new entrants under de-regulation to enter the trade, which premium was an indicator of the high level of business that was available to individual drivers under the policy of regulation.

However the level of work that was available to individual drivers prior to de-regulation will have been severely diminished under the policy of de-regulation and the surge in new entrants to the trade expecting that the level of work available to them under this policy will be similar to that which was available under regulation will be severely disappointed with the level of work that is available.

The increased supply of taxis does not necessarily mean an increase in the incidence of services as is being suggested here. Heavy dependence on the speculative concept of latent demand is being made in order to shore up support for de-regulation and to provide the required level of business for the surge in the increase of new entrants to the trade based on the premiums charged for licences prior to de-regulation.

The concept of latent demand as a support for de-regulation is comparable to a broken straw. Furthermore “Taxi drivers potentially benefit from . . . . . the increased user demand as taxis become visibly more available . . . . .” It may come as a shock to the LC that demand generates supply. Supply does not determine demand.

"We take exception to this argument in that sound business principles dictate that it is demand that generates supply. Generally speaking, DEMAND PRECEDES SUPPLY." “Clever marketers can both generate demand for your product or service and can generate leads for your product or service. Demand both from your marketing partners as it is all about supplying the demand.”(marketingnewsgroup.com)]

Moreover the focus on rank-based demand [which is the traditional and primary location for taxis] ignores demand at street level. [ I assume this last phrase refers to hailing of taxis in the street. If so that level of demand is measured by all competent
surveys of demand and therefore that remark is untrue.]

17.10 The practice of commissioning periodic unmet demand surveys is also open to criticism. Survey costs can be quite expensive - as high as £40,000. [this figure is at the extreme end of the scale. Surveys can be as low as £12,000 to £15,000.] There is the further difficulty of how the survey should be funded. [there is no difficulty with how it should be funded. See my response to 9.12 above]

17.11 More fundamentally it appears conceptually flawed that unmet demand . . . . should be used by regulators to control numbers. The market ought to automatically adjust to unmet demand through increased supply.

[that is an ideal situation in a perfect market. Instead what we find under de-regulation of taxi provision is that the level of supply increases regardless of the level of demand. Of course there are sound reasons for this normal situation to arise. Basically it is a question of scale. De-regulation of certain categories of businesses under the influence of market forces can actually be successful because it is applicable to small medium and large businesses. However it fails miserably when it is applied to individual scale businesses such as taxi proprietors. See “Basic Reason for Taxi De-regulation Failure”.

Interposing regulation . . . . appears inefficient and subject to error [ Actually the setting of taxi numbers i.e. the level of supply based on the known level of demand is highly efficient and prevents a negative situation such as gross over-supply that is produced by de-regulation. Also it is no more error prone than any other human endeavour.]

17'12 The [so-called] main arguments in favour of retaining quantity controls relate to the detrimental impact of . . . . congestion and environmental pollution [these are not substantial arguments. Strong arguments are consumer based. The level of demand has been scientifically assessed and (1) The supply is consistent with the level of demand and (2)The accompanying numerous problems of over-supply are prevented.

(3)The cost of fares is maintained without pressure for increases because available (driver) working time is efficiently utilised. (4)Greater earnings mean that vehicle maintenance is positively upheld leading to improved safety. (5)Taxi availability is optimal through double shifting of vehicles. (6)Short journeys are unlikely to be refused.
(7)Drivers whose earnings are satisfactory have a positive attitude to their work.]

which can result from having an excessive number of taxis on the road [ as a consequence of de-regulation] . . . . On the other hand the experience of licensing authorities which have removed quantity restrictions and subsequently reintroduced them . . . . suggests they are considered valuable by certain [the same ] licensing authorities. [would it be too radical to suggest that they have had their fingers burned by de-regulation ?]

17.13 Taxi representative groups have also highlighted the potential benefits [ rather actual, than potential] to the public through restricting [regulating] numbers which flow from a more stable and better paid taxi trade. [they are not better paid - if anything fares are lower in regulated areas but their working time is efficiently
utilised and therefore earnings are greater leading to the perception that they are “better paid”. However these could be achieved through regulation targeted at ensuring suitable quality standards. [this is an issue that is independent of Regulation and De-regulation.]

Moreover the effect of regulated quality standards are not capable of providing a more stable and better paid taxi trade which flows only from regulating numbers and which can not possibly be a consequence of de-regulation.] Moreover, any perceived improvement in quality comes at a cost and consumers pay correspondingly higher fares. [these last two sentences are being used as an argument in favour of de-regulation and against regulation and are demonstrating that under de-regulation consumers would pay higher fares. Conversely in areas which are regulated, fares are lower than in de-regulated areas. See the TSC Report 2004 (Scrutiny Unit’s analysis of data in Annex C)] This may be appropriate but these issues [which issues, exactly?] need to be addressed transparently rather than through the opaque lens of quantity controls. [there is nothing opaque about quantity controls. Quantity control is definite and clear in contrast to the unknown and indefinite effects of de-regulation]

17.14 We recognise that arguments in respect of the impact of quantity controls are complex [I suppose that where the obvious and simplistic arguments are dismissed then only nano-scale complexity is left.] . . . . However, at this stage of the review we suggest that arguments in favour of de-regulation and for the abolition of quantity controls are most convincing. [this last statement has been made in spite of the acknowledged problems with de-regulation and consequently can only be regarded as insincere and is therefore unconvincing.]

Provisional Proposal 54

Licensing authorities should no longer have the power to restrict [regulate] taxi numbers.

[This is a proposal to remove a power to choose a course of action. Life is filled with choices which add to the richness of life. This is a proposal to rob local authorities of the power to choose - to make a choice that they already possess which some of those have been thankful for in realising that de-regulation of taxi numbers has not worked as well as they have been led to believe and have therefore restored Regulation of taxi numbers.]

Managing the transition [has the penny actually dropped ? I fear not.]

17.21 The above factors suggest that any changes which may de-stabilise the market need to be carefully managed. . . . . London is an obvious example where stringent quality controls mean that . . . . entry to the taxi trade is carefully managed. . .

This suggests that in any event a managed transition with gradual entry over a scheduled period of time is most likely to lead to better outcomes.

[it’s called Managed Regulation of taxi numbers, guys ! This last statement is a stunning admission from an advocate of de-regulation ! !]
End of response to Consultation Paper 203.

Adam Brown
Basic Reason For Taxi De-regulation Failure

Concerning the unrealistic policy of de-regulation of the issue of taxi licences which inevitably results in an increase in the numbers of taxis plying for hire which is unrelated to the level of demand. The people who advocate this policy do so under the stupid belief that the demand to supply is equivalent to demand from consumers which should set the level of supply.

The application of the un-bridled issue of taxi licences un-related to the level of demand is causing financial hardship among the taxi drivers in St. Albans.

I feel strongly enough about this injustice to continue to oppose and criticise this wholly unreasonable policy.

The beneficial effects or value of Regulation of the number of taxi licences.

(1) it establishes order in that a basis of operation is fixed.

(2) It provides stability in that there is an absence of fluctuation and variability.

(3) As order and stability are present this generates confidence in the reliability and dependability of the fixed basis of operation.

(4) Quality of service is generated through the provider of the service finding satisfaction with the return from the efficient use of his time.

(5) Fares tend to remain stable for much longer periods of time.

(6) Short journeys are much less likely to be refused.

"Managed" Regulation is where, in order to ensure that the supply of taxis is consistent with the level of demand, a survey of demand is conducted every few years and where necessary the required number of additional taxi licences would be issued in accordance with the results of each survey.

The interests of consumers in the provision of taxi services.

i) The taxi driver should provide a clean vehicle
(ii) the taxi driver should be courteous
(iii) the taxi should be safe for use
(iv) the taxi should not break down
(v) the correct fare should be adequately displayed
(vi) the taxi driver should offer assistance to the elderly or infirm
(vii) the taxi driver should offer assistance to place and remove luggage in the boot of the vehicle
(viii) the taxi driver should be suitably dressed
(ix) the taxi driver should take the shortest route
(x) the taxi driver should have **good knowledge** of the area
(xi) the taxi driver’s hackney carriage **licence** should be **displayed**
(xii) the consumer should have **no excessive wait** for a taxi
(xiii) the taxi driver should **drive safely**
(xiv) the **fare** for the journey should be **reasonable**.
(xv) **fares** should be **stable** for as long as possible
(xvi) **fare** increases should be tied to **inflation** and cost increases only.

I suggest that the above list is comprehensive with regard to the interests of consumers concerning the provision of taxi services. This means that there is almost nothing that can be added which would be a benefit to consumers. However it is important to point out that the last 3 items numbered (4) (5) and (6) above are also in the interests of consumers.

**The failure of the policy of de-regulation or non-regulation of the number of taxi licences.**

The non-regulation of the issue of taxi licences is based on a theory that market forces when given free rein of operation will produce a level of supply that is in accordance with the level of demand and where small to medium and large enterprises are concerned that is no doubt correct.

However taxi drivers (proprietors) are not in either of the above categories: they are individual one-man businesses and for the reasons given below, the normal operation of market forces are inapplicable. The normal operation of market forces are dependent on any potential new entrant to businesses **requiring substantial investment**, to conduct **essential market research** which would aid the potential new entrant in making the decision on whether to become involved.

The level of supply is determined by the number of applicants who receive licences issued by the Council.

However, I make the point that the level of demand has **no bearing** on an applicant’s decision to apply for a licence (that is to say that no market research has been conducted) and this neglect is the cause of the lack of a successful outcome of non-regulation of the issue of taxi licences, which would be evidenced by **balanced** levels of demand and supply and which should be a dominant feature of that policy.

That the level of demand has no bearing on an applicant’s decision to apply for a licence is **strongly evidenced** by the fact that under the policy of de-regulation, **one third more** licences were applied for and issued by Watford Borough Council than were actually required during the last six years, according to the Survey of Demand which was commissioned by the Council.

This equates to an extra 75 licences (within a total of 303 licences) above that which is necessary as determined by the demand survey.

That being the case the application of the theory with regard to establishing the appropriate number of taxis **fails** remarkably **because** the level of demand does not feature in the decision of applicants who apply for a licence.
The **reason** that it does not, lies primarily in the relatively low investment required to enter the trade and also in the calibre of people who desire to do so. Generally speaking they do not have a flair for business. The vast majority have come from previous employment and have no idea of what is involved in running a business which is the fundamental activity of a taxi proprietor.

Because of these two factors, the normal **restraining effects** to the number of applications (that are **found** in businesses **requiring substantial investment** of funds and the **essential process** of market research) with regard to those making an application for a taxi licence, **do not exist**.

It is **because** these **restraining influences do not exist** that an **over-supply** of taxis relative to demand is the usual result of de-regulation or non-regulation of the issue of taxi licences and which causes the policy to fail and which therefore consigns taxi drivers trading under such a policy to a significant decrease in earnings through the inefficient use of available working hours which in turn is a pressure for increases in fares.

Managed Regulation is the only policy that will **prevent** over-supply.

Managed Regulation is the policy that will also **prevent** under-supply.

Managed Regulation is the only policy that will **ensure** that the level of supply is in accordance with the level of demand.

(by Adam Brown)

_____________________________
The Folly of De-regulation of Taxi Services
Dated 1st July 2012

(1) There is an obsession among Government bodies which pronounce on taxi issues with the subject of "consumer benefits" within the context that consumer benefits need to be increased or improved.

(2) This obsession focuses on one element in particular: that of minimising the time that a consumer waits before obtaining a taxi at a rank. This single "benefit" is used as a premise or justification for advocating a policy of de-regulation in spite of the numerous negative issues produced by it.

(3) The principle of de-regulation is the abandonment of control of the issue of taxi licences. This policy inevitably produces an increase in the number of licences issued that is not driven by the level of consumer demand.

(4) There can only ever be a case for increasing the number of taxi licences issued when that increase is supported by consumer demand. An increase which is not consumer demand driven can only ever have an un-necessary negative impact on the taxi industry in terms of return for hours worked and the consequent spin-off from reduced earnings.

(5) One effect of this policy is to reduce the earnings capacity of those who held taxi licences during the period of the regulation of the issue of taxi licences.

(6) The greater the increase in the number of taxi licences issued, the greater the reduction in the earnings capacity of those who were licence holders prior to de-regulation.

(7) Unfortunately for all taxi licence holders in times of economic recession their business activity and subsequent earnings capacity are among the first to suffer a marked reduction. When this situation is compounded by an increase in taxi licence holders as a result of de-regulation, the consequence of this policy is to shrink still further the level of business and the level of earnings to the point of hardship.

(8) Of course, consumers will obtain the meagre benefit of being able to obtain a taxi without the need to wait for one, but does this meagre consumer benefit really justify driving the providers of taxi services into a situation where they are struggling to earn a living? To answer this question with an affirmative would be both ridiculous and an exhibition of callous dis-regard for the providers of taxi services who deserve to earn a reasonable reward for the
professional services that they execute with responsibility and care.

(9) Consumers wait for buses, consumers wait for coaches, consumers wait for trains, consumers wait for planes. Why should it be considered unthinkable, unreasonable, abnormal or unusual for a consumer to wait for a taxi?

(10) There is a belief among those who advocate de-regulation that consumers will benefit from lower prices because of increased supply of taxis. Where taxi drivers are experiencing reduced workload through an increase in the number of taxis, this situation produces the opposite effect: that of a desire to raise prices to compensate for the reduction in the level of work.

(11) Their belief is based on confusion and ignorance of basic principles of running a business.

(12) The services that taxi drivers provide are not in the same category as products or goods which when available in abundance are found at reduced prices (compared to when they are in short supply) because of lower unit cost of production.

(13) Taxi drivers, who in the main are self-employed, run individual businesses each providing services whose costs have a fixed percentage of the price charged for the service provided. It therefore follows that only where cost percentages are reduced substantially it is possible for the price of service to be reduced.

(14) There is an additional situation which may produce a reduction in the price of service: where a consumer requires an abundance of service from a provider, the possibility arises where a discount to the price of service can be negotiated - not on the basis of reduced costs borne by the provider, but rather on the basis of more efficient use of his available working time if the nature of the abundance of service required fits that criterion.

(15) On the other hand where there has been a marked increase in the number of taxis available (the supply factor in market forces) through de-regulation while the level of demand has remained the same, the consequent reduced requests for service experienced individually, will result in a less efficient use of available working time and therefore be a cause of pressure to raise prices, apart from any increase in costs to the provider.

(16) The effect of de-regulation is similar to when a crime is committed, i.e. injury, damage or loss is suffered by the victim of crime. Similarly where, because of a government policy (de-regulation) an individual's or group's
earnings capacity within a set period of time for working, is reduced and therefore a loss has occurred, then that policy is in effect criminal as determined by the definition of crime.

(17) Where a policy of de-regulation is in place under a situation of economic recession that policy of the un-bridled issue of taxi licences will find a ready market among those who have become un-employed as a result of the economic recession and who are lured by the perception of a relatively easy route back to earning a living. After all, if there are so many taxis on a rank the money must be good.

(18) It has therefore been suggested as a defence of de-regulation, that it provides an opening for the un-employed to become employed again, (this is a falsehood because it is actually self-employment) and thus, the cost to the Government is reduced by taking people off unemployment benefits.

(19) There is no comparison with being re-employed. Where an employer hires additional employees, the earnings of the existing employees are not reduced as a result. However this convenience for the Government, is at a major cost to the existing licence holders who suffer substantial loss in their earnings capacity from the implementation of the policy of de-regulation which increases the number of taxis and which is dismissive of the level of demand from consumers.

(20) Councils which implement a policy of de-regulation, issue additional taxi licences without taking into account the need for those taxis to have the space to stand on a rank. This is irresponsible government.

(21) There then arises the need to attempt to solve the problem of over-ranking created by this policy through creating rank spaces in areas where there is space to do so but which do not produce business. Reason demands that taxi ranks be sited where there is voluminous footfall and certainly not in outlying areas where there are few shops, pubs, restaurants and other entertainment amenities.

(22) The marked reduction in earnings capacity within a set period of working time, produced by de-regulation, necessitates an extension of working time in order to attempt to counter the reduction in earnings.

(23) This has a detrimental effect on the health and wellbeing of a driver and impacts his family life and social life. (this is not in consumers’ interests)

(24) It is inevitable that reduced earnings through a policy of de-regulation will negatively effect the quality of maintenance of vehicles. (this is not in
consumers' interests)

(25) The reduction in earnings capacity will inevitably produce a negative view of the reasonable requirements of driving a taxi and towards consumers who require short journeys only. Indeed the driver may make excuses to such a consumer to avoid making the journey. (this is not in consumers' interests)

(26) Reduced earnings within a set period of time for working produced through a policy of de-regulation, inevitably generates pressure for increases in prices. (this is not in consumers' interests)

In conclusion the issues discussed above which are a direct result of the policy of de-regulation show clearly the damaging effect that policy has on the taxi industry. The implementation of this policy has no economic basis nor does it have even a moral basis.

The basis of a policy of de-regulation is nothing other than political and when compared with a policy of Managed Regulation of the issue of taxi licences, which would avoid all of the negative effects of de-regulation, it is a withering policy and which on balance is contrary to the best interests of consumers.

Adam Brown,
on behalf of S.A.H.T.A.
Please find enclosed my response to The Law Commission’s Consultation of Reforming the law of taxi and private hire services. This is a direct response to the summary proposals with reference to the main consultation paper. Each provisional proposal and question has been responded to numerically – in order to make it easy to refer back to specific proposals/questions.

Please feel free to contact me with regards to this response. My details are supplied above. I have spent a considerable amount of time reading through the entire Consultation Paper. I have endeavoured to answer all of the questions/proposals succinctly. I hope you acknowledge this and consider carefully what I have had to say. This proposed reform could adversely impact upon my livelihood and the welfare of my family.

Sincerely

Sasn Shahidi-Zadeh
**Response to The Law Commission Proposed Reforms to The Law of Taxi and Private Hire Services**

**Provisional proposal number 1:** As regulations stand – they should continue to distinguish between Private Hire Vehicle (PHV) and Hackney Carriage Vehicle (HCV) because firstly ALL HCV have disabled access provision. Secondly; HCV have standard fares set by licensing authorities whereas PHV set their own fare rates. Thirdly; HCV are easy to identify therefore public safety would not be compromised if PHV were also allowed to pick up off the street (enabling bogus vehicles to operate freely). Fourthly; HCV drivers have substantial knowledge and training compared with their PHV driver counterparts.

**Provisional proposal number 2:** We agree that London should be included in the proposal because all major cities should have the same legislation as London because visitors to the UK visit all parts of the country (business or pleasure) not solely, London. For example the use of varying vehicles would be most confusing whereas the iconic black cab – is distinguishable to the general public and visitors from abroad.

**Provisional proposal number 3:** Taxi and PH regime could be restricted in application to vehicles that require a driving license. Any vehicle wanting to be used as a HCV should be purpose built for the conveyance of the public (with disabled access and partition) thus not restricting competition within this market. PHV should not be restricted on model of vehicle as long as safety checks are standardised.

**Question 4:** Yes, for purposes of clarity and safety.

**Provisional proposal number 5:** Public Service vehicles SHOULD be included in the definition of taxi and PHV because many PH firms operate mini-buses which carry in excess of 8 passengers. The law should cover the safety of the vehicle and vetting of the driver.

**Provisional proposal number 8:** I agree

**Question 9:** It should not.

**Provisional proposal number 10:** I agree

**Provisional proposal number 13:** Currently only HCV are able to pick up off the streets and this should remain the case. On the issue of private land, regulation should not be limited on the way
taxis and PHV interact with the public (such as airports, railway stations, supermarkets and other private land) both HC and PHV operators should have equal opportunity to offer their services. As this would offer a fairer and more competitive service - to the public in a closed environment. This would stop monopolies.

**Question 14:** Special provision should only be made at airports so that passengers should ALWAYS have a choice. The benefit of having HCV is that they are easily identifiable (esp. for foreign visitors) and ALL have disability access as standard. Their fares are regulated by the Local Authority (LA) and they have no substantial charges for carrying extra passengers or for short journeys (which is currently the practice at some airports where the sole service provider is a PH operator). In the interests of fairness and competitiveness and consumer choice both HC and PH operators should be allowed to offer their services. So as never to create a monopoly by one or the other.

**Provisional proposal number 15:** Plying for hire - should be placed on a statutory footing and include:

(a) References to ranking and hailing
Currently ranking and hailing is legitimate only for licensed HCV within their defined geographical areas. This should remain the case because:
1; they are insured to do so as they carry Public Hire Insurance which PH operators do not.
2; their fares are regulated by the LA so when a consumer hails or goes to a rank they are assured that the fares are regulated, thus standard and consistent. Whereas PHV can charge what they like to whom they like without any sense of fairness or recourse if a HCV driver overcharges they are easily traced and can be dealt with by their LA as is currently the case.
3; consumers always have a choice to phone a licensed operator if they are unhappy with the fares quoted to them by a HCV driver. Alternatively, the consumer can negotiate a price with the said driver or approach any other HCV driver – this is consumer choice. Technology now allows consumers the ability to analyse which is the best option for them.
4; not all licensing authorities vet PH drivers (CRB Check). This can leave the public vulnerable as PHV drivers can operate in geographical areas where they have not been vetted. If they had been, they would not have been issued a license because of their CRB check results. ALL HCV drivers in major cities and towns are vetted correctly, in the interests of public safety.

(b) I agree that there needs to be clear and distinct definitions with regards to the term ‘plying for hire’. Currently there is a distinction in the law but more LA enforcement powers are needed so PHV from outside the LA area can be challenged and prosecuted when they are illegally plying for hire. This is in the interests of the consumer from a safety and financial aspect.

(c) I agree that there should be a clear definition between the legitimate activities of HCV and PHV. This would not encroach on PHV going about their legitimate ‘pre-booked’ business.

**Provisional proposal 16:** I agree in principle with this proposal but if it abused by PHV drivers plying for hire, then trying to legitimise this activity by the use of technology, and then provisions for these situations must be made in any forthcoming legislation.
**Question 17:** There would be no advantage to adopting the Scottish approach because firstly, most major cities vet all drivers HC and PH. The Scottish approach would compromise these safety checks which have been put in place over the years (to protect the public). Secondly, it would cause consumer confusion, leaving them vulnerable to criminals e.g. sex pests, rapists, thieves etc.

**Provisional proposal 18:** I agree with this proposal.

**Provisional proposal 19:** I agree with this proposal.

**Provisional proposal 20:** I disagree with this proposal.

**Provisional proposal 21:** Local Authorities are best placed to deal with these matters.

**Provisional proposal 22:** I agree with this as long as legislation clearly states that PHV operators and drivers cannot use the term ‘Taxi’ at any time.

**Question 23:** I think that the terms ‘Taxi’ and ‘Cab’ are best left to describe HCV whereas the term ‘Minicab’ is a good definition for a PHV. Therefore it would be a nationally recognised term as it is currently the case in the capital – London.

**Provisional proposal 24:** I agree.

**Provisional proposal 25:** I disagree and feel this is best left to the LA to assess as long as it is done reasonably. Taking into account, public safety and how viable it would be for the vehicle owners.

**Provisional proposal 26:** I agree.

**Provisional proposal 27:** I disagree.

**Provisional proposal 28:** Yes.

**Question 29:** There does need to be a national minimum safety standard. However, each LA should assess the level of standards required in their area as a ‘one size fits all’ approach is not always appropriate. E.g. there are differences between a major city and a rural setting.

**Question 30:** National conditions should be different because HCV are purpose built whereas PHV are no more than randomly chosen vehicles. However, safety aspects such as CCTV in vehicles for both PH and HC would be of great benefit.

**Provisional proposal 31:** I agree.

**Provisional proposal 32:** I agree.

**Question 33:** The best approach would be each Local Authority assesses its safety standards requirement. These standards can then be fed back to a central organisation which can decide on which are most pertinent and therefore create a National standard (after pooling Local Authority feedback).

**Provisional proposal 34:** I agree that LA should retain the power to set standards.
Question 35: No, because each Authority is best placed to determine if certain requirements are necessary to protect the public within its area.

Question 36: Yes, LA should retain the power.

Question 37: Powers and duties of licensing authorities to cooperate should be on a statutory footing. This would ensure that the LA comply with the nationally set criterion.

Provisional proposal 38: Neighbouring licensing authorities should have the option of combining areas for the purposes of taxi standard setting. This should apply to PH operators and drivers and HCV drivers.

Provisional proposal 39: Licensing authorities should have the option to create, or remove, taxi zones within their area. However, this should take into consideration environmental and economic factors. It should not allow PHV to act as ‘taxis’ nor should it allow taxis licensed in other boroughs to work in a busier boroughs therefore ‘cherry picking’.

Question 40: No, because:

(i) Councils have powers to release more licenses where demand is necessary e.g. Manchester carries out regular surveys to assess whether there is any unmet demand. If so licenses are issued accordingly after consultation with trade and other interested parties.

(ii) the consumer in such cases would be confused and the regulation of different fare structures would be difficult.

(iii) the Authorities should only have emergency powers for such events as the Olympics etc. which would ensure that in extreme circumstances – provision is available.

Provisional proposal 41: PHV operators should be restricted to accepting or inviting bookings only within a particular locality and should only use drivers and vehicles licensed there. This is because (i) it stops unsuitable operators and drivers from obtaining a license from a less stringent Authority and then going to a locality where they were not originally allocated a license to work. (ii) the fare structures vary from Authority to Authority so consumers could be charged varying amounts for a similar journey. (iii) In cases of disputes or disciplinary matters the consumer would be unsure where and how to resolve such issues. (iv) It would stop license operators from setting up in areas to save costs and circumventing more stringent safety checks for vehicles and drivers.

Provisional proposal 42: I disagree with what is being proposed with regard to ‘cross-border hiring’ for the following reasons:

1. This would result in a ‘free for all’ to work areas which are busier than the one the driver is licensed in without having to be licensed in the busier town.

2. There would be no recourse for the consumer if they had a problem with the driver. Who would the consumer report their issue to? The fares would vary from driver to driver which is unacceptable for the consumer this would lead to inconsistencies. Therefore this is open to abuse by the more unscrupulous driver who knows he is virtually untouchable.
3. This situation would lead to damaging environmental issues. Drivers would flock to busy areas to work thus creating traffic congestion and pollution. Economically it would damage the livelihood of the drivers licensed to work in that area – currently drivers are struggling to earn a fruitful living. Also, the costs incurred to run and license a vehicle in one locality could be far less in one area than another – this leads to a disparity in outlay and return for drivers from differing areas. Will these costs be standardised nationally for a ‘level playing field’ for ALL drivers?

4. Cross-border drivers would not have the local knowledge to offer the high standard of service which is currently given in that area. This level of service is monitored by the license issuing authority and can be improved if and when required within its area. Who would monitor the cross-border drivers? How will this impact upon the consumer? Why should the consumer accept a lower standard of service?

5. Currently, legislation allows PH operators to pick up in any area if they are pre-booked. So can take legitimate bookings from outside of their area and this should remain the case. PH cannot pick up from the streets as they are not pre-booked. Therefore there is no argument for them picking up in the ‘out-of-area’ scenario (it has never been the case). This provisional proposal is not viable with regards to PH as it would transform them into HC ‘public hire’. They are not insured, equipped or licensed to do so, as this is one of the major distinctions between Private Hire and Hackney Carriage Taxis.

6. Cross-border issues have no relevance with safety issues therefore the two should not be linked. Local Authorities issue licenses to meet demand in their areas so allowing a ‘free-for-all’ would upset that balance. Which would impact economically and environmentally upon the area as mentioned earlier.

7. This leaves the issue of HC drivers from outside an area being allowed to work there under this proposal. It throws up a number of issues firstly; they would not be insured to work that particular area – as they are not licensed in that area. Secondly; the fares differ from area to area. This would leave the consumer confused and out of pocket in many cases. Where would the consumer turn if an issue were to arise – which authority do they complain to? As mentioned previously, this would impact environmentally and economically on that area.

**Provisional proposal 43:** I agree.

**Question 44:** No, taxis should not be allowed to charge more than the metered fare for a pre-booked journey within the boundary set by its licensing authority. However, contrary to your information (at 15.58) the majority of authorities make it obligatory upon the taxi driver to clearly display their driver number and their Local Authority number therefore it would NOT be hard for the consumer to track down that taxi and make a complaint.

**Question 45:** National driver safety standards such as the requirement to be a “fit and proper person” should be set out in primary legislation.

**Provisional proposal 46:** I agree

**Provisional proposal 47:** (a) Primary legislation.
**Provisional proposal 48:** Yes it should.

**Provisional proposal 49:** Operator licensing should NOT be extended to cover taxi radio circuits.

**Provisional proposal 50:** I agree.

**Question 51:** Yes they should

**Provisional proposal 52:** Operators should be expressly permitted to sub-contract services.

**Question 53:** Yes it’s not unreasonable.

**Provisional proposal 54:** I disagree with the Commission’s recommendation. In my opinion Licensing Authorities should have the power to restrict Taxi numbers.

**Question 55:** If Licensing Authorities lost the ability to restrict numbers it would lead to severe problems;

i. Fares would rise sharply for the consumer as has happened in cities that have derestricted numbers e.g. Birmingham. Drivers were unable to earn a living therefore were charging excessive fares to make up the shortfall for lost earnings. Currently fares are regulated stringently by Local Authorities that have control over their numbers.

ii. Recent examples of cities that have derestricted numbers such as Birmingham, Liverpool and Sheffield show that the ‘improved’ provision went hand in hand with a decline in quality of service as the number of taxis increased. Consumers were left with a substandard service. If it’s all about improving consumer choice, why would the consumer choose a lesser service – ultimately the Commission’s recommendations will lead to this.

iii. Most cities do not have a lack of provision. They have enough Taxis and PH operators to meet the consumer’s demands. Illegal activity occurs regardless of numbers. Improved enforcement is the only way to protect the consumer from this – not an increase in the number of Taxis.

iv. Currently most cities do not have any unmet demand. This is because they already have sufficient numbers and in the current economic climate these numbers indicate that supply in fact outweighs demand. The issue of drivers waiting to enter the trade is a red herring, e.g. if a person qualifies as a solicitor the onus is not on the Government or Law Society to find them employment (nor would we expect them to force already saturated areas to accept a new law firm or employee).

v. The type of business model required with this situation is a ‘franchise’ style model, not the ‘Laissez Faire’ model the Commission seem to be pushing forward. The Local Authorities are best placed to assess their needs and demands taking into account factors such as: consumer demand, economic and environmental impact on their area.

vi. Other sectors that have delimited such as buses have failed the consumer. Standards have dropped, which has led to an all-round poorer service and over-saturation of the busiest routes.

**Question 56:** Transitional measures should be introduced if quantity restrictions are removed. The hardship that drivers will face who have currently taken out loans, remortgages to enter the trade and the loss to drivers who may have been thinking they had something to retire with should be
fairly compensated. Compensation should be given for the value of the ‘goodwill’ that licenses carry. The Australian and Irish model for compensation could go some way to deal with this because if not, the financial hardship would ultimately put a burden on the State benefit system.

New drivers entering the trade should have a higher entry standard as in London. This would ensure that the consumer was not left short changed by this measure.

**Question 57:** In major towns and cities a separate license category for wheelchair accessible vehicles is not necessary e.g. in Manchester ALL taxis must have wheelchair accessibility so there is no discrimination against disabled consumers – they can hail any cab at any rank and are guaranteed ease of access to the vehicle.

The policy which needs to be adopted by all major towns and cities should be that ALL taxis are purpose built with wheelchair accessibility.

**Question 58:** Licensing authorities should offer incentives such as lower license fees for vehicles which meet certain accessibility standards for drivers taking this responsibility in smaller and rural towns and villages.

**Question 59:** Please refer to responses 57 & 58.

**Provisional proposal 60:** I concur.

**Provisional proposal 61:** I agree that this be introduced nationally.

**Provisional proposal 62:** I agree.

**Question 63:** The best way discourage discrimination could be for licensing authorities to require taxis to display their availability for hire by some obvious means to the public. This in turn could be coupled with a requirement to stop in response to a hailing if it is free and safe to do so.

**Question 64:** Yes they should have the power to stop licensed vehicles.

**Question 65:** Greater public awareness on the dangers of ‘touts’.

**Question 66:** I agree with this proposal.

**Question 67:** No, they should not.

**Provisional proposal 68:** Yes, enforcement officers should have the powers to enforce against vehicles, drivers and operators licensed in other licensing areas.

**Question 69:** Cross-border enforcement powers should extend to suspensions and revocation of licences the best way of achieving this would be formal procedures for cross-border cooperation.

**Provisional proposal 70:** I agree that the right to appeal against decisions to refuse to grant or renew, suspend or revoke a taxi or PH licence should be limited to the applicant or, as appropriate, holder of the relevant licence. AFTER, extensive consultation with the trade bodies and licensing Authorities and other relevant agencies.

**Provisional proposal 71:** I agree.
Provisional proposal 72: I agree.

Question 73: There should be an onward right of appeal to the Crown Court.
From: chauffeurdrivenuk
Sent: 10 September 2012 02:00
To: TPH
Cc: admin@chauffeurdrivenuk.com

Dear Sirs and Ladies of the Committee.

I write regarding the review as to the existing laws relating to the “Taxi & Private Hire” industry ref: The Law Commission Consultation Paper No. 203 and feel that I have to now make formal representation as it is entirely evident that your committee has failed to really understand and appreciate that the existing “Licensed Private Hire” element includes the extremely important “CHAUFFEUR” industry.

As a note to prove this fact I regret to enlighten you that the simple word “CHAUFFEUR” appears in your main document no more than SIX times in a total document containing 241 pages:

- Page 7 - 1.34 “... to separate the activities of legitimate minicab & chauffeur operators...”
- Page 33 - 3.50 / 70 & Page 97 8.18 note 14 THREE times as sub-notes all referring to one particular company!
- Page 37 – Section headed “Grey areas in private hire licensing.” – 3.66 “... Areas where licensing authorities were taking different approaches, including: licensing stretch limousines & chauffeur services;”
- Page 57 – regarding “External signage.” 4.52 “… where it would be inappropriate for the type of service, for example, chauffeur-driven vehicles or limousines.”

That is it! A massive 241 pages and you seem to have treated myself and my colleagues with not only total disregard but also utter contempt as the word “Chauffeur” is so conspicuous in its absence. As a further note the word “chauffeur” does not appear whatsoever in your “Summary” document.

The “Chauffeur” industry in this country & throughout the world typically provides the highest level of service that is required by prestigious clients, predominantly business leaders, executives and employees, famous people, celebrities, media & sports personalities, government officials on official (or unofficial) duties etc. In the U.K. many chauffeurs are employed by companies exclusively but many more are “self-employed” working as and when a job becomes available either engaged by one or more companies or on their own account. A great deal of them are single car owners working within a consortium or perhaps for a specific operator who is currently, legally licensed with the local authority providing the appropriate vehicle when required that has been tested & licensed by the same local authority in a similar manner. Hence the driver / chauffeur is legally required to have been vetted and therefore local authority licensed (currently all three licenses have to be issued by the same authority.) He or she will have undergone Criminal Records Bureau and medical checks and taken some form of driving assessment be it carried out by the local authority or the Government sponsored Driving Standards Agency.

As such, myself and my colleagues that operate officially recognised legally regulated chauffeur companies are inextricably linked to the existing licensed “Private Hire” trade. It is mandatory that all of our work is pre-booked and usually this is for a corporate clientele where our reputation and quality of service is paramount. Most of us have Public Liability Insurance with extremely reputable insurance companies that is far in excess of the legal requirement. Most of us expect to use or provide a far higher standard of driver who must be by nature, of a likeable character, pleasant disposition, polite, courteous and discreet, usually well-dressed though these days not essentially wearing a uniform or chauffeurs’ cap! The vehicle that is being driven is often immaculate, well-maintained and usually of a more upmarket marque – Mercedes, Jaguar, BMW, Audi or at very least Volvo branded vehicles being the “norm” though of course many long-established companies also have Rolls Royce, Bentley or similar models on their fleet. Additionally Chauffeur Companies operate high value “MPV / people carrier” vehicles where seating may incorporate a table for clients to work at whilst travelling or where a confidential business meeting may take place. Clients may also undertake highly confidential telephone calls or even video calls whilst en route to other
important meetings and chauffeurs are often privy to important and sensitive conversations and discussions.

In short, it should be understood from the outset that the majority of the work that is undertaken by legitimate “bona-fide” Chauffeur or “Executive Hire” companies is of a very different nature to that carried out by the vast majority of “common or garden” everyday “mini-cab” or private hire companies, though in order to survive many reputable chauffeur type companies obviously DO also take pre-bookings from ordinary members of the public whose preference is for a higher level of service or a better marque of car so consequently we also undertake what could be classed as normal “Private Hire” work. ALL of our customers pre-book our service BECAUSE of our reputation, company history etc. but more importantly specifically as that is exactly what they CHOOSE! They prefer to remain safe in the knowledge that they have never been let down, that the car will be up-market and the driver professional etc. Often we find new clients through personal recommendation because we are already supplying a far higher level of service at no higher cost to the general public than any other competing private hire company and invariably at far less cost than a licensed “Hackney Carriage” where the driver simply charges the rate as shown on the meter that was agreed and ratified by the local Licensing Authority.

(N.B. In their wisdom my own Local Authority licensing department here in Stratford-upon-Avon recently (2010) attempted to re-write what could be termed “National Private Hire Law” in trying to define an “executive car” service. Should that legislation have been ratified then the “clients” would have been “categorised” (how does one even start to differentiate between all of our different types of client – in my mind the M.P. is no different to Mrs. Smith from down the road, we never discriminate for any reason) and the vehicle would have to have been purchased initially or had an initial market value of £28,500 minimum – where did they dream that one up? Why not £25,000 or even £30,000 pounds?)

Much of what is suggested or discussed within your report is welcome and many of the existing laws are outdated of course and the difficulties that you are faced with are not only extremely important for all types of public or private hire transport sectors but also the ramifications could be far reaching. In my humble view you could actually choose to adopt a really pro-active stance and you now have an unique opportunity to set an example to the rest of the world as far as these matters are concerned. I appeal to you to realise and accept that there is a part of this industry that you have overlooked that should, I believe, be regulated by a slightly different approach. (In fact there are many other sectors that you seem to have overlooked or ignored in a similar fashion.)

I will list below some of the problems that we as a Chauffeur company have encountered over the last ten years, how we dealt with them and the situation we now find ourselves in that is a direct result of poor, misguided regulation, legislation that is both flawed & outdated, some issues you have looked at whilst others have been entirely overlooked.

You have within your mandate a unique opportunity to reform and modernise the legislation, to take in to account ALL parts of our industry and on behalf of legitimate and bona-fide Chauffeur Companies throughout the U.K. I appeal to you all not to squander this occasion without investigating further. Please consider forming a panel that will simply talk to and listen to representatives of this style of company as if you fail to do so now you are in danger of alienating an entire body of people that will, in my view, largely decide to carry on exactly as before, many of them often working outside of the existing legal requirements – little or worse still, nothing will change!

Some years ago our local licensing authority decided in their wisdom that Stratford-upon-Avon District Licensed Hackney carriages would all become silver in colour. In itself that should not have been an issue and it is currently absolutely legal for local authorities to dictate and set any particular identification scheme for “Taxis / Hackney Carriage” identification, the general public & visitors to the U.K. fully understanding the meaning of the international word “TAXI” - but ..... Our local licensing panel, following recommendations of our licensing officers, took this one step further and added that, in the “interests of public safety” SOADC licensed private hire vehicles could be any colour “BAR SILVER!” At the time my company operated a fleet of 12 silver Mercedes-Benz vehicles -- this was an identity that had been established over a period of 12 years or more and I wrote to our peers to say that the new legislation was flawed and probably illegal. It took three full
years to bring this matter before local Magistrates where it was agreed that Stratford Council had “overstepped the mark!”

Two full days wasting the valuable time of our Courts and costing approximately £25,000 (in reality far more!) Costs were awarded against the Council and some four months later the licensing panel sat in private session to address the fact that they now had a £25,000 deficit in their coffers – a black hole in their budgets – How did they address this you may ask – simple! They knew how many licenses existed within the trade – operators, vehicles & drivers etc. – Take the total number, divide £25,000 by that figure and increase the licensing fee by the appropriate amount – an increase of some 166% - “Hey presto – the situation resolved at a stroke!” One year later, looking at a £25,000 future budget surplus – having recovered their “losses” did they reduce our fees you may ask? Certainly not – they simply engaged another licensing officer then embarked on a crusade of what can only be described as revenge incorporating entrapment of Licensed Hackney Carriage Drivers. Personally I consider this to be an absolute travesty, it makes a mockery of the word “justice” and it is a fact that we “won” our case but were then legally forced to repay our local council for the costs incurred in them losing! What a dreadful indictment of the depths that some parts of our legal system has fallen to!

At this time and in our wisdom we realised that we should look at partly re-locating our business out of the area and as result, for a while, we completely withdrew from local licensing with a new business model operating under what was known as “Section 75 – Contract Exemption.” For the first time in our history we approached our clients and requested that they sign exclusive contracts with us and also drivers became individually contracted as well – we split our company in to two halves with one company owning and operating the cars and a separate company handling client bookings whilst independently contracting and engaging driver services. (This was an extremely common and efficient way of operating as I am sure you will have discovered.) As you have rightly identified this part of “The Act” was subsequently repealed and we then had to go back in to local authority licensing. Prior to the “over-regulation” of our industry we never had any problems with our local licensing department whatsoever and we enjoyed a wonderful relationship with our licensing officers because we were respected for running a company that operated at standards far in excess of what was required locally. Our vehicles were well maintained and replaced on a regular basis, our drivers proficient and I do not believe that Stratford Council received any complaints whatsoever – in fact I asked them to divulge any recorded complaints under the “Freedom of Information Act.” NONE WHATSOEVER! (They refused to advise if there were any complaints about any of the drivers we used unless each individual made an independent, formal request for information as they would theoretically be breaking the “Data Protection Act” – No they would not – they simply had to answer yes or no without divulging the identity of the driver concerned but …. In reality we all know that there were no complaints on record! (N.B. I personally would welcome the re-introduction of properly enforced “contract exemption.”)

Sadly, at the same time that we appealed to Magistrates regarding the colour of the vehicles on our fleet other Stratford District operators of both Hackney Carriage & Private Hire vehicles also appealed against the new regulations about “age of vehicle.” In Stratford-on-Avon it was decreed that no vehicle would be considered for licensing initially if it was older than three years and no vehicle would be licensed if it was older than six years. On repeal of the Section 75 Contract Exemption Law I operated five vehicles that had been licensed by SOADC initially, that were no longer licensed but were now older than local regulations permitted! ALL of them were successfully tested for mechanical safety & none of them were found to be unsafe. I realised that I could not apply to Stratford Council to re-license these vehicles with them. This was not thought to be any real issue as we gradually licensed our vehicles with another Authority where no such AGE regulations were in place but this led to new operating difficulties as to comply with the existing licensing laws I now had to ensure that drivers obtained new licenses from a second local authority – fortunately we had pre-empted this fact and addressed the issues over a period of time. We had drivers licensed with one authority or another! Now we have two offices, two operator licenses, drivers and vehicles licensed with one authority or another and consequently we also have technical “Cross Border” issues too! (Again you have rightly identified these problems and I find it refreshing that you propose to reform this ridiculous legislation that, in my view, should have already been discredited as it is obviously anti-competitive and unfair.)

In January 2011 I decided that I should replace one of my vehicles – a Stratford PHV licensed luxury Mercedes S-Class long wheelbase limousine that had travelled nearly 200,000 miles, it was three years old, paid for and the manufacturer’s warranty
had just expired. Sadly it developed a severe engine problem meaning that within a very short space of time the engine would ultimately fail – as a company we could not risk such a vehicle breakdown so we replaced the vehicle immediately with a like for like model. I assigned the personal registration number (CD07ROD – CD standing for “Chauffeur Driven” – ROD is an abbreviation of my name and helps to identify my vehicles to our clients! We have a number of CD**ROD registration plates!) I contacted my insurance company to advise the fact and discussed the local authority policy on age – I explained that there was a technical infringement of existing licensing law but was advised that naturally the replacement car was fully insured as was ALL of my fleet – Indeed I had a certificate to say so using the vehicle identification CD07ROD (the insurance companies do not require chassis or engine numbers, some local authorities do ask but others do not) – insured for “Hire and Reward” in respect of the nature of our business! This was not the specific car as was “tested” by the local authority designated workshop but was of an infinitely superior mechanical & safe condition, eminently fit for purpose and INSURED! No question – sadly had I applied to the local authority licensing department they would not have issued a licence as the replacement vehicle was already more than three years old! I had borrowed an additional £25,000 to replace the car but enjoyed the peace of mind that Mercedes-Benz supplied the vehicle with an EXTENDED twelve month warranty, it had less than 60,000 miles on the milometer and was set to last for the next three years and I would advise our local authority as to the change on re-licensing the vehicle. (It would have to be discussed and ratified by the Licensing Panel in any case as it is evident that all such applications to the licensing officer are referred back to the Committee. Another sad indictment, if a licensing officer does not have the designated power to make such decisions why indeed is he or she employed by the local authority?)

Following the purchase of the first replacement vehicle I subsequently purchased two further second hand Mercedes-Benz cars spending £105,000 and borrowing £85,000 – In July 2011 I applied to license the replacement vehicles on expiration of the initial licenses and was informed that, as expected, I would have to appear before the licensing panel – six councillors with no mechanical knowledge between them, little or no knowledge of licensing law, little or no understanding of business practices and almost entirely unaware of the economic climate faced by us all. I explained that had I replaced these vehicles with cars that were less than the required three years I would have had to spend as much as £125,000 and borrow in excess of £100,000 – quite simply my business could not afford to do that and my bankers were not prepared to lend us the funds. To my horror and amazement, in their wisdom the decision of the committee, directed by the retained solicitor was to license one (hence actually setting a precedent) but then refuse licensing the other two as I had not actually transferred the registration plates on the second or third vehicles, they were booked in for testing the following day and the ideal time to implement the change of vehicle identity was effectively at the time of testing!

As a note I had an outgoing Mercedes E-Class Estate car that was absolutely mechanically sound – it passed the Council plating test the next day – it had travelled nearly a quarter of a million miles (235,000) and had always been reliable but in my view we were going to incur increasing maintenance costs and it was beginning to look a little “tired” – I deemed that it no longer met our criteria and in reality was no longer “fit for purpose” whilst the replacement had undergone a mere 53,000 miles, was two years younger and had also been supplied with an extended 12 months manufacturer’s warranty. It was a “like for like replacement” that the licensing panel considered was not eligible for licensing because their “current policy” was NOT to license vehicles initially if they were more than three years old. WHAT UTTER NONSENSE! I asked if we could discuss the merits of their decision and was told “no” but obviously I could appeal to the Magistrates Court. Without a shadow of a doubt local Magistrates would have allowed the vehicles to be licensed and once again our Council would have incurred those costs! Three days later the same two vehicles were in fact licensed by a neighbouring authority enabling us to carry on in business. (Again this enlightenment typifies the total lack of understanding of circumstances by locally elected bureaucrats. In my view common sense should have prevailed and the panel should have considered a relaxation of their current “policy” across the board. It is common place in the district that at every panel meeting a number of applications are heard and almost 100% of applications are ratified but the cost of these hearings is largely ignored – what an absolute waste of resources and taxpayers’ money!)

It seems that you have already identified that it is a bureaucratic nonsense that a licensed private hire driver can not drive a licensed private hire vehicle if it is not also licensed by the same authority and I also welcome the proposed changes in this
legislation. There should, of course, be a single National Standard for licensing of both drivers and vehicles that will automatically address ALL of the above issues. About time – WE THANK YOU!

Now we have a new issue that I can only find brief reference to in your consultation document. As I have highlighted - our company is a licensed Private Hire operation predominantly providing CHAUFFEUR DRIVEN cars to the corporate sector. We fulfil our obligations by sending vehicles that are of a higher standard, up until recently and for nearly twenty years we have enjoyed the privilege of “plate exemption” – this is an issue that has been tested through the courts on several occasions and current legislation states that an operator may apply to the local authority for exemption of display of plates and quite obviously the licensing officers have it within existing powers to grant or deny such exemption, if it is refused you can appeal to the licensing committee and subsequently appeal to Magistrates if “aggrieved.” Here in Stratford I personally sat on a consultative committee where one of the items on the agenda was a proposal to “remove this right” – Excuse me but I do not believe that local authorities can change National Law! At the time of discussion it was agreed by members on the sub-committee that an exemption policy would, of course remain! To my horror, some weeks later, it was ratified by the full General Purposes Committee to have NO PLATE EXEMPTION POLICY whatsoever! Simple..... but again totally ILLEGAL and unenforceable under current law. It is a fact that the greater proportion, if not all of our clients, are engaging our services as a legitimate Chauffeur Operation. They are pre-booking a service with a car that is nondescript, anonymous, has no visible signage or plating, a prestigious, better than average service altogether – a different type of service. Our clients may like to be seen getting out of a “Chauffeur Driven” luxury car or may even like to arrive entirely anonymously. Sadly I no longer have the time or the resources nor the desire to take Stratford Council to Magistrates Court yet again! We would almost certainly win the case but at the same time – previous experience has proven that we will pay for it! What an utter disgrace! Is this a democratic way of dealing with these problems?

We also have to deal with proposed new regulation where many authorities are now discussing the mandatory installation of CCTV cameras and recording equipment in licensed vehicles – this is already a legal requirement in some areas but no consideration has been given to the Chauffeur Industry where our clients would simply not use us if there was any form of recording carried out whatsoever.

Additionally some authorities are now regulating the use of tinted glass in licensed vehicles insisting that “in the interests of public safety” it is right that passengers can be seen – we have some vehicles on our fleet with factory fitted European compliant tinted “privacy” glass that our clients prefer or stipulate exactly because they prefer and choose NOT to be identified for obvious reasons.

Stratford Licensing authority has now deemed that some MPV / People Carrier type vehicles may no longer be licensed to carry more than four passengers if there is no direct access to the rear row of seats yet the vehicles reach European M1 safety standards and are used in our industry worldwide. Again you have identified that it is logical to have a national standard for licensed vehicles.

Stratford Licensing has also recently introduced mandatory DSA testing of licensed drivers – many of our drivers have already passed Advanced Driver testing with the Institute of Advanced Motorists and as far as route planning and local street “knowledge” is concerned it is a fact that they have to be more knowledgeable about London or other city centres than the need to know about Stratford District!

Now we come to other problems such as London Congestion Charging or “use of Bus Lanes,” picking up or setting down of passengers on “red routes” etc. – The Chauffeur Industry would, I am sure, appreciate the same discretion given to Hackney Carriage / TAXI drivers as would our colleagues in the Private Hire business – another massive bone of contention. The former London Mayor actually had the gall to state that if a businessman was to travel down to London in a big “Chauffeur Driven” car then he could obviously afford to pay the charge – was it not taken in to account that the type of people that we drive are the very people who “drive” Britain’s industry & commerce – if anybody deserved to be allowed to get around London quicker
and was indeed paying for the privilege then they should at least have the concession of use of bus lanes I believe!

To this effect now would be an ideal opportunity to come up with a scheme to identify legal “Chauffeur Driven” cars – perhaps the vehicles could have “CD” on a strip on the side of the number plates where currently there may be the European stars logo or G.B. for example?

I have many more grievances that I could list but I confess that I seem to have clearly run out of time for my “critique” to be accepted. I would be happy to appear before the Select Committee to discuss the issues but I do emphasise that I believe you should not ignore this important sector as to do so will lead to ever more of my colleagues “opting out” of any future legislation that you may care to implement. If you fail to recognise the “chauffeur industry” as a separate entity at this point in time then without a shadow of doubt you will have failed entirely in your attempt at “reform!”

I hope that you will read and take my comments in to consideration. Thanking you in anticipation.

Sincerely

Rod Moseley
1991-2012 – Celebrating 21 years of “Driving Executive Standards Higher!”

Rod Moseley (Managing Director)
Chauffeur Driven by BRUCE’S Limited

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REFORMING THE LAW OF TAXI AND PRIVATE HIRE SERVICES

Submissions on Law Commission’s Consultation Paper Number 203

Submissions of: Andrew William NOBLE, PhD candidate and postgraduate teaching assistant at the Birmingham Law School, University of Birmingham. The author is currently researching local authority regulation of the taxi trade in England and Wales. Prior to his present appointment, the author was a licensed taxi driver for twelve years.

Provisional Proposal 1:

Regulation should continue to distinguish between taxis, which can accept pre-booked fares, be hailed in the street and wait at ranks, and private hire vehicles, which can only accept pre-booked fares.

Retention of the so called ‘two tier’ system, distinguishing between taxis and private hire vehicles, is a sensible proposal for many of the reasons set out in the consultation paper. However, one of the justifications advanced for separate and higher levels of regulation for taxis, that they cannot operate in a normal competitive manner because they are a monopoly supplier for individual journeys,1 does not stand up to scrutiny. The idea that taxis are monopoly suppliers is a purely theoretical economic argument advanced by a number of academics2 in order to support their ideological opposition to any form of state regulation of private enterprise. This point of view is not supported by other academics.3 More importantly, it does not reflect the reality of the taxi market. A taxi driver is no more a monopoly supplier than is the local butcher, baker or candlestick-maker who happens to be the only supplier in the immediate vicinity. There are always other taxis available, if the customer is prepared to seek them out or wait. Whilst this may involve the customer incurring ‘costs’ in seeking out or waiting for alternative suppliers, the same is true of many unregulated markets.

There are many good reasons for regulating the taxi and private hire trade in the UK as separate entities. One such reason is that they serve entirely different markets. Although many taxis often carry out ‘bookings’ in addition to the more traditional rank and hailed work, in general taxis tend to cater for the immediate hire market from a rank or street, whereas private hire vehicles provide a ‘door to door’ service, often for persons who rely on such a service as their only method of transport (such as

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1 Consultation Paper Para 1.10
3 MJ Beesley, ‘Regulation of Taxis’ (1973) 329 The Economic Journal 150. Beesley takes the view that, in the absence of regulation, the taxi market approximates a pure free market, with no economies of scale and small individual units of supply.
elderly, young or disabled people, or those living in remote areas without access to alternative means of transport).

Another good reason for retaining the two-tier system is the concern that, if all vehicles were permitted to ply for hire and fulfil bookings, most vehicles would operate in the ‘honey-pot’ locations of their licensed area. This could have a detrimental effect on the quality of service received particularly by persons in locations away from the ‘honey-pot’. There would be little incentive for any driver to leave a busy and potentially lucrative source of work to travel to some distant and remote location, thereby incurring unrecoverable costs in time, fuel and potential fares, especially if the customer cancels the booking before the vehicle arrives or the booking turns out to have been a hoax.

A further reason is the issue of rank space. There is clearly a demand across the country for this type of small individually hired transport, whether in the form of taxis or private hire vehicles. Local authorities and the trade in all areas report problems of ‘over-ranking’ or ‘illegal ranking’ or of excessive congestion at taxi ranks or shortage of rank space. These problems exist under the current two-tier regime. The introduction of a one tier system, where all vehicles were permitted to stand or ply for hire at ranks, the problem of shortage of rank space would be greatly exacerbated, unless local highway authorities substantially increased the number of rank spaces available in every area.

A final reason for retention of the two tier system would be the differences in the ‘compellability’ of the two types of vehicle. The issues surrounding compellability are discussed in more detail under provisional proposal 18, but with regard to the two or one tier system issue, it is appropriate that not all vehicles have the same degree of compellability, and the trade ought to have a choice about how much compellability they are prepared to accept.

There are, however, many regulators (particularly amongst local authority licensing officers and licensing committee members) who vehemently disagree with this view. They take the view that the creation of a one-tier system would simplify the whole market, remove the public’s confusion about the differences between the two types of vehicle, and make administration of the system more straightforward. Whilst these are valid points, for the reasons set out above it is submitted that retention of a two-tier classification is to be preferred.

**Provisional Proposal 2:**

**London should be included, with appropriate modifications, within the scope of reform.**

The value of this proposal depends largely on what sort of ‘modifications’ are envisaged. The London taxi market is different from that in the rest of England and Wales. As the consultation paper correctly points out, the London market occupies a disproportionately large sector of the overall taxi industry, and so it is more appropriate, for that reason alone, that it be treated as a special and separate case.
Furthermore, although the taxi and private hire trade is essentially the same throughout the country, in that they are fulfilling the same function, the existing structure of the London market is substantially different to the rest of the country. The supervision of taxis and private hire vehicles in London is undertaken by one centralized, cross London authority (Transport for London), not a local authority regulator as is the current system in the rest of the country. It is not possible to compare directly the activities of local councils with the regulatory function of TfL. TfL operates across the whole of London and has responsibility for regulating all forms of public transport, including buses and underground trains, not just taxis.\(^4\) Moreover, it is not possible to equate the difficulties encountered in regulating the taxi trade in small rural, or mixed urban and rural, areas with difficulties encountered in regulating London’s taxis and private hire vehicles. Although the consultation paper indicates that many of the problems highlighted are said to be most problematic in London, in fact some of the problems, such as toutting and illegal vehicles, very rarely present as a problem outside London. It should also be borne in mind that TfL is the road authority for Greater London,\(^5\) which is often not the case for most local authorities regulating taxi licensing (itself a source of frustration and irritation in some licensing authorities, particularly in relation to the provision and location of taxi rank space). Also, TfL is not a publicly elected body, unlike all other licensing authorities in the rest of the country, and so does not have the same degree of public accountability as other taxi and private hire regulators.

An attempt to produce a more unified system for the whole country, to include the London market, would have to be made on one of two alternative bases. One would be to use the London model of regulation across the whole country, replacing local authority regulators with one large national or several regional regulatory bodies. The other would be to remove TfL’s responsibilities for taxi and private hire regulation and transfer them to the individual London Boroughs, so that taxi and private hire licensing and enforcement were local authority responsibilities countrywide. Neither of these options seems particularly attractive, both would involve considerable political and practical difficulties, and neither would really address the issues facing the taxi and private hire trades.

Whilst there is clearly a case for ‘ironing-out’ some of the inconsistencies between the London system and the rest of England and Wales, particularly in relation to certain definitions and other anomalies mentioned in the consultation paper, there does not appear to be any case for the wholesale imposition of the London system on the rest of the country.

**Provisional Proposal 3:**

The regulation of taxi and private hire vehicles should not be restricted to any particular type of vehicle but should rather focus on road transport services provided for hire with the services of a driver.

This is a commendable proposal for the reasons set out in the consultation paper.

\(^4\) Greater London Authority Act 1999  
\(^5\) Road Traffic Regulation Act 1984 s 121A(1A).
**Question 4:**

Would there be (and if so what) advantages to restricting licensing to motor vehicles that require a driving licence?

The only real advantages to such a proposal would be clarity, in terms of which vehicles are required to be licensed and which are not, and the fact that such vehicles are subject to existing standards of construction and safety and their drivers will have already undergone an examination of their driving ability.

However, those advantages are outweighed by the disadvantages of such a proposal, particularly from the public safety point of view. If licensing requirements are restricted in this way, this could result in many different types of vehicle being used to transport the public by road without any checks being carried out on the suitability of either the vehicle or the driver to do so. Although such vehicles may involve lower speeds and less risk of injury in themselves, they are occupying the same space as other road users and as such carry with them a substantial risk of being involved in or causing an accident. If the proposed licensing restriction is used to prohibit the use of certain vehicles for public or private hire, then this would have the disadvantages of reducing customer choice and discouraging enterprise.

**Provisional Proposal 5:**

Public service vehicles should be expressly excluded from the definition of taxi and private hire vehicles; and taxi and private hire vehicles should only cover vehicles adapted to seat eight or fewer passengers.

This is a commendable proposal in so far as it is felt necessary to do so for the sake of clarity.

**Provisional Proposal 6:**

References to stage coaches charging separate fares should no-longer feature as an exclusion from the definition of taxis.

This is a commendable proposal to remove a historical anomaly from the licensing regime.

**Provisional Proposal 7:**

The Secretary of State should consider issuing statutory guidance to the Senior Traffic Commissioner about the licensing of limousines and other novelty vehicles to assist consistency.

This is a commendable proposal for the reasons set out in the consultation paper.

**Provisional Proposal 8:**
The concept of “in the course of a business of carrying passengers” should be used to limit the scope of taxi and private hire licensing so as to exclude genuine volunteers as well as activities where transport is ancillary to the overall service.

This proposal appears to be a somewhat unnecessary over reaction to what are relatively rare situations which have been brought to light by certain cases reaching the courts. Most members of the public and regulators can identify a taxi or private hire vehicle by the nature of the task that it performs and the primary purpose of that task. To introduce a concept of ‘in the course of a business of carrying passengers’ into all taxi and private hire licensing to define and limit the scope of licensing invites further opportunity for controversy and costly litigation to resolve and interpret what this phrase means. This could in itself lead to uncertainty for regulators and members of the public alike. For example, would “in the course of a business” require that payment on a commercial footing, rather than simply covering costs, be involved? If so, would this mean that a taxi driver who provided a journey to a passenger free of charge, or for a nominal charge, for whatever reason, was acting outside the scope of the licensing regime? Would the word ‘passengers’ be restricted to human passengers, so that the transportation of goods or animals would fall outside the licensing regime? Taxis and private hire vehicles are often used to transport other entities than human beings, such as urgent medical supplies, blood deliveries, important documents and packages and so on. Would the transportation of such items take a licensed vehicle outside the control of the licensing authority?

The consultation paper quite rightly points out that imposing a requirement to hold a private hire licence for persons whose driving is entirely ancillary to the nature of the service they provide is unduly onerous and unnecessary. Providers of such services will often be subject to safeguards by the nature of the service they provide, so requiring them to go through the trouble and expense of obtaining a private hire driver’s licence when they are not driving a commercially operating private hire vehicle is unnecessary. The difficulty posed in this area is essentially one of definition, and even the proposed definition may catch some cases where licensing is unnecessary and exclude others where licensing is appropriate.

If this area is felt to be in need of clarification, what is really required is the application of a common sense test to determine whether in reality the arrangement is that of a taxi or private hire business or a private arrangement which is either ancillary to the service provided or entirely voluntary. This may require consideration of a definition which focuses more on the essential nature of the service being provided rather than its appearance. Although, as with any definitional problem, this may create ‘grey areas’ of its own, it is submitted that such a definition will be more helpful and effective in limiting the scope of the licensing regime.

**Question 9:**

**How, if at all, should the regulation of taxis and private hire deal with:**

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6 Such as Arun District Council v Spooner [2007] EWHC 307, in which the Administrative Court rightly criticised the local authority for a lack of thought and application of common sense.

7 This question was answered in the negative by the court in St Alban’s v Taylor [1991] RTR 400, mentioned in the consultation paper at page 34, but this still does not clarify the boundaries of operating in the course of a business.
a) carpooling; and
b) members clubs?

This question is partly answered by the points raised in response to provisional proposal 8 above. The issue posed by this question is how local authority licensing officials can identify and differentiate between transportation arrangements in which money may change hands, but which are genuinely entered into for some ancillary purpose other than transportation, and arrangements which are entered into in order to circumvent the licensing regime. In many cases the difference will be obvious under the existing legislation.⁸ For the less clear cut cases, the adoption of a definition which focuses on the primary or predominant nature of the service provided should assist in identifying where the line is to be drawn.

**Provisional Proposal 10:**

The power of the Secretary of State and Welsh Ministers to set national standards should be flexible enough to allow them to make exclusions from the taxi and private hire licensing regimes.

This is a commendable proposal for the reasons set out in the consultation paper. However, the exercise of such power by the central government authorities may lead them into conflict with local authorities which wish to set their own standards and provide for their own exclusions as an exercise of their local autonomy.

**Provisional Proposal 11:**

Weddings and funerals should no-longer be expressly excluded from private hire licensing through primary legislation.

This is a commendable proposal for the reasons set out in the consultation paper. There is no rational basis upon which such services to the public should be excluded from regulation. The transportation of the public in such unlicensed vehicles, driven by unlicensed drivers, is a matter of concern to many local authorities.

**Question 12:**

Would there be any merits in reintroducing the contract exemption, by means of the Secretary of State and Welsh Ministers’ exercise of the power to set national standards? If so, what modifications could be made to help avoid abuse?

It is difficult to see any real merit in this suggestion. Even accepting the criticisms that repeal of the contract exemption has failed to achieve some of its aims,⁹ it is difficult to see how reinstating the exemption will satisfy those aims. Given that the overall

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⁸ Such as in the case of the ‘Pink Ladies’ referred to in the consultation paper, which was a clear attempt to operate a private hire business without the requisite licences by the device of a member’s club.

⁹ Consultation Paper pg 172.
aim of taxi and private hire regulation is claimed to be protection of the public, particularly members of the public considered to be vulnerable by virtue of age, disability or inebriation, it is essential that safeguards exist to ensure that vehicles and drivers transporting the public, in whatever circumstances, are suitable for that purpose. The safeguards involved in the licensing process are as good as any, even with the problems and drawbacks identified in the consultation paper. An enhanced CRB check is an enhanced CRB check regardless of the identity of the organization requesting the check. Most, if not all, of the large scale contractors, such as the NHS and social services departments, relied entirely on enhanced CRB checks for their contractees, thereby simply replicating the checks performed as part of the normal taxi and private hire licensing process. However, the main objection to reintroduction of the contract exemption lies not with the unnecessary duplication of work, but with the need to protect against those who would seek to exploit this exemption and avoid the scrutiny of the licensing process for less than public spirited motives. Safeguards which already exist within the licensing system and which are already used or adapted by the large scale contractors provide the best protection against abuse.

Provisional Proposal 13:

Regulation of the ways taxis and private hire vehicles can engage with the public should not be limited to “streets”.

There is a definite case to be made for a clearer definition of ‘street’ if that is to be used as the basis for journeys which are regulated by the legislation. The current position is somewhat confused, with both regulators and the trade being unclear on how far the scope of regulation extends. There are some very grey areas, identified in the consultation paper, concerning land which is essentially private property but to which the public have unhindered access, particularly railway stations, pub and supermarket car parks, and other areas of open land. There are also particular problems associated with airports, as identified in the consultation paper. Similar problems may also arise in relation to ferry terminals.

The difficulty from the point of view of the regulator is that if a journey, particularly one fulfilled by a taxi, does not commence at a location considered to be a ‘street’ for the purposes of the legislation, then the vehicle is not considered to be a hackney carriage within the legislative definition, and so the journey is not regulated by the statutory provisions. Thus the regulator has no jurisdiction to control the conduct of the driver, the condition of the vehicle or the fare charged. The extent of the local licensing officer’s regulatory power will turn on fact specific interpretations, which would have to be adjudicated upon by a court, of whether a particular railway station, airport, supermarket car park or other location constitutes a ‘street’ for the purposes of the legislation.

The answer to this question will vary depending upon the precise location. Although the consultation paper points out that the difficulties posed by railway stations may be ameliorated by the licensing authority adopting the powers provided under section 76


11 *Young v Scampion* [1989] RTR 95
of the Health Act 1925, in practice the extension of those powers depends on local authorities positively adopting the powers by resolution, and very few local authorities have elected to do so.

**Question 14:**

Is there a case for making special provision in respect of taxi and private hire regulation at airports? In particular, where concessionary agreements are in place should airports be obliged to allow a shuttle service for passengers who have pre-booked with other providers, or to the closest taxi rank?

A short, but over simplistic, answer to this question would be that airports are located on private land, are privately owned, and so may do as they please within the general parameters of the law. However, airports welcome and encourage public access and users of airports rely heavily on taxis and private hires for transport to and from them. As the terms of reference of the consultation direct a deregulatory approach, the suggestion that airport management companies be permitted, in effect, to become taxi and private hire regulators with their own powers of regulation and enforcement, seems to fly in the face of that approach. The suggestion of a special case being made for airports would place the company operating the airport in the equivalent position of local councils, with the ability to impose numerical limits, quality conditions and even fare tariffs on taxis and private hires operating from their premises. The difference is, of course, that local authorities have a statutory duty to regulate the trade in their areas, with the experience and enforcement powers to support that duty, whereas airport operating companies do not. There does not appear to be any case to support airports being allowed to create their own restricted entry market by the issue of permits, particularly if the ability to restrict market entry is to be removed from local authorities. There are also suggestions among the trade and some local authority regulators that airports may use the power to restrict taxi and private hire entry by means of a permit system to treat taxis and private hires as a ‘cash cow’.

Although airports deal with the majority of both international and domestic travellers out of, into and within the UK, a large number of travellers use ferry services. The difficulties posed by airports for taxi and private hire regulators are also presented by seaports and ferry terminals. The comments made above in relation to airports apply equally to ferry terminals.

A suggested way out of the difficulties presented by large travel hubs at airports and seaports would be to extend the definition of ‘street’ under section 38 of the Town Police Clauses Act 1847 to encompass airports, seaports and other ‘private’ locations. This would bring responsibility for regulation of taxis and private hires operating from such locations back under the jurisdiction of the local authority for that area.

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12 See consultation paper pg 175
13 There does not appear to be any central record of section 76 resolutions by local authorities, so it is not possible to say how many councils have adopted such a resolution. An unscientific and non-representative sample suggests that the percentage of councils which have passed such resolutions could be less than 10 percent of all councils in England and Wales.
14 Consultation Paper Para 1.7
15 Considered further under provisional proposal 54, below.
Provisional Proposal 15:

The defining feature of taxis, the concept of “plying for hire”, should be placed on a statutory footing and include:

- references to ranking and hailing;
- a non-exhaustive list of factors indicating plying for hire; and
- appropriate accommodation of the legitimate activities of private hire vehicles.

This is a commendable proposal for the reasons set out in the consultation paper.

Provisional Proposal 16:

The concepts of hailing and ranking should not cover technological means of engaging taxi services.

This is a commendable proposal for the reasons set out in the consultation paper. It is difficult to see how technology could be utilized to hail a cab or hire one from a rank, even with the level of technological sophistication available these days. Surely summoning a taxi through an internet or mobile telephone application would still constitute a ‘booking’ even if it does not go through a third party operator.

Question 17:

Would there be advantages to adopting the Scottish approach to defining taxis in respect of “arrangements made in a public place” instead of “plying for hire”?

It is difficult to see what advantages there may be to adopting this alternative approach to defining a ‘taxi’. Would there be any practical difference in adopting such a definition? The use of such a definition would substitute the definitional difficulties identified in the term ‘plying for hire’ for equally difficult questions about the interpretation of ‘arrangements made in a public place’. There may be difficulties in deciding, for example, whether a particular location constitutes a ‘public place’. This definition may help resolve some of the issues discussed under provisional proposals 13 and 14, above, assuming that ‘public place’ may be construed to include railway stations or airports. Other than that there are still grey areas within this definition, and the term ‘plying for hire’ is more familiar, even if it is not easily understood.

Provisional Proposal 18:

The concept of compellability, which applies exclusively to taxis, should be retained.

This is a commendable proposal for the reasons set out in the consultation paper. However, there would need to be a more definitive prescription of what constitutes a ‘reasonable excuse’ as the ground for refusing to accept a fare. There is no statutory definition of this term, and available case law guidance is very old and unclear. It is also unclear upon whom the burden lies to prove the existence or absence of a

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16 *Shepherd v Hack* (1917) 117 LT 154.
‘reasonable excuse’ and what standard of proof is required to establish the ground for refusal.

Although the concept of compellability does not apply to private hires in statutory form, the position of private hires is still governed by the common law rules on formation and terms of the contract between the driver and passenger. This may indicate a contractually compellable duty to accept the fare once acceptance of the booking has been communicated to the hirer, with reliance having to be placed on express or implied terms of the contract as a reason to refuse the booking.

However, it is appropriate that at least one type of vehicle has the right to refuse to accept a fare without the risk of committing a criminal offence or having to prove that a ‘reasonable excuse’ existed for such a refusal.

**Provisional Proposal 19:**

Pre-booking would continue to be the only way of engaging a private hire vehicle to cover all technological modes of engaging cars. This is without prejudice to the continued ability of taxis to be pre-booked.

This is a commendable proposal for the reasons set out in the consultation paper.

**Provisional Proposal 20:**

Leisure and non-professional use of taxis and private hire vehicles should be permitted. There would however be a presumption that the vehicle is being used for professional purposes at any time unless the contrary can be proved.

Taxis and private hire vehicles can be used for leisure and non-professional purposes as the law stands at present, it is simply the case that if they are so used they must still be driven by a licensed driver (at least outside London). The difficulty with this provisional proposal is that it presumes that a vehicle being used for leisure or non-professional purposes is unavailable for hire. This is not necessarily the case. It is foreseeable that an unlicensed driver behind the wheel of a licensed taxi or private hire for leisure or non-professional purposes may succumb to the temptation to pick up a fare, particularly if hailed in the street, to make a bit of money ‘on the side’ for themselves.

Another problem with this proposal is that the public may be confused by a vehicle which gives all the outward appearances of being available for immediate hire, but in fact is not, and this could lead to a potentially confrontational situation. This problem will be exacerbated if the principle of compellability for taxis (discussed above) is retained. Would leisure or non-professional use amount to a ‘reasonable excuse’ to refuse the fare?

At the moment the ‘once a hackney carriage, always a hackney carriage’ precept\(^\text{17}\) works well. It is already the case, by the principle of compellability, that the vehicle is presumed to be used for professional purposes at any time. By altering this rule a

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\(^\text{17}\) Consultation Paper pg 182 and the case law referred to in footnote 63.
number of further issues are created. Firstly, what amounts to ‘non-professional purposes’? Secondly, would this create a loop-hole for a driver who was breaking some other requirement of the licensing scheme, such as a licence condition, to avoid enforcement action for the breach by arguing that the breach rendered the use of the vehicle to be for ‘non-professional’ purposes? Thirdly, would the reversal in the burden of proof requiring the driver to prove ‘non-professional’ use impose a legal or merely evidential burden on the driver, with the implications that this carries for effective enforcement action?

There is a case, however, to permit the proprietor of the vehicle, who does not necessarily hold a driver’s licence, to drive the vehicle for leisure or administrative purposes, such as taking the vehicle for routine inspection and testing or servicing and repairs. It is somewhat anomalous that the legal ‘owner’ of the vehicle is deprived of the use of their property by the absence of a driver’s licence. Such an exception could be extended to the proprietor’s authorized agent, with the burden being on the driver to establish such agency. If this exception were permitted, however, it would have to be accompanied by suitable safeguards to prevent possible abuse by the unlicensed driver, as indicated above.

**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.

This is a commendable proposal for the reasons set out in the consultation paper. However, the status and the binding nature of such statutory guidance may be called into question. There have always been difficulties associated with directions to ‘take into account’ guidance of the nature proposed. There is also a danger that some local authorities may use such guidance as an excuse not to consider how best to exercise their powers in any particular case. The licensing authority would simply follow, or claim to be following, the central government guidelines without exercising their own decision. This may be seen as an unlawful failure to exercise any discretion at all, or result in local authorities failing to take into account other relevant considerations when making their decisions.

**Provisional Proposal 22:**

Reformed legislation should refer to “taxis” and “private hire vehicles” respectively. References to “hackney carriages” should be abandoned.

This is a commendable proposal for the reasons set out in the consultation paper. However, any reforms in the area of taxi and private hire regulation would need to be accompanied by some form of public education programme, particularly if the taxi/private hire distinction is to be maintained as proposed. Simply abandoning the term ‘hackney carriage’ will not change the public’s perception or knowledge of these vehicles. In the mind of the travelling public, any vehicle which gets them from A to B in exchange for a fare is a ‘taxi’. The public need to be made aware of the essential

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18 See, for example, G Ganz, *Quasi-legislation: Recent Developments in Secondary Legislation* (Sweet and Maxwell, London 1987).
differences between the two types of vehicle, and a change of wording alone will not suffice.

**Question 23:**

Should private hire vehicles be able to use terms such as “taxi” or “cab” in advertising provided they are only used in combination with terms like “pre-booked” and did not otherwise lead to customer confusion?

Private hire vehicles should not be permitted to use such terms or any similar wording in advertisements. It is difficult to see how confusion on the part of the public is going to be avoided anyway without some form of educative programme.\(^{19}\) The travelling public, on the whole, neither knows nor appreciates (nor cares about) the difference between taxis and private hire vehicles no matter what title is given to the vehicle. To permit private hire vehicles to use the terms suggested, even with the proposed caveats, would only confuse customers more than they already are.

**Provisional Proposal 24:**

Taxi and private hire services should each be subject to national safety requirements.

This is a commendable proposal for the reasons set out in the consultation paper.

**Provisional Proposal 25:**

National safety standards, as applied to taxi services, should only be minimum standards.

This is a commendable proposal for the reasons set out in the consultation paper.

**Provisional Proposal 26:**

National safety standards, as applied to private hire services, should be mandatory standards.

This is a commendable proposal for the reasons set out in the consultation paper.

**Provisional Proposal 27:**

Private hire services would not be subject to standards except those related to safety. Requirements such as topographical knowledge would no-longer apply to private hire drivers.

This is a commendable proposal for the reasons set out in the consultation paper.

**Question 28:**

\(^{19}\) See the point made under provisional proposal 22 above
Should local standard-setting for private hire services be specifically retained in respect of vehicle signage? Are there other areas where local standards for private hire vehicles are valuable?

In view of the response to provisional proposal 27, no appropriate response can be made to this question.

**Question 29:**

What practical obstacles might there be to setting common national safety standards for both taxis and private hire vehicles?

There should not be any significant practical obstacles to setting minimum national safety standards for both taxis and private hire vehicles. A safe vehicle is a safe vehicle, whether the vehicle is a taxi or private hire and regardless of the location of that vehicle. The issue being considered is that of minimum safety standards for vehicles. Whilst there is a case for taxi safety standards to be at least as high as, if not higher than, for private hire vehicles, bottom line safety standards should not vary significantly between the two types of hire vehicle.

One practical obstacle might be that there is no consensus between regulators as to what constitutes a ‘safety standard’. The consultation paper provides a detailed account of the variations which currently exist between licensing authorities in respect of vehicle licence conditions, which is identified as one of the main problems of the contemporary licensing regime. One reason, but not the only one, for such variation is that what one local authority considers to be a safety issue is not deemed to be a safety matter by another local authority. Thus issues such as signage, livery, maximum age of vehicles, and insurance cover all raise debate and controversy on whether they are questions of safety rather than matters of convenience and prudence. Drawing a clear line between safety standards and matters which are not strictly safety related may prove difficult for the author of any national safety standards.

**Question 30:**

Should national conditions in respect of driver safety be different for taxi services compared with private hire services?

The issue of driver safety is not something which is covered very well by existing standards and licence conditions, as the emphasis, quite correctly, is on passenger safety. This is, after all, claimed to be the overall aim of the legislation. If national standards were to be introduced to cover driver safety, then there does not appear to be any reason why they should differ significantly between taxi drivers and private hire drivers. Some modifications may be appropriate in view of the fact that, generally speaking, passengers making bookings are more traceable than those hailing or engaging taxis at a rank. However, safety measures to protect drivers ought to be relatively uniform whichever type of vehicle is being driven. The creation of national driver safety conditions may suffer from the same difficulties as those for national vehicle safety standards, considered above. The examples provided in the consultation

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20 This case is set out in the Consultation Paper pgs 190-191.
paper\textsuperscript{21} demonstrate that there is a similar lack of consensus on appropriate measures to protect driver safety.

**Provisional Proposal 31:**

The powers of the Secretary of State and Welsh Ministers to set standards for taxis and private hire vehicles should \textit{only} cover conditions relating to safety.

This is a commendable proposal for the reasons set out in the consultation paper.

**Provisional Proposal 32:**

The powers of the Secretary of State and Welsh Ministers to set national safety standards should be subject to a statutory consultation requirement.

This is a commendable proposal for the reasons set out in the consultation paper.

**Question 33:**

What would be the best approach for determining the content of national safety standards? In particular, should the statutory requirement to consult refer to a technical advisory panel?

The content of national safety standards would have to be the product of widespread consultation between all stakeholders involved in the regulation of the trade, its use and its enforcement. Suitable standards ought to be considered by a panel of experts with technical and practical expertise in vehicle safety design and other aspects of vehicle and driver safety, as well as representatives of the regulators, the travelling public and the trade. Consultation should also include consideration of the practicability of enforcing the national standards by those whose task it will be to enforce them, such as vehicle testers and enforcement officers.

**Provisional Proposal 34:**

Licensing authorities should retain the power to set standards locally for taxis provided above the minimum national standards.

It is not a good idea to provide local authorities with an unconfined and unstructured discretion to set their own standards above the minimum national safety standards. Firstly, such a proposal is contrary to the overall deregulatory ethos of the proposed reforms. Secondly, history and the contemporary licensing regime demonstrate that where local authorities have the power to set their own standards they do so, often for reasons which are only tangentially connected to the purposes for which the powers were granted (to protect the public), if at all. Thirdly, many of the problems of the current system identified in the consultation paper\textsuperscript{22} stem from the wide variation in safety standards set by each local authority. This has produced a system where some

\textsuperscript{21} Consultation Paper pgs 191-192

\textsuperscript{22} Consultation Paper Chapter 7
councils apply more rigorous safety standards than others, resulting in distortions in the market, confusion and a lack of consistency.

As the national standards should cover all aspects of vehicle, passenger and driver safety, there should not be any further aspects of taxi and private hire regulation that requires further standards to be imposed by the local authority. Any further standards required would need to demonstrate a particular safety need specific to the local area.

**Question 35:**

Should there be statutory limits to licensing authorities’ ability to set local taxi standards?

Yes. For the reasons set out in response to provisional proposal 34 above, the local authority should have to demonstrate that there was something peculiar, unusual or exceptional about their area’s requirements for taxi services to allow one authority to set different safety standards to those that apply throughout the rest of the country.

**Question 36:**

Should licensing authorities retain the power to impose individual conditions on taxi and private hire drivers or operators?

The straightforward answer to this question is ‘no’. If a national set of standards are created and imposed, then those standards should be the operative ones across the country. For similar reasons to those discussed in response to proposal 34 and question 35, local authorities should not generally retain powers to impose their own local standards on individual drivers or operators. There is, of course, a case to be made for the power to impose individual conditions for the sake of flexibility where those conditions can be objectively justified by the local authority on the grounds of public safety and where the condition addresses some need which is unique to that local area. Under the current system, many of the conditions imposed on drivers and operators are ludicrous and do not relate in any way to the supposed aim of the legislation. It should also be emphasized that, under the current system, local authorities do not have any power to impose conditions on taxi driver licences, although many local authorities believe that they do, and others attempt to circumvent the absence of such a power by various devices, such as dual taxi and private hire licences. If a system of national standards are created and imposed upon all drivers, this anomaly would be removed.

**Question 37:**

Should the powers and duties of licensing authorities to cooperate be on a statutory footing or is it best left to local arrangements?

The powers and duties of cooperation between authorities are already, at least partly, provided for on a statutory footing under the Local Government Act 1972. The

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24 Section 101.
practical arrangements for such cooperation should be left to local authorities to work out between themselves, as is the case at present. Such cooperative arrangements work reasonably well, and placing them on a further statutory footing would add nothing further to existing powers.

Provisional Proposal 38:

Neighbouring licensing authorities should have the option of combining areas for the purposes of taxi standard setting.

This is a commendable proposal for the reasons set out in the consultation paper and the points made in response to provisional proposal 37 above.

Provisional Proposal 39:

Licensing authorities should have the option to create, or remove, taxi zones within their area.

This is a commendable proposal for the reasons set out in the consultation paper. However, how does this proposal square with the overall deregulatory ethos of the proposed reforms? Creation of zones would create a ‘market within a market’, but would be a sensible way of administering a large geographical area, particularly where responsibility for taxi and private hire rests with large unitary authorities. Removal of zones, on the other hand, could create administrative difficulties. Would, for example, a driver be expected to have a good topographical knowledge of the whole ‘de-zoned’ area, which could cover a whole county? Removal of zones could also result in the majority of licensed vehicles flocking to the ‘honey-pot’ locations, leaving some areas short of readily available taxis.

Question 40:

Would it be useful for licensing authorities to have the power to issue peak time licences which may only be used at certain times of day as prescribed by the licensing authority?

Whilst this may be a solution to the problems of peak time demand, the overall effect may not benefit either the trade or the public. What would be in this for the licence holder? Taxi and private hire drivers already work very long hours, and even then the rewards are very low. Those who rely on taxi or private hire driving for their full time income would be concerned that they could not make enough money in the limited hours available to make their industry economically worthwhile. There are a large number of taxi and private hire drivers who work only part-time, and such a proposal may find favour with them. Even that is unlikely, however, as part-time drivers tend to work during evenings and weekends, to fit around their full-time occupations, but when they drive they also tend to work long shifts. Such a proposal is likely to lead to a distortion in the market, with large numbers of drivers working during the peak time hours (reducing the earning capacity of individual drivers during those hours), but very few drivers operating outside those hours, leaving the public with a shortage of vehicles in the ‘off-peak’ period.
This proposal also raises the difficult problems of when the ‘peak times’ are. This issue could only be determined locally, would require some sort of demand survey (with the expense which accompanies such a survey), and may vary depending upon the time of day, the day of the week, or the time of the year. There is the additional problem that such a proposal may dissuade drivers from accepting fares which take them a long way outside the licensed area. Drivers will be concerned to maximize the number of fares carried during the limited peak time hours in order to maximize their incomes. This will make them reluctant to accept ‘out of area’ fares, which are not compellable, because of the lengthy period of time required to undertake the journey and return without a fare.

**Provisional Proposal 41:**

Private hire operators should no longer be restricted to accepting or inviting bookings only within a particular locality; nor to only using drivers or vehicles licensed by a particular licensing authority.

This is a commendable proposal for the reasons set out in the consultation paper, but would only be workable if national standards applied and all local authorities were working to the same standards of quality and enforcement. Under the current regime, such a proposal would be unworkable because of the different standards applied to the application process and enforcement of regulation by different local authorities.

**Provisional Proposal 42:**

We do not propose to introduce a “return to area” requirement in respect of out of town drop offs.

This is a commendable proposal for the reasons set out in the consultation paper.

**Provisional Proposal 43:**

Licensing authorities should retain the ability to regulate maximum taxi fares. Licensing authorities should not have the power to regulate private hire fares.

This is a commendable proposal for the reasons set out in the consultation paper.

**Question 44:**

Should taxis be allowed to charge a fare that is higher than the metered fare for pre-booked journeys?

This would depend on the circumstances in which the hiring took place. In general, there does not appear to be any benefit to the customer from such a proposal. If a higher fare is to be charged, and assuming they have the option, most customers would not pre-book the journey and choose instead to hail a taxi in the street. Customers may also become confused about why some taxis charge the metered fare and others charge more. This could lead to confrontation with the driver and increased complaints of overcharging.
However, in some circumstances a higher charge than the metered fare could be justified. It is a curious anomaly of the current system that private hire vehicles can charge 'extra' for attending a booking at a remote location some distance from their operating base, albeit still within the operator’s licensed area. This charge is often agreed as an addition to the negotiated fare or incorporated within the agreed fare. If such a booking is fulfilled by a taxi, however, the driver may only charge the metered fare from the point where the hiring commences. This is particularly harsh for taxis where the journey is only a short one and ends in an equally remote location a long way from the operator’s base or nearest rank. Unless the interpretation of ‘point where journey commences’ in the legislation is stretched to include the point at which the vehicle is located when it is hired, then taxis can only charge fares from the point where they pick up the customer, which could be many miles from their location when they receive the booking. The travelling mileage and time involved in accepting such bookings represents irrecoverable lost revenue. In such circumstances, there is clearly a case for permitting taxis to charge an agreed amount in addition to the metered fare.

**Question 45:**

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?

a) Many of the standards, in particular the requirement to be a ‘fit and proper person’, are already set out in primary legislation. The difficulties experienced by the current system stem from how these statutory requirements are interpreted by regulators and the courts. The proposed general powers of the Secretary of State and Welsh Ministers to set national safety conditions could be utilized to clarify and more closely define how such statutory standards are to be interpreted and applied. There is no reason why interpretation of what is ‘fit and proper’ in the context of taxi driving should be left to local variation.

**Provisional Proposal 46:**

Vehicle owners should not be subject to “fit and proper” tests and the criteria applied would relate solely to the vehicle itself.

This reflects the current position and there is no reason to change it. Councils which impose such tests upon vehicle owners are almost certainly acting ultra vires, as there is no power to impose such a requirement on vehicle owners, and councils should be prevented from doing so.

**Question 47:**

Should national vehicle safety standards be either:


Set out in primary legislation, but with guidance on how the statutory provisions are to be interpreted and applied.

**Provisional Proposal 48:**

Operator licensing should be retained as mandatory in respect of private hire vehicles.

This is a commendable proposal for the reasons set out in the consultation paper.

**Question 49:**

Should operator licensing be extended to cover taxi radio circuits and if so on what basis?

The practical effect of a ‘taxi radio circuit’ is that the dispatcher is fulfilling the same function as a private hire operator. This being the case, the dispatcher should be required to hold an operator’s licence, or its equivalent, in order that the safeguards put in place to protect the public against ‘rogue’ operators should also apply to persons operating taxis as if they were private hires. The current rules do not provide sufficient safeguards against poor quality service from taxi dispatchers. In some areas, collections of taxis are operating on a radio circuit, effectively representing a collection of taxis taking pre-bookings, in order to circumvent the requirements for an operator’s licence. Save for any potential contractual claim, which is unlikely to be effectual in any event, an aggrieved customer has little or no recourse against either the dispatcher or the driver in the event of something going wrong. If the operator of the radio circuit was licensed as such then any aggrieved customer would have some remedy and the regulator could take action. However, such a suggestion should not remove the taxi driver’s ability to take direct pre-bookings without the need to hold a further licence.

**Provisional Proposal 50:**

The definition of operators should not be extended in order to include intermediaries.

This is a commendable proposal for the reasons set out in the consultation paper.

**Question 51:**

Should “fit and proper” criteria in respect of operators be retained?

This is a commendable proposal for the reasons set out in the consultation paper, but would be subject to the definition of ‘fit and proper’ being clarified.27

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27 See the similar point made in respect of question 45.
Provisional Proposal 52:

Operators should be expressly permitted to sub-contract services.

This is a commendable proposal for the reasons set out in the consultation paper, and subject to proper safeguards being in place as to the fitness and propriety of the sub-contractor. As the sub-contractor will also be a licensed operator, working under the same national standards, this proviso should not create difficulties.

Question 53:

Where a taxi driver takes a pre-booking directly, should record-keeping requirements apply?

There are clear advantages to such a requirement, but there may be difficulties about how such a requirement would be imposed upon a driver28 and how such a requirement would be enforced.

Provisional Proposal 54:

Licensing authorities should no longer have the power to restrict taxi numbers.

This proposal considers the most controversial and divisive issue in taxi licensing at the moment. The competing arguments are impressively considered in detail in chapter 9 of the consultation paper, and it is not proposed to reiterate the points that have already been made. The proposal is not surprising in view of the overall deregulatory stance which has been taken under the consultation’s terms of reference.

However, it is submitted that local authority powers to restrict taxi numbers should be retained for a number of reasons. Firstly, a substantial proportion of councils take the view that restriction of entry by quantitative regulation is the most appropriate course of action for their area. The councils concerned have decided to retain quantitative regulation despite their powers to do so being severely curtailed by statute and conditioned by the need to prove a lack of significant unmet demand. Such a decision has not been politically or ideologically motivated, as the councils concerned reflect control across the political spectrum. It is ironic that quantitative regulation is the one area to which knowledge of local conditions is relevant and local variations are justified (rather than safety issues), and yet it is the one area in which local authorities are allowed only very restricted discretion. It is submitted, therefore, that councils that retain quantity controls do so because they believe that is what ‘works for them’.

Secondly, the theoretically perceived advantages of removing quantity restrictions are not substantiated either empirically or in practice. Empirical studies in America have concluded that deregulation results in increased traffic congestion caused by significant numbers of new market entrants, increased fares, decline in driver income,

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28 Assuming the restriction on imposing conditions on driver’s licences confirmed in Wathan (n 23) remains in force.
deterioration in service, and little or no reduction in administrative costs. The only significant empirical study carried out in England and Wales concluded that there was no evidence to suggest that increased competition led to lower fares, but there was evidence of lower standards of quality enforcement and severe shortages of rank capacity in deregulated districts. There is clearly a need for further empirical study on the connections between quantitative regulation, its removal and quality of service to the public. The evidence that does exist is very thin on the ground and is now quite dated.

In practice, seven councils which had previously deregulated their taxi market have re-regulated since 2009, and more are considering doing so. Of the councils which have removed, or never had, quantitative restrictions, none report that deregulation has resulted in improved service to the public, reduced administrative costs or any other of the perceived benefits of deregulation. Local authorities throughout England and Wales report increased congestion on ranks and reduced driver incomes. There is no correlation between deregulation and reduced fares. Only one of the local authorities in the top six highest fare tariffs in the country regulates the numbers of licences granted, whereas three of the ten councils with the lowest fares retain regulated numbers. Similarly, there is no correlation between lower administrative costs, as reflected in licence fees charged to licence holders and applicants, and deregulated councils. Councils that do not regulate numbers justify their decision on the grounds that either they are following government advice or they are unwilling or unable to incur the costs of the necessary unmet demand survey. Neither of these are valid justifications in themselves for deregulation of the taxi market.

The taxi market is not one which, in reality, conforms to economic models of supply and demand or regulation. As such, a deregulated taxi market is not likely to reflect the theoretical advantages and benefits claimed for it. No matter how much supply is increased, there will always be some level of demand that will not be met. In many local authority areas there will be certain locations which have acquired notoriety and from which drivers will refuse to accept bookings or hires. Similarly, certain individuals will have a reputation for ‘doing a runner’ or other forms of misbehaviour in relation to taxis, and they too will be refused service. Demand for service from such locations or individuals will never be met at any price. In addition, members of the trade who own their own vehicles have often invested substantial amounts of money, sourced from life savings, redundancy payments, or loans from banks or family members, into their business. This often means that, contrary to economic theory models, they are not in a position to simply abandon their business and leave the market when incomes fall.

30 JP Toner, ‘English Experience of Deregulation of the Taxi Industry’ (1996) 16(1) Transport Reviews 79, 92. A more recent study was carried out by M Aquilina, ‘Quantity De-restriction in the Taxi Market: Results from English Case Studies’ (2011) 45(2) Journal of Transport, Economics and Policy 179, although the study was on a much smaller scale and the findings were both inconclusive and undermined by certain mistaken assumptions upon which the study was based.
32 Correlating with the findings of Dempsey in American cities, Dempsey (n 29) 115.
33 Private Hire and Taxi Monthly, ‘League Tables of National Average Fares by Area’ July 2012. It is accepted, however, that there may be many other reasons for variation in fares between different areas.
Thirdly, the trade are already suffering enough loss of income without flooding the market with more licensed vehicles. All members of the trade and local authorities report substantial loss in driver incomes over the last few years. This argument against deregulation may be seen as the trade protecting its own interests, and reduction in income may be as a result of the general downturn in the economy. Whilst there may be some element of truth in both these points, it should be appreciated that reduced incomes for the trade have safety implications for the travelling public. Many trade members and local authorities report that drivers feel the need to work longer hours in order to earn an acceptable income level, even if that means driving whilst tired. The safety implications of this require no elaboration. Furthermore, reduced incomes for drivers and proprietors mean that less money is available to invest in their business by servicing and repair of vehicles.

**Question 55:**

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

The main problems that may arise are largely set out in the answer to question 54 above. The key problems are likely to be an inundation of the market with licensed vehicles, with the associated congestion on already strained taxi ranks and loss of income for individual proprietors and drivers. Such problems would generate an increased administrative burden for licensing officials without any noticeable increase in service quality to the customer or other noticeable benefits for the regulators.

**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?

The straightforward answer would be not to remove quantity restrictions at all. If they are to be removed, the suggestion of staggered entry would only lead to a staggered inundation of an already saturated market. Unless demand for taxi services has increased during the transitional period, and there seems to be no reason to suppose it would, the market will not be able to absorb the additional supply of vehicles whilst maintaining the same income levels for incumbent licence holders.

**Question 57:**

Should there be a separate licence category for wheelchair accessible vehicles?

This could involve:

1) a duty on the licensee to give priority to disabled passengers; and
2) a duty on the licensing authority to make adequate provision at ranks for wheelchair accessible vehicles.

The suggestion of a separate licence category for wheelchair accessible vehicles in itself sounds quite sensible. There is a potential for conflict between a statutory provision introducing such a scheme and the requirements of the Equality Act 2010 for ‘reasonable provision’ of wheelchair accessible vehicles, although any such
potential difficulty should be easy to overcome. The imposition of specific duties of the kind envisaged in this question may be more problematic. There may be issues around who decides what level of disability is required to be accorded ‘priority’ and how do licence holders prioritize between passengers with different levels or types of disability. There will inevitably be arguments about what constitutes ‘adequate’ provision for these types of vehicle. There are also likely to be difficulties about enforcing such duties.

On the other hand, duties of the suggested sort may be unnecessary because they reflect what already happens in practice without the need for such an imperative. Many licence holders and local authorities already accord priority to disabled passengers and make provision for wheelchair accessible vehicles at ranks. If it was felt necessary to reinforce such informal arrangements by specific duties, a separate licence category may be the way forward, particularly if such licences were linked to the suggestion underpinning question 58 below.

**Question 58:**

**Should licensing authorities offer lower licence fees for vehicles which meet certain accessibility standards?**

Yes. This is a sensible suggestion as an incentive to licence accessible vehicles and without which there would be no incentive for proprietors to licence such vehicles. Accessible vehicles are generally more expensive to purchase and operate, but the fares that may be charged representing a return on that investment are the same as ordinary saloon vehicles. This provides little incentive to licence an accessible vehicle under the current system.

**Question 59:**

**Do you have any other suggestions for increasing the availability of accessible vehicles, and catering for the different needs of disabled passengers?**

Nothing to add to the answers given to questions 55 to 58 inclusive.

**Provisional Proposal 60:**

We do not propose to introduce national quotas of wheelchair accessible vehicles.

Good.

**Provisional Proposal 61:**

National standards for drivers of both taxis and private hire vehicles should include recognised disability awareness training.

This is a commendable proposal for the reasons set out in the consultation paper, but only if the training can be linked to measurable objective outcomes that benefit the customer. In the absence of such outcomes, training will be seen as another unnecessary and onerous cost upon the driver without any commensurate benefit to
the customer. The need to undergo training should not be used as a sanction against non-compliant drivers, as it is at the moment by some councils.

Provisional Proposal 62:

In order better to address concerns about discrimination, taxis and private hire vehicles should be required to display information about how to complain to the licensing authority.

Whilst this sounds like a sensible proposal, it is not clear why it is confined to concerns about discrimination? Many councils make displaying or providing general information to customers about how to complain part of their vehicle licence conditions. Some of these go even further than that and require drivers to carry pro-forma complaint forms in the vehicle in the event that a customer wishes to complain.\textsuperscript{34} As this is not in itself a safety matter, however, it is not clear how such a requirement would be imposed. Furthermore, it is considered by some academics and members of the trade that it can be a dangerous step to inform a customer how to complain before they have anything to complain about. It is a moot point whether providing the means to complain is successful in combating misconduct or simply encourages allegations.\textsuperscript{35} Many customers don’t need any additional encouragement to complain.

Question 63:

What would be the best way of addressing the problem of taxis ignoring disabled people seeking to hail them? Could an obligation to stop, if reasonable and safe to do so, in specified circumstances, help?

The question presupposes that there is a serious problem to be addressed. As the consultation paper points out,\textsuperscript{36} it will be clear if taxi drivers at a rank are refusing to accept fares from disabled passengers. Such behaviour is unacceptable, and firm enforcement action should be taken against any driver who engages in such blatant acts of discrimination.\textsuperscript{37} However, the position of disabled passengers who perceive that they are being ignored when hailing is much more difficult to protect. The suggestion that such passengers are being ‘ignored’ is in itself a subjective judgment on the part of the potential passenger. There may be any number of clear, legitimate and reasonable reasons why a driver may have failed to stop, the most obvious one being that the driver is under no legal obligation to do so.\textsuperscript{38} The suggestion that a failure to stop in these circumstances is discriminatory would only be borne out if there was evidence that the driver stopped, or would have stopped, for a non-disabled person in the same circumstances. There could be other reasons for the driver’s failure

\textsuperscript{34} North East Lincolnshire and Northampton Borough Councils, amongst others, impose such a condition.


\textsuperscript{36} Consultation Paper pg 220

\textsuperscript{37} The driver who refuses a fare from a rank is probably committing an offence under the Town Police Clauses Act 1847 s 53 in addition to breaches of the Equality Act 2010 provisions.

\textsuperscript{38} \textit{Hunt v Morgan} [1948] 1 KB 233.
to stop, such as the passenger may appear to be excessively drunk, or may be known to the driver as a habitual ‘non-payer’.

The suggestion of imposing an obligation to stop in certain circumstances is not an attractive proposition. Firstly, there is no reason why drivers ought to be under an obligation to stop for disabled people when they are under no obligation to do so for non-disabled people. This appears to be an example of reverse discrimination. Secondly, it is not clear how the driver is supposed to know that the person attempting to hail them is disabled. This may be obvious in the case of wheelchair users, but may not be so obvious in the case of other disabilities. Thirdly, who is to be the arbiter of what is ‘reasonable and safe’? Customers, disabled or otherwise, are notoriously self interested when it comes to hailing a taxi. The potential customer will rarely appreciate, or care, that they are asking the driver to stop in a location which is illegal, downright dangerous, or will cause an obstruction and inconvenience to other road users. The driver is in the best position to judge whether it is reasonable and safe to stop, not the potential customer or a licensing official investigating a complaint long after the event. These difficulties would make such an obligation unworkable.

**Question 64:**

**Should authorised licensing officers have the power to stop licensed vehicles?**

Do licensing officers not possess this power already? The statement in the consultation paper that ‘local authority enforcement officers do not have powers to stop a vehicle…’ reflects the view that most local councils take about the limits of their powers. However, the power under section 68 of the Local Government (Miscellaneous Provisions) Act 1976 to ‘inspect’ vehicles at any reasonable time for fitness must carry with it a necessarily implied power to stop the vehicle. After all, a licensing officer cannot inspect a vehicle whilst it is moving. It is somewhat ironic that some councils carry out certain enforcement activities against licensed vehicles for which they do not have any express or implied powers, such as test purchases, without a second thought, yet decline to use powers which they do possess. If it is considered that an express power to stop licensed vehicles is required for the sake of clarity, then such a power should be introduced.

The question does not deal with the difficult issue of stopping vehicles which are not licensed, either by the licensing authority by whom the licensing officer is authorized or at all. If the vehicle which the licensing officer wishes to stop is licensed by another authority, than the officer should have the power to stop that vehicle also, and this is achievable if provisional proposal 68 (below) is adopted. The really difficult situation arises when a licensing officer wishes to stop a wholly unlicensed vehicle, perhaps one that is suspected of illegally plying for hire. In such a case there is currently no express or implied power to stop such a vehicle. If the proposal is to be extended to include stopping these vehicles, then this would have to be conditional on there being reasonable grounds to suspect the commission of an offence.

**Question 65:**

39 Consultation Paper pg 221 [19.5]
What more could be done to address touting? Touting refers to the offence “in a public place, to solicit persons to hire vehicles to carry them as passengers”.

It is not clear how much of a problem is this outside London. It does not appear to be something with which local authorities in the rest of England and Wales are overly concerned. Marshals at ranks and the retention of touting as a specific criminal offence should keep any potential problem under control.

**Question 66:**

Would it be desirable and practicable to introduce powers to impound vehicles acting in breach of taxi and private hire licensing rules?

Such a power may well be desirable, but would not be practicable. There would be concerns about when and in what circumstances the power would become exercisable. How serious a breach of the rules would have to occur before impounding a vehicle became an appropriate response? The wording of the question suggests that the power to impound becomes effective for ‘breach of the rules’ not just the legislation, and so presumably contemplates impounding for breach of licence condition or other quasi-legislation. Who would be the judge of whether the rules were broken and, if so, whether the breach justified the impounding of the vehicle? Would it be reasonable to impound a vehicle, depriving both the proprietor and driver of income, because the vehicle was untidy, unclean or had a faulty rear light? Similarly, would it be reasonable to impound a vehicle because the driver has failed to wear their badge or failed to assist a passenger with their luggage? There would also be concerns about provisions for returning the vehicle to its owner. How quickly, in what circumstances and subject to what conditions, if any, would the vehicle be returned?

The suggestion of impounding a non-compliant vehicle also raises questions about the practical steps necessary to carry out the impoundment. If a vehicle is to be driven to the place where it is to be impounded, it will have to be driven there by a licensed taxi or private hire driver. The official, whether a police officer or council officer, who impounds the vehicle may not hold such a licence and there may not be a licensed driver readily available. If the vehicle is not to be driven, would it not increase costs disproportionately, and cause unnecessary delay, to engage the services of a tow truck? What would happen to the driver of the vehicle and any passengers? Are they to be abandoned at the side of the road wherever they happen to have been stopped?

Although this may sound like a sensible suggestion, the legal and practical difficulties would make it difficult to enforce, and its effectiveness would be questionable.

**Question 67:**

Should licensing authorities make greater use of fixed penalty schemes and if so how?

Increased use of fixed penalty schemes by licensing authorities would be a cause for considerable concern amongst the trade. The difficulty with such a suggestion is that

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permitting licensing officers to issue fixed penalty notices allows them to be judge, jury and executioner without necessarily having sufficient evidence that either an offence has been committed, the licence holder against whom the notice has been issued is the person who committed it, and the issue of the notice is the most appropriate and proportionate way of dealing with the alleged offence. Such a scheme also raises potential problems with regard to violations of Article 6 of the European Convention on Human Rights, which guarantees rights to determination of criminal or civil liability at a fair trial by an impartial and independent tribunal. The issuer of the fixed penalty notice will be neither impartial nor independent, and the opportunities for appeal or review of the notice may be limited or non-existent. Even more concerning would be if the issuer of the fixed penalty notice was a council employee, which seems likely, and the penalties are paid to the council. In such circumstances the issuer has an incentive to issue as many notices as possible, regardless of whether they are deserved or justified.

If this suggestion is to be implemented, some form of independent assessment of fixed penalty notices is needed. This could take the form of a right of appeal to the courts or some independent tribunal. Such provision, although a necessary safeguard against unfair or excessive use of fixed penalty notices, would increase the cost and reduce the potential effectiveness of such provisions.

**Provisional Proposal 68:**

**Enforcement officers should have the powers to enforce against vehicles, drivers and operators licensed in other licensing areas.**

This is a commendable proposal for the reasons set out in the consultation paper. If any licensed vehicle is in their area, licensing officers should be able to take enforcement action against that vehicle where non-compliance is detected. This proposal strengthens the arguments for national standards to be applied by all licensing authorities, as without such national standards such a proposal would be unworkable.

**Question 69:**

**Should cross-border enforcement powers extend to suspensions and revocation of licences? If so, what would be the best way of achieving this?**

This question opens up the difficult issue of whether any decision to suspend or revoke a licence should be left to unelected and unaccountable licensing officers. Under the current system there is considerable variation between councils as to when and in what circumstances a licensing officer has the power of suspension or revocation of a licence. Some decisions to suspend or revoke may only be taken by licensing committees, but in other councils such a decision may be made by a licensing officer under delegated powers. If the additional element of enforcement against a vehicle or driver not licensed by that authority is added to this already confused picture, then the issue becomes very complicated indeed. The scope for uncertainty and inconsistency is obvious. There is the further concern that enforcement decisions involving suspension and revocation affect people’s livelihoods. The procedures used by some councils when taking decisions to suspend
or revoke a licence raise significant concerns about the rights of licence holders to a fair trial under Art 6 ECHR.\footnote{Discussed under the answer to question 67 in relation to fixed penalty schemes.}

There is a strong case for suggesting that the licensing authority which granted the licence should be the only authority which has the power to remove that licence by way of suspension or revocation. However, this should not prevent licensing officers from the location in which the alleged non-compliance occurred from having the power to intervene to stop the non-compliance and to report breaches of the legislation or licensing requirements to the authority which licences the vehicle or driver. Such a power would be without prejudice to the local licensing officer’s ability to investigate and prosecute non-compliance in their area that constitutes a crime.\footnote{Discussed at Consultation Paper pg 225.}

**Provisional Proposal 70:**

The right to appeal against decisions to refuse to grant or renew, suspend or revoke a taxi or private hire licence should be limited to the applicant or, as appropriate, holder of the relevant licence.

This is a commendable proposal for the reasons set out in the consultation paper.

**Provisional Proposal 71:**

The first stage in the appeal process throughout England and Wales, in respect of refusals, suspensions or revocations should be to require the local licensing authority to reconsider its decision.

Although this sounds an attractive proposal, its success in reducing the number of appeals reaching the courts will depend upon who made the initial decision and who is reconsidering the matter. If the reconsidered decision is one made by a licensing officer, particularly one made under delegated powers, then reconsideration by a licensing committee or other panel of elected members may be felt to undermine the authority, professionalism or even integrity of that officer. Similarly, such a system of reconsideration is likely to be viewed with suspicion by the trade. Aggrieved members of the trade who had been refused a licence, or had their licence suspended or revoked, who would see all council decisions, whether made by officers or elected members, as emanating from the same source and would take the view that ‘they all stick together anyway’.

**Provisional Proposal 72:**

Appeals should continue to be heard in the magistrates’ court.

This is a commendable proposal for the reasons set out in the consultation paper, but it should be ensured that any appeals are proper re-hearings of the decision, as they should be, and not effectively just reviews of the licensing committee or licensing officer’s decision. There does not appear to be any reason why appeals against refusal to grant a taxi vehicle licence cannot also be heard before a magistrates’ court rather
than having to be appealed to the Crown Court under the convoluted default provisions.

**Question 73:**

**Should there be an onward right of appeal to the Crown Court?**

There already is for England and Wales outside London, and there does not appear to be any reason why this should change. Any person or body can make a mistake, and it is appropriate that mechanisms exist to correct any such mistakes.

**REFERENCES**


From: [redacted]
Sent: 10 September 2012 07:09
To: TPH
Subject: taxi reforms

I am writing regarding the reforms your planning regarding taxi and private hire legislation in England. I feel strongly about this and feel certain areas are a big mistake. I work as a sole operator here in Blackpool which I have done for the past 22 years. I run one licensed Hackney vehicle working solely on the street and ranks. I really don't see how this can be sustained if you plan to open it up and deregulate. We've had a lot to deal with in the past few years and earnings have never been as low. Firstly there's the recession which I know affects everyone, but we've also had the new tramway here and the new promenade which has been the biggest blow due to congestion. Seventy percent of my work uses this stretch of road which now is a major traffic queue. I really do feel strongly as to letting more hackneys on the road. I know you came here to Blackpool of which I appreciate so I don't know if you had the opportunity to view the town and how it works? We have a good working relationship with the council which I do feel can't last under such pressures. Thanks for taking the time to listen, I can't stress enough how much of a mistake this will be! Regards Adam Shiers

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Dear Sir/Madam

I am writing in response to the Commission’s consultation on taxi and private hire services. We welcome the opportunity to comment on the review and agree with the Commission that significant changes to regulation and industry practices are required.

We also welcome that recognition in your impact assessment that the profile of taxi users raises ‘particular concerns’ and that vulnerable groups such as those on low income ‘constitute a significant proportion of users’. As acknowledged in the Commission’s consultation paper people in the lowest 20% of incomes are 40% more likely to use taxis and private hire vehicles than those in the highest 20%. Additionally, we agree that private hire drivers lack an organised voice and lack protection in terms of hours and pay (para. 4.91 of the consultation paper) and it is private hire drivers that this letter is primarily concerned with. As such we are concerned that elsewhere the consultation paper claims to be unaware that low income users are disproportionately dependent upon taxis and private hire services. Paragraph 7.18 suggests that the review is unaware of the market for a ‘discounted bottom end’ service which may be the case for the market in London and the south generally but our experience in Leeds is of a large bottom end market. The lack of recognition of this market trend provide the impression that the paper has been written only with the context of London and the south in mind. Our view is that the Commission’s review will be most successful if it considers the profound distinctions between operating conditions in both the northern and southern markets.

Strong anecdotal evidence from Leeds suggests that the relationship between driver and operator is abused by the operator. In Leeds some Private Hire drivers have weekly operating costs approaching £400. It can take up to 40 hours for a day-shift driver to settle these overheads before earning a personal income. In practice, a driver will often work over 70 hours a week to ensure a personal income. Whether a private hire driver is employed or self-employed such working conditions are manifestly unjust.

Whilst we accept that reviewing Employment Law is not within the remit of the Commission’s review we are concerned that only the interests of the operator and consumer are taking precedence within the Commission’s review. It appears at this stage that the interests of the private hire driver in particular are effectively absent (for example para. 7.45). We submit that it is imperative that the relationship between the driver and operator and between driver and consumer is further considered. This is especially true given the ambition of many in the public transport sector that the taxi and private hire industry becomes more
professional and innovative in order to provide demand-responsive services such as taxi-buses (as proposed by the National Association of Taxi Users). For these ambitions to be realised the working conditions of private hire drivers have to be better protected. Instead of considering the issues in the industry as bipartite (between operator and consumer) we recommend the Commission take a tripartite approach to the review of industry relations that include all three key stakeholders; operator, driver and consumer.

Paragraph 7.5 notes that unjust discrimination and distribution of income justifies intervention in the private hire market. Factors leading to low pay for private hire drivers therefore deserves much closer attention within the Commission's legal review, analysis and policy recommendations. We therefore disagree with paragraphs 15.57 and 17.16 that claim the rationale for fare regulation of pre-booked journeys is not strong. Conversely, working conditions of drivers in northern cities like Leeds indicate that there is a compelling case to examine the need to regulate the issues affecting the price of private hire services.

We trust you are convinced that both the relationship between driver and operator and driver and consumer are integral to the future success of the taxi and private hire industry. If you have any further queries on our experiences of the private hire industry in Leeds please do not hesitate to contact me.

We would appreciate receiving your views on our two areas of concern with the review at the earliest possible opportunity. Thank you for considering our response.

Yours sincerely

Samuel Fisher
Managing Director, Greenbean Cars
Briefing note: The implications of the radio-rental business model upon the private hire industry in Leeds

12 October 2012

From our experience it appears the poor working conditions of private hire drivers in Leeds directly relate to the low taxi fares that are set by operators across the city. In turn, we believe these low fares directly relate to the radio-rental business model which is employed universally by private hire operators in Leeds. Our initial research indicates that this is the predominant practice of operators in most cities outside of London.

Unfortunately, the radio-rental business model is open to abuse by unscrupulous operators by taking advantage of its drivers, who are too often unable to protect themselves through employment law or a trade union. When a small number of major operators chose to behave in this way then it also forces other smaller operators to behave in a similar fashion since they have to keep their prices in line with the major operators.

We believe there are significant benefits to be gained for the Department of Transport if the implications of this business model upon the three key stakeholders; operators, consumers and drivers are considered in relation to the Law Commission review of the industry. We would like to see the department consider how improving the business models of private hire operators employ can help achieve the wider ambitions of the Law Commission's review to modernise the industry.

How the radio-rental business model works and the benefit it brings to private hire operators

Operators receive a fixed weekly 'radio rent' in advance from each private hire driver in their fleet. Operators therefore do not receive income directly from the actual fares of their cash customers.¹

Under this model, there is a natural incentive for operators to increase their rental price or to increase their rental income by adding further drivers to their fleet irrespective of the work load. If this practice is taken too far, over time the work load of the fleet is diluted and private hire drivers experience a drop in the number of fares.

As agents, there is an additional incentive for operators to keep fares as low as possible to ensure their customers remain loyal. Perhaps the most significant long term benefit of the business model for operators is that low fares establish a tougher barrier to entry for new participants to the market.

When the implications of the business model have reached maturity, consumers also benefit from under-priced fares and an over supply of private hire vehicles which dramatically improves service response times.

Consumers and private hire operators both benefit in the short term from this business model whilst private hire drivers are increasingly placed under significant financial pressures.

Implications of the radio-rental business model for private hire drivers

There are two main implications of the radio-rental business model for private hire drivers.

- Weekly overheads

  Average weekly overheads for a driver in Leeds can be as much as £390 or even higher depending on the amount of hours worked and fuel consumption of a vehicle. The majority of this outlay is comprised of vehicle ownership and insurance costs (or vehicle rental costs which include insurance) and the radio rent paid in advance to the operator every week. The most

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¹ It should be noted that operators do receive some direct income generated from account clients paying a premium fare but this represents only a small proportion of their income for most operators in northern cities.
expensive option is to rent a vehicle, which combined with the radio rent, can cost a private hire driver in Leeds £270 at the start of every week. The remaining outlay is for fuel and other costs that can total over £120 per week depending on the number of miles driven. Total weekly overheads for a private hire driver in Leeds can therefore be at least £390 per week.

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Long working hours

From our initial research, due to high weekly overheads, low fare prices and a shortage of fares, drivers at a major taxi operator in Leeds can expect to earn as little as £2.00 an hour for a 48 hour week.

In practice private hire drivers in Leeds typically have to work four days per week (without an income) to repay these weekly costs. It is common for drivers in Leeds to work 12 hours a day for seven days a week.

During an economic downturn the two implications described above are compounded by more drivers joining the industry, having lost their jobs in other sectors, and lower consumer demand. This further exacerbates the dilution of work load between drivers within an operator’s fleet and effectively forces standards lower as higher-skilled and more experienced drivers migrate into other sectors or work even longer hours.

The consequences of long working hours and low pay go beyond individual drivers. It should be noted that this a significant effect upon driver’s families and the safety of their customers and other road users.

Alternatives – The profit-share business model

There are other business models that are actively used by private hire operators that we believe better respect the relationship between operator, driver and consumer.

In London a profit-share model is commonly used which means operators have a direct relationship with the price of fares. Like any other sector this places upward pressure upon prices which is balanced by consumer pressure and market competition.

Under the profit-share model the operator, in exchange for providing customers and a vehicle to the private hire driver, retains approximately 50% of the total fare income generated that week. Since income levels for the operator are the same irrespective of the number of drivers in its fleet, there are no incentive for the operator to increase the fleet size when the work load does not require it.

Under the profit-share model operators do not compete primarily on the prices of fares, as they do with the radio-rental model. Instead, because operators have an interest in keeping fares as high as possible, they have compete on customer service levels and innovation in order to demonstrate a competitive offer. Ostensibly, this appears to be a more favourable model; drivers and operators enjoy a shared commercial interest (which better protects the financial interests of drivers) and consumers benefit from a higher quality service that does not rely upon poor working conditions for drivers.

Conclusion

The radio-rental business model extensively employed in the private hire industry have a profound impact upon its drivers. Under the radio-rental model customer service standards are substantially reduced and whilst consumers enjoy cheap fares, public safety standards are compromised.

Much can be done to improve the industry and better integrate it into the public transport sector. In our view, sustainable success in improving industry legislation can however only be achieved when considering how to improve the relationships between all three key stakeholders; operators, consumers and drivers.

In addition, there are considerable advantages to the employment of better business models for regulators as increased standards require less enforcement action and regulatory control.
Dear Sir/Madam

The Information Commissioner is the independent regulator for the Data Protection Act 1998 (DPA) and the Freedom of Information Act 2000 (FOIA), and related legislation. We can only comment on areas falling within our area of statutory competence. Therefore it would not be appropriate for us to respond to all the questions raised by this consultation.

We do though welcome the opportunity to comment on the proposals set out in "Reforming the law of taxi and private hire services" (Consultation Paper No. 203) and the data protection and freedom of information implications. The accompanying paper sets out the ICO’s response to the relevant issues raised in the consultation document.

We do not consider this information to be confidential.

Yours faithfully

David Evans
Senior Policy Officer.
The response of the Information Commissioner to the Law Commission’s consultation on reforming the law of taxi and private hire services:

The Information Commissioner has responsibility for promoting and enforcing the Data Protection Act 1998 (DPA) and the Freedom of Information Act 2000 (FOIA). He is independent from government and upholds information rights in the public interest, promoting openness by public bodies and data privacy for individuals. The Commissioner does this by providing guidance to individuals and organisations, solving problems where he can, and taking appropriate action where the law is broken.

The Information Commissioner’s Office (ICO) welcomes the opportunity to respond to this consultation. In the response we shall focus on issues that have transparency, data protection and privacy implications.

Questions 45 and 51

These two question centre upon requirements for ‘fit and proper’ person tests. The Commissioner is concerned that criminal record vetting checks that may be part of these should only be undertaken where there are well justified public safety concerns that would be addressed by criminal record checking. Any such measures should include assessing the public safety issues and the impact on the private life of an individual before deciding whether such checks are appropriate in all or just some cases. The Law Commission’s recognition that a more proportionate approach may need to be adopted is welcome and correctly questions whether such checks are justified for owners of vehicles as they do not necessarily come into contact with the public in the same way as licensed taxi drivers.

The circumstances when individuals should have their criminal past checked and revealed to third parties, however minor and aged the indiscretions may be and where they can safely leave their criminal past behind them, continue to engage wider public policy concerns. This has been reflected in the recent changes to the criminal record checking process set out in Part Five of the Protection of Freedoms Act 2012.
The Government also appointed an Independent Adviser on Criminality Information Management who has produced reports\(^1\),\(^2\) making recommendations on the appropriate approach to be adopted. There have been an increasing number of cases before the courts a recent example of which is the High Court judgment in the case of T and Chief Constable of Greater Manchester\(^3\) in which Mr Justice Parker provided a thorough account of the development of public policy and jurisprudence in this area. The Commissioner understands that this case is subject to an appeal to the Court of Appeal.

Other comments

At paragraph 15.21 of the consultation there is a reference to local licensing authorities requiring the installation of CCTV equipment in taxis and private hire vehicles which include permanently activated audio recording. The DPA covers the processing of information about identifiable individuals and this includes CCTV and audio recordings made in taxis and private hire vehicles. Any such activity must comply with the legally enforceable data protection principles which includes a requirement to process personal data fairly and lawfully (First Principle).

The Commissioner also has a power to issue codes of practice for the following of good practice and he has issued one in relation to CCTV\(^4\) which includes its use in taxis and private hire vehicles. He has also issued an employment practices code of practice\(^5\) which covers the surveillance of employees in the workplace and its provisions are also relevant to the monitoring of drivers.

The CCTV Code of Practice recommends that an impact assessment takes place to ascertain whether installation of CCTV is justified and

\(^1\) Criminal records regime review –phase one: [http://www.homeoffice.gov.uk/publications/crime/criminal-records-review-phase1/](http://www.homeoffice.gov.uk/publications/crime/criminal-records-review-phase1/)

\(^2\) Criminal records regime review –phase two: [http://www.homeoffice.gov.uk/publications/crime/criminal-records-review-phase2](http://www.homeoffice.gov.uk/publications/crime/criminal-records-review-phase2)

\(^3\)[2012] EWHC 147 (Admin)


includes addressing compliance with Article 8 of the European Convention on Human Rights as given effect by the Human Rights Act 1998.

The CCTV Code of Practice also states:

“CCTV must not be used to record conversations between members of the public as this is highly intrusive and unlikely to be justified. You should choose a system without this facility if possible. If your system comes equipped with a sound recording facility then you should turn this off or disable it in some other way.”

It then sets out the suggested safeguards that would need to be in place if audio recordings are believed to be justified:

“There are limited circumstances in which audio recording may be justified, subject to sufficient safeguards. These could include:

- Audio based alert systems (such as those triggered by changes in noise patterns such as sudden shouting). Conversations must not be recorded, and operators should not listen in.
- Two-way audio feeds from ‘help points’ covered by CCTV cameras, where these are activated by the person requiring assistance.
- Conversations between staff and particular individuals where a reliable record is needed of what was said, such as in the charging area of a police custody suite.
- Where recording is triggered due to a specific threat, e.g. a ‘panic button’ in a taxi cab.

In the limited circumstances where audio recording is justified, signs must make it very clear that audio recording is being or may be carried out.”

The consultation document makes reference to the policies of both Oxford City Council and Southampton City Council where both require CCTV with continuous audio recording of both passengers and drivers in their licensed taxis. The Commissioner has been involved in enforcement action against both councils requiring them to not process such personal data as it contravenes the fair and lawful processing
requirements of the First Principle. The lawful processing aspects of this principle are engaged because any processing that would amount to a breach of Article 8 of the European Convention on Human Rights contravenes the lawful processing requirements of the First Principle. The Commissioner served an Enforcement Notice on Southampton City Council and as this is subject to an appeal it is inappropriate to go into the details of that case.

The Commissioner is aware that other licensing authorities have adopted different approaches to the inclusion of CCTV with continuous audio recording in licensed vehicles. Transport for London (TfL) in their “Guidelines for CCTV systems in licensed London taxis and private hire vehicles”\(^6\) state (in respect of audio recording):

“CCTV systems must not be used to record conversations between members of the public as this is highly intrusive and unlikely to be justified except in very exceptional circumstances. You must choose a system without this facility wherever possible; however, if the system comes equipped with sound recording facility then this functionality should be disabled.

There is a limited circumstance in which audio recording may be justified, subject to the sufficient safeguard below:-

Where recording is triggered due to a specific threat, e.g. a ‘panic button’ is utilised. Where this audio recording facility is utilised a reset function must be installed which automatically disables audio recording and returns the system to normal default operation after a specified time period has elapsed. The time period that audio recording may be active should be the minimum possible and should be declared at the time of submission for approval of the equipment.

In the limited circumstance where audio recording is justified, signs must make it very clear that audio recording is being or may be carried out.”

In conclusion, the Commissioner takes the view that the use of any form of CCTV in taxis and private hire vehicles needs to be clearly justified based upon a pressing need concerning the safety of passengers and drivers and be in accordance with the requirements of

both the DPA and Human Rights Act. If there is such a justification then the use of CCTV must be proportionate and accompanied by robust and effective safeguards. Imposing any form of national minimum standard requiring the inclusion of CCTV in all licensed taxis and private hire vehicles, with or without audio recording, would be inappropriate and any such requirement may itself engage concerns about whether this is compatible with Article 8 of the European Convention on Human Rights.

Christopher Graham

Information Commissioner
7 September 2012
Law Commission
Consultation Paper No 203

REFORMING THE LAW OF TAXI AND PRIVATE HIRE SERVICES

Additional Comments in Conjunction With Appendix A – List of Provisional Proposals & Questions

My name is Peter Lewis. My main profession is that of Insurance Broker, a role I have fulfilled for 32 years. 25 of those years have seen me specialising in the insurance of Hackney Carriage and Private Hire Vehicles. For the last 2 years I have also worked part time as a licensed Hackney Carriage and Private Hire driver in the Borough of Poole in Dorset.

Both these roles have given me a good insight into the trade and the many changes that have happened over the years. The main changes being the impact of technology on the trade and the current difficult economic climate.

I have made my notes and observations on the appendix which is also attached to my email.

As a young man, I had a short term part time job working in a London minicab office. This was long before private hire licensing in London and even before the 1976 act that governs the rest of the UK PH trade.

My job was to answer the phone and allocate the drivers their jobs. There were no radios in the cars. Between each job the drivers would return to the office to await their next job. Clearly this could be considered the purest definition of pre booked private hire. In times past, especially in smaller towns and villages, the local garage would offer a “private hire taxi” service along similar lines.

Now, when I drive a Private Hire vehicle, especially on a Friday and Saturday night, it is clear that the general public have absolutely no idea there is a two tier licensing system. In my role as an insurance broker I FREQUENTLY come across drivers with IN10 (no insurance) convictions on their license where they have been found guilty of illegally “plying for hire”. The current system does not make it easy for the public to identify which vehicle they can instantly hire off the street and those which they must pre book. Likewise it is too easy for an unscrupulous or impecunious Private Hire driver to be tempted to take a fare that is not pre booked. National standard signage is the only solution, backed by effective enforcement.

Additionally the current technology blurs the boundaries between Private Hire and Hackney Carriage. Let’s take an example of 2 virtually identical vehicles working in town on a Saturday night. One is PH the other Hackney.

The Hackney is parked on a rank. Both vehicles work under the name of a local taxi firm and are equipped with two way radio, datahead and taxi meter with fares set by the council. Around the
corner a PH licensed vehicle is parked (legally) and legitimately awaiting a job over the radio or datahead.

A customer wants to go home. One option is to go to the rank for the hackney and engage that but by chance they happen across the PH waiting around the corner. The PH driver advises he can only take pre booked jobs. The customer immediately calls the taxi firm on a mobile phone (phone number on the side of both cars) and asks for a car to take them from where the PH is waiting on to their destination. The job comes through to the PH on the datahead and the customer gets in and the journey commences.

There is a subtle difference in the means of engagement but virtually no difference in the timescale involved. Once engaged the difference between the two vehicles disappears completely. It is then clear that the customer should expect the PH to be a safe vehicle with a safe driver who will take them to their destination by the shortest route (topographical knowledge), who should be able to speak fluent English and thus understand instructions and directions, and charge a fare that can be seen by the customer as being regulated and accountable.

Any new legislation must recognise the reality that Taxi is the name by which the general public know a vehicle that they can engage to transport them to their chosen destination at short notice, be that immediately from a rank or by pre booking shortly in advance of the commencement of the journey.

By definition, a “fit and proper” person must be able to communicate fluently in English in order to meet this criteria.

The review of the current laws is well overdue. I hope the opportunity to make good the many shortcomings is not missed.
APPENDIX A
LIST OF PROVISIONAL PROPOSALS AND QUESTIONS

CHAPTER 13 - OVERVIEW OF PROVISIONAL REFORM PROPOSALS
Provisional proposal 1

Regulation should continue to distinguish between taxis, which can accept pre-booked fares, be hailed on the street and wait at ranks, and private hire vehicles, which can only accept pre-booked fares. (Page 160)

To the public, there are only “Taxis”. When a PH calls at a house to collect a fare they announce themselves as “I am your taxi” not “I am your pre booked private hire car”. There is in effect a 3 tier system 1) Taxis – hail, rank and pre book, 2) Taxis – pre book only 3) All other pre bookable vehicle services i.e. chauffer/executive hire, airport transfers, stretch limos and other novelty vehicles, wedding cars, funeral cars.

In most cases 1) and 2) are indistinguishable by the general public as most private hire “taxis” have a meter, two way radio and or datahead and some form of signage.

CHAPTER 14 – REFORM OF DEFINITIONS AND SCOPE
Provisional proposal 2

London should be included, with appropriate modifications, within the scope of reform. (Page 162)

No – it remains unique. Plymouth should be included though.

Provisional proposal 3

The regulation of taxi and private hire vehicles should not be restricted to any particular type of vehicle but should rather focus on road transport services provided for hire with the services of a driver. (Page 164)

Yes

Question 4

Would there be (and if so what) advantages to restricting licensing to motor vehicles that require a driving licence? (Page 164)

A horse drawn Landau, pedicab or richshaw should still be driven and in the charge of a “fit and proper person”. To ensure passenger safety and that of other road users.

Provisional proposal 5
Public service vehicles should be expressly excluded from the definition of taxi and private hire vehicles; and taxi and private hire vehicles should only cover vehicles adapted to seat eight or fewer passengers. (Page 165)

Yes but 8 passenger seat vehicles should still be permitted to act as taxis buses as under current law.

Provisional proposal 6

References to stage coaches charging separate fares should no-longer feature as an exclusion from the definition of taxis. (Page 166)

Agreed

Provisional proposal 7

The Secretary of State should consider issuing statutory guidance to the Senior Traffic Commissioner about the licensing of limousines and other novelty vehicles to assist consistency. (Page 167)

Agreed

Provisional proposal 8

The concept of “in the course of a business of carrying passengers” should be used to limit the scope of taxi and private hire licensing so as to exclude genuine volunteers as well as activities where transport is ancillary to the overall service. (Page 168)

Yes but should not exclude ancillary activities that give an indirect pecuniary gain, e.g. a restaurant or hotel providing transport for guests.

Question 9

How, if at all, should the regulation of taxis and private hire deal with:

(a) carpooling; and – not at all

(b) members clubs? (Page 170) – care required to avoid “disguised” taxi businesses. OK if no profit.

Provisional proposal 10

The power of the Secretary of State and Welsh Ministers to set national standards should be flexible enough to allow them to make exclusions from the taxi and private hire licensing regimes. (Page 171)

Yes

Provisional proposal 11

Weddings and funerals should no-longer be expressly excluded from private hire licensing through primary legislation. (Page 172)
Both activities still involve fare paying passengers and hire and reward. Thought must be given to wedding anniversaries and receptions that may not occur on the same day as the wedding. Likewise “wakes” and memorial days.

Question 12

Would there be merits in reintroducing the contract exemption, by means of the Secretary of State and Welsh Ministers’ exercise of the power to set national standards? If so, what modifications could be made to help avoid abuse? (Page 174)

No merit

Provisional proposal 13

Regulation of the ways taxis and private hire vehicles can engage with the public should not be limited to “streets”. (Page 175)

Agreed

Question 14

Is there a case for making special provision in respect of taxi and private hire regulation at airports? In particular, where concessionary agreements are in place should airports be obliged to allow a shuttle service for passengers who have pre-booked with other providers, or to the closest taxi rank? (Page 177)

Yes – freedom of customer choice must be allowed.

Provisional proposal 15

The defining feature of taxis, the concept of “plying for hire”, should be placed on a statutory footing and include:

(a) references to ranking and hailing;

(b) a non-exhaustive list of factors indicating plying for hire; and

(c) appropriate accommodation of the legitimate activities of private hire vehicles. (Page 181)

An alternative to “plying for hire” could be “available for immediate hire on demand by the customer, the vehicle displaying an illuminated sign using a national standard wording such as FOR HIRE.” Illuminated signs in ALL “taxis” could make their current status more clear.

“Hackneys” could show FOR IMMEDIATE HIRE/IN USE/OFF DUTY.

“Private Hire Taxis” could show ADVANCE BOOKING ONLY/IN USE/OFF DUTY.
A national standard of illuminated roof signs would quickly become familiar to the travelling public. For example, white sign saying TAXI on a “hackney” and a yellow one for “private hire taxis” saying TAXI – ADVANCE BOOKING ONLY.

Provisional proposal 16

The concepts of hailing and ranking should not cover technological means of engaging taxi services. (Page 181)

Agreed

Question 17

Would there be advantages to adopting the Scottish approach to defining taxis in respect of “arrangements made in a public place” instead of “plying for hire”?

(Page 182)

Agreed – but care required as a customer can stand next to a PH and call the office who then transmit the job to the waiting PH.

Provisional proposal 18

The concept of compellability, which applies exclusively to taxis, should be retained. (Page 182)

Agreed but subject to the right of a driver to refuse to carry an intoxicated person or one in an otherwise “antisocial” state e.g. very dirty.

Provisional proposal 19

Pre-booking would continue to be the only way of engaging a private hire vehicle and cover all technological modes of engaging cars. This is without prejudice to the continued ability of taxis to be pre-booked. (Page 183)

Technology has eroded the timescale in engaging a PH. It can be almost instant as per Q17 above

Provisional proposal 20

Leisure and non-professional use of taxis and private hire vehicles should be permitted. There would however be a presumption that the vehicle is being used for professional purposes at any time unless the contrary can be proved.

(Page 184)

A national standard of covers for plates and roof signs would be an option. As would an illuminated “off duty” sign in the window.

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. (Page 185)
Agreed

**Provisional proposal 22**

Reformed legislation should refer to “taxis” and “private hire vehicles” respectively. References to “hackney carriages” should be abandoned. *(Page 185)*

*To the customer, they are both taxis. In most towns the can look the same other than an illuminated roof sign saying “TAXI”. An alternative would be TYPE 1 or TYPE 2 or Class 1 or Class 2.*

**Question 23**

Should private hire vehicles be able to use terms such as “taxi” or “cab” in advertising provided they are only used in combination with terms like “pre-booked” and did not otherwise lead to customer confusion? *(Page 186)*

*Yes – to the customer, they are taxis, cabs etc. The fare paying passenger does not recognise the term “private hire vehicle”.*

**CHAPTER 15 – A REFORMED REGULATORY FRAMEWORK**

**Provisional proposal 24**

Taxi and private hire services should each be subject to national safety requirements. *(Page 188)*

*Yes*

**Provisional proposal 25**

National safety standards, as applied to taxi services, should only be **HIGH** minimum standards. *(Page 189)*

*Yes*

**Provisional proposal 26**

National safety standards, as applied to private hire services, should be mandatory standards. *(Page 189)*

*Yes*

**Provisional proposal 27**

Private hire services would not be subject to standards except those related to safety. Requirements such as topographical knowledge would no-longer apply to private hire drivers. *(Page 190)*
No – apart from limos, chauffer hire etc, most private hire vehicles do exactly the same job as a “hackney”. Topographical knowledge is important especially in urban, tourist and commercial areas. For example a hotel may make a booking for a guest and only arrange for the pick up time. When getting in the vehicle, the passenger may say “I want to go to the theatre around the corner from the shopping centre opposite the bus station”.

A passenger may be staying with relatives and need to go to the railway station. The driver should know the shortest route.

For chauffeurs, airport transfers, novelty hire vehicles and the like, not a requirement but desirable.

It should be a condition of both hackney and PH drivers that they be fluent in English.

Question 28

Should local standard-setting for private hire services be specifically retained in respect of vehicle signage? Are there other areas where local standards for private hire vehicles are valuable? (Page 190)

There should be national standards of signage for both types of taxis to make each easily identifiable as to what it can do.

A national standard of adhesive signage for the vehicles bonnet with the Council crest and name could make enforcement much easier especially with CCTV in town centres.

Question 29

What practical obstacles might there be to setting common national safety standards for both taxis and private hire vehicles? (Page 191)

None that shouldn’t be overcome.

Question 30

Should national conditions in respect of driver safety be different for taxi services compared with private hire services? (Page 192)

No

Provisional proposal 31

The powers of the Secretary of State and Welsh Ministers to set standards for taxis and private hire vehicles should only cover conditions relating to safety. (Page 192)

No
Provisional proposal 32

The powers of the Secretary of State and Welsh Ministers to set national safety standards should be subject to a statutory consultation requirement. (Page 193)

Yes

Question 33

What would be the best approach for determining the content of national safety standards? In particular should the statutory requirement to consult refer to a technical advisory panel? (Page 193)

*Involve VOSA and Thatcham*

Provisional proposal 34

Licensing authorities should retain the power to set standards locally for taxis provided above the minimum national standards. (Page 193)

*National standards should be adequate. Current regime permits one council to license a particular make and model or car whereas an adjoining council may state it unsuitable, for example, seats not wide enough.*

Question 35

Should there be statutory limits to licensing authorities’ ability to set local taxi standards? (Page 194)

Yes

Question 36

Should licensing authorities retain the power to impose individual conditions on taxi and private hire drivers or operators? (Page 194)

*Within certain parameters. E.G. A topographical knowledge test in an urban area will be different to that in a large rural area. Consider Poole BC and East Dorset DC, the latter having several towns and small urban areas within it.*

Question 37

Should the powers and duties of licensing authorities to cooperate be on a statutory footing or is it best left to local arrangements? (Page 195)

*Statutory*

Provisional proposal 38

Neighbouring licensing authorities should have the option of combining areas for the purposes of taxi standard setting. (Page 196)

*Yes if no national standards.*
Provisional proposal 39

Licensing authorities should have the option to create, or remove, taxi zones within their area. (Page 196)

Yes

Question 40

Would it be useful for licensing authorities to have the power to issue peak time licences which may only be used at certain times of day as prescribed by the licensing authority? (Page 197)

No – would confuse public and would be open to abuse. Clear national standard illuminated signs are best for passenger safety.

Provisional proposal 41

Private hire operators should no longer be restricted to accepting or inviting bookings only within a particular locality; nor to only using drivers or vehicles licensed by a particular licensing authority. (Page 198)

In principal Ok if rigid national standards. However the taxi insurance industry will have concerns. More and more insurance company price taxi and PH insurance by the licensing authority plating the vehicle. This is down to statistics on claims costs and frequency in a given area. The size of the area does not govern this. For example, Bournemouth has a population of about 183000 and is low rated. Luton is a similar size and is high rated because of adverse claims statistics in the borough. In theory a driver could plate in Bournemouth to get a low premium then work in Luton.

This is already an issue under current cross border activities.

Provisional proposal 42

We do not propose to introduce a “return to area” requirement in respect of out-of-area drop offs. (Page 199)

Agreed

Provisional proposal 43

Licensing authorities should retain the ability to regulate maximum taxi fares. Licensing authorities should not have the power to regulate private hire fares. (Page 200)

Most private hire “taxis” have meters fitted. They are set at the same rate by the councils as in hackneys. Only airport transfers, and chauffeur/ executive hire prices tend to vary.

Question 44

Should taxis be allowed to charge a fare that is higher than the metered fare for pre-booked journeys? (Page 200)
CHAPTER 16 – REFORM OF DRIVER, VEHICLE AND OPERATOR LICENSING

Question 45

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 Yes

(b) included within the Secretary of State and Welsh Ministers’ general powers to set national safety conditions? (Page 203) No

Provisional proposal 46

Vehicle owners should not be subject to “fit and proper” tests and the criteria applied would relate solely to the vehicle itself. (Page 204)

No

Question 47

Should national vehicle safety standards be either:

(a) set out in primary legislation; or Yes

(b) included within the Secretary of State and Welsh Ministers’ general powers to set national safety conditions? (Page 205) No

Provisional proposal 48

Operator licensing should be retained as mandatory in respect of private hire vehicles. (Page 207)

Yes

Question 49

Should operator licensing be extended to cover taxi radio circuits and if so on what basis? (Page 208)

Yes – as in Scotland

Provisional proposal 50

The definition of operators should not be extended in order to include intermediaries. (Page 209)

Care required – could be a loophole

Question 51

Should “fit and proper” criteria in respect of operators be retained? (Page 210)
Yes

Provisional proposal 52

Operators should be expressly permitted to sub-contract services. (Page 210)

Yes – with proper record keeping for audit trail.

Question 53

Where a taxi driver takes a pre-booking directly, should record-keeping requirements apply? (Page 210)

Yes – no different to PH

CHAPTER 17 – REFORMING QUANTITY CONTROLS

Provisional proposal 54

Licensing authorities should no longer have the power to restrict taxi numbers. (Page 213)

When council’s derestrict, the total number of “taxis” in an LA does not tend to increase overall; they just become hackneys rather than PH. If councils are permitted to derestrict then

a) Any Bye Laws or conditions of license that require a hackney to return to the nearest rank or drive about until there is space on a rank should be removed. If there is no rank space, a taxi should be able to park anywhere legally and pay any parking fees as with any other motorist.

b) There should be a statutory requirement that the council must provide adequate rank spaces, in consultation with the trade, to be sighted in areas where taxis are required. They should not be sited in remote areas of the LA where there is no call for them. The ranks should be able to accommodate 30% of the hackney fleet at any one time. Temporary ranks to deal with the night time economy should be available.

Question 55

What problems (temporary or permanent) might arise if licensing authorities lost the ability to restrict numbers? (Page 213)

1) Over ranking – can result in arguments and fights

2) Drivers working too many hours as amount of trade diluted by over supply – impairs safety.

3) If unable to earn sufficiently due to oversupply, maintenance of vehicle can be in jeopardy thus compromising safety for passengers and other road users.

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? (Page 215)

Yes

CHAPTER 18 – TAXI AND PRIVATE HIRE REFORM AND EQUALITY

Question 57

Should there be a separate licence category for wheelchair accessible vehicles? This could involve:

(1) a duty on the licensee to give priority to disabled passengers; and

(2) a duty on the licensing authority to make adequate provision at ranks for wheelchair accessible vehicles. (Page 217)

Yes - WAV’s cost more to buy and are generally less economical on fuel. A wheelchair passenger takes longer to load and unload than an able bodied passenger so often the trade consider it bad business. If licensing costs were lower and ranking priority given, this could make this class of work less unattractive.

Question 58

Should licensing authorities offer lower licence fees for vehicles which meet certain accessibility standards? (Page 217)

Yes

Question 59

Do you have any other suggestions for increasing the availability of accessible vehicles, and catering for the different needs of disabled passengers? (Page 217)

To encourage drivers not to turn this work away, disabled passenger pays same meter rate as able bodied passenger, but for example gives driver a token or voucher that driver can redeem as "compensation" for extra time spent doing wheelchair job.

Provisional proposal 60

We do not propose to introduce national quotas of wheelchair accessible vehicles. (Page 218)

Unlikely anyone will buy a WAV out of choice.

Provisional proposal 61

National standards for drivers of both taxis and private hire vehicles should include recognised disability awareness training. (Page 219)

Yes
Provisional proposal 62

In order to better address concerns about discrimination, taxis and private hire vehicles should be required to display information about how to complain to the licensing authority. (Page 219)

Yes

Question 63

What would be the best way of addressing the problem of taxis ignoring disabled passengers seeking to hail them? Could an obligation to stop, if reasonable and safe to do so, in specified circumstances, help? (Page 220)

See 59

CHAPTER 19 – REFORMING ENFORCEMENT

Question 64

Should authorised licensing officers have the power to stop licensed vehicles? (Page 222)

Yes – to check correct licensing, vehicle safety, driver not intoxicated or over tired etc.

Question 65

What more could be done to address touting? Touting refers to the offence “in a public place, to solicit persons to hire vehicles to carry them as passengers”. (Page 223)

Revolve license if a driver and fixed penalty if not a driver.

Question 66

Would it be desirable and practicable to introduce powers to impound vehicles acting in breach of taxi and private hire licensing rules? (Page 223)

Only on safety or insurance invalid grounds. Not if say car is dirty etc.

Question 67

Should licensing authorities make greater use of fixed penalty schemes and if so how? (Page 225)

No – will be seen by trade as lining the pockets of LA.

Provisional proposal 68

Enforcement officers should have the powers to enforce against vehicles, drivers and operators licensed in other licensing areas. (Page 225)

Yes – if in breach of national standards.
Question 69
Should cross-border enforcement powers extend to suspensions and revocation of licences? If so what would be the best way of achieving this? (Page 226)

*If a driver is caught speeding in Dorset but lives in London, he is still penalised. Same principal should apply if in breach of national standards and rules.*

CHAPTER 20 – REFORM OF HEARINGS AND APPEALS

Provisional proposal 70
The right to appeal against decisions to refuse to grant or renew, suspend or revoke a taxi or private hire licence should be limited to the applicant or, as appropriate, holder of the relevant licence. (Page 230)

Yes

Provisional proposal 71
The first stage in the appeal process throughout England and Wales, in respect of refusals, suspensions or revocations should be to require the local licensing authority to reconsider its decision. (Page 231)

Yes

Provisional proposal 72
Appeals should continue to be heard in the magistrates’ court. (Page 232)

Yes

Question 73
Should there be an onward right of appeal to the Crown Court? (Page 233)

Yes
Durham County Council’s Response to the law Commission
Consultation Paper 203

REFORMING THE LAW OF TAXI AND
PRIVATE HIRE SERVICES - A Consultation Paper

DCC Responses to consultation proposals

CHAPTER 13 - OVERVIEW OF PROVISIONAL REFORM PROPOSALS

Provisional proposal 1
Regulation should continue to distinguish between taxis, which can accept pre-booked fares, be hailed on the street and wait at ranks, and private hire vehicles, which can only accept pre-booked fares. (Page 160) DCC agrees with this proposal.

CHAPTER 14 – REFORM OF DEFINITIONS AND SCOPE

Provisional proposal 2
London should be included, with appropriate modifications, within the scope of reform. (Page 162) DCC agrees with this proposal.

Provisional proposal 3
The regulation of taxi and private hire vehicles should not be restricted to any particular type of vehicle but should rather focus on road transport services provided for hire with the services of a driver. (Page 164) DCC agrees with this proposal.

Question 4
Would there be (and if so what) advantages to restricting licensing to motor vehicles that require a driving licence? (Page 164) We do not see any advantages to restricting licensing to motor vehicles that require a driving licence

Provisional proposal 5
Public service vehicles should be expressly excluded from the definition of taxi and private hire vehicles; and taxi and private hire vehicles should only cover vehicles adapted to seat eight or fewer passengers. (Page 165) We think the ‘O’ licence concession should be removed from the PSV fleet operations

Provisional proposal 6
References to stage coaches charging separate fares should no-longer feature as an exclusion from the definition of taxis. (Page 166) DCC agrees with this proposal.
Provisional proposal 7
The Secretary of State should consider issuing statutory guidance to the Senior Traffic Commissioner about the licensing of limousines and other novelty vehicles to assist consistency. (Page 167) **DCC agrees with this proposal.**

Provisional proposal 8
The concept of “in the course of a business of carrying passengers” should be used to limit the scope of taxi and private hire licensing so as to exclude genuine volunteers as well as activities where transport is ancillary to the overall service. (Page 168) **DCC agrees with this proposal.**

Question 9
How, if at all, should the regulation of taxis and private hire deal with:
(a) carpooling; and
(b) members clubs? (Page 170)

**Guidance should be issued defining these categories and should fall outside the taxi and private hire licensing regime.**

Provisional proposal 10
The power of the Secretary of State and Welsh Ministers to set national standards should be flexible enough to allow them to make exclusions from the taxi and private hire licensing regimes. (Page 171) **DCC agrees with this proposal.**

Provisional proposal 11
Weddings and funerals should no longer be expressly excluded from private hire licensing through primary legislation. (Page 172) **DCC agrees with this proposal.**

Question 12
Would there be merits in reintroducing the contract exemption, by means of the Secretary of State and Welsh Ministers’ exercise of the power to set national standards? If so, what modifications could be made to help avoid abuse? (Page 174) **No, we do not think there would be merits in reintroducing the contract exemption.**

Provisional proposal 13
Regulation of the ways taxis and private hire vehicles can engage with the public should not be limited to “streets”. (Page 175) **DCC agrees with this proposal.**

Question 14
Is there a case for making special provision in respect of taxi and private hire regulation at airports? In particular, where concessionary agreements are in place should airports be obliged to allow a shuttle service for passengers who have pre-booked with other providers, or to the closest taxi rank? (Page 177) **No, we do not consider there to be a case for making special provision in respect of taxi and private hire regulation at airports.**
Provisional proposal 15
The defining feature of taxis, the concept of “plying for hire”, should be placed on a statutory footing and include:
(a) references to ranking and hailing;
(b) a non-exhaustive list of factors indicating plying for hire; and
(c) appropriate accommodation of the legitimate activities of private hire vehicles. (Page 181) **DCC agrees with this proposal.**

Provisional proposal 16
The concepts of hailing and ranking should not cover technological means of engaging taxi services. (Page 181) **DCC agrees with this proposal.**

Question 17
Would there be advantages to adopting the Scottish approach to defining taxis in respect of “arrangements made in a public place” instead of “plying for hire”? (Page 182) **No we do not see any advantages**

Provisional proposal 18
The concept of compellability, which applies exclusively to taxis, should be retained. (Page 182) **DCC agrees with this proposal.**

Provisional proposal 19
Pre-booking would continue to be the only way of engaging a private hire vehicle and cover all technological modes of engaging cars. This is without prejudice to the continued ability of taxis to be pre-booked. (Page 183) **DCC agrees with this proposal.**

Provisional proposal 20
Leisure and non-professional use of taxis and private hire vehicles should be permitted. There would however be a presumption that the vehicle is being used for professional purposes at any time unless the contrary can be proved. (Page 184) **DCC does not agree with this proposal.**

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. (Page 185) **DCC agrees with this proposal.**

Provisional proposal 22
Reformed legislation should refer to “taxis” and “private hire vehicles” respectively. References to “hackney carriages” should be abandoned. (Page 185) **DCC agrees with this proposal.**

Question 23
Should private hire vehicles be able to use terms such as “taxi” or “cab” in advertising provided they are only used in combination with terms like “pre-booked” and did not otherwise lead to customer confusion? (Page 186) **No, we do not agree with this.**
CHAPTER 15 – A REFORMED REGULATORY FRAMEWORK

Provisional proposal 24
Taxi and private hire services should each be subject to national safety requirements. (Page 188) **DCC agrees with this proposal.**

Provisional proposal 25
National safety standards, as applied to taxi services, should only be minimum standards. (Page 189) **DCC agrees with this proposal.**

Provisional proposal 26
National safety standards, as applied to private hire services, should be mandatory standards. (Page 189) **DCC does not agree with this proposal.** We consider there should be national minimum standards, the same as for taxis.

Provisional proposal 27
Private hire services would not be subject to standards except those related to safety. Requirements such as topographical knowledge would no-longer apply to private hire drivers. (Page 190) **DCC does not agree with this proposal.**

Question 28
Should local standard-setting for private hire services be specifically retained in respect of vehicle signage? Are there other areas where local standards for private hire vehicles are valuable? (Page 190) **Should be retained and there are other areas where local standards are valuable i.e. colour policy for vehicles.**

Question 29
What practical obstacles might there be to setting common national safety standards for both taxis and private hire vehicles? (Page 191) **Practical obstacles could include e.g. setting common standards for both motorised and non-motorised vehicles, the setting of a common minimum standard, which is significantly below the standards, which are adopted by councils.**

Question 30
Should national conditions in respect of driver safety be different for taxi services compared with private hire services? (Page 192) **No, they should not be different.**

Provisional proposal 31
The powers of the Secretary of State and Welsh Ministers to set standards for taxis and private hire vehicles should only cover conditions relating to safety. (Page 192) **DCC does not agree with this proposal.**

Provisional proposal 32
The powers of the Secretary of State and Welsh Ministers to set national safety standards should be subject to a statutory consultation requirement. (Page 193) **DCC agrees with this proposal.**
Question 33
What would be the best approach for determining the content of national safety standards? In particular, should the statutory requirement to consult refer to a technical advisory panel? *(Page 193)* **Mandatory consultation with experts in the field.**

Provisional proposal 34
Licensing authorities should retain the power to set standards locally for taxis provided above the minimum national standards. *(Page 193)* **DCC agrees with this proposal.**

Question 35
Should there be statutory limits to licensing authorities’ ability to set local taxi standards? *(Page 194)* **Yes, there should be statutory limits.**

Question 36
Should licensing authorities retain the power to impose individual conditions on taxi and private hire drivers or operators? *(Page 194)* **Yes, authorities should retain the power to impose individual conditions.**

Question 37
Should the powers and duties of licensing authorities to cooperate be on a statutory footing or is it best left to local arrangements? *(Page 195)* **We believe that it is best left to local arrangements.**

Provisional proposal 38
Neighbouring licensing authorities should have the option of combining areas for the purposes of taxi standard setting. *(Page 196)* **DCC agrees with this proposal.**

Provisional proposal 39
Licensing authorities should have the option to create, or remove, taxi zones within their area. *(Page 196)* **DCC agrees with this proposal as far as the removal of taxi zones is concerned. DCC does not agree that local authorities should have the option to create taxi zones, only to remove existing zones.**

Question 40
Would it be useful for licensing authorities to have the power to issue peak time licences which may only be used at certain times of day as prescribed by the licensing authority? *(Page 197)* **DCC does not agree with this proposal.**

Provisional proposal 41
Private hire operators should no longer be restricted to accepting or inviting bookings only within a particular locality; nor to only using drivers or vehicles licensed by a particular licensing authority. *(Page 198)* **DCC does not agree with this proposal.**

Provisional proposal 42
We do not propose to introduce a “return to area” requirement in respect of out-of-area drop offs. (Page 199) **DCC agrees with this proposal.**

**Provisional proposal 43**
Licensing authorities should retain the ability to regulate maximum taxi fares. Licensing authorities should not have the power to regulate private hire fares. (Page 200) **DCC agrees with this proposal.**

**Question 44**
Should taxis be allowed to charge a fare that is higher than the metered fare for pre-booked journeys? (Page 200) **Yes, subject to an understanding and agreement by the fare-paying passenger**

**CHAPTER 16 – REFORM OF DRIVER, VEHICLE AND OPERATOR LICENSING**

**Question 45**
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? (Page 203)

**We consider national driver safety standards such as the requirement to be a “fit and proper person” should be set out in primary legislation.**

**Provisional proposal 46**
Vehicle owners should not be subject to “fit and proper” tests and the criteria applied would relate solely to the vehicle itself. (Page 204) **DCC agrees with this proposal.**

**Question 47**
Should national vehicle safety standards 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? (Page 205)

**We consider (b) as the most appropriate.**

**Provisional proposal 48**
Operator licensing should be retained as mandatory in respect of private hire vehicles. (Page 207) **DCC agrees with this proposal.**

**Question 49**
Should operator licensing be extended to cover taxi radio circuits and if so on what basis? (Page 208) **No, we do not think operator licensing should be extended to taxis.**

**Provisional proposal 50**
The definition of operators should not be extended in order to include intermediaries. (Page 209) DCC agrees with this proposal.

**Question 51**
Should “fit and proper” criteria in respect of operators be retained? (Page 210)

**Yes.**

**Provisional proposal 52**
Operators should be expressly permitted to sub-contract services. (Page 210) DCC agrees with this proposal.

**Question 53**
Where a taxi driver takes a pre-booking directly, should record-keeping requirements apply? (Page 210) Yes, we believe taxi drivers should be subject to record keeping requirements under these circumstances

**CHAPTER 17 – REFORMING QUANTITY CONTROLS**

**Provisional proposal 54**
Licensing authorities should no longer have the power to restrict taxi numbers. (Page 213) DCC agrees with this proposal.

**Question 55**
What problems (temporary or permanent) might arise if licensing authorities lost the ability to restrict numbers? (Page 213)

- An increase in taxi vehicles in popular city centre and areas
- A reduction in taxis in less popular areas
- Increased in traffic congestion, road traffic pollution, over ranking etc

**Question 56**
Should transitional measures be put in place, such as staggered entry to the taxi trade over a scheduled period, if quantity restrictions are removed? (Page 215) No.

**CHAPTER 18 – TAXI AND PRIVATE HIRE REFORM AND EQUALITY**

**Question 57**
Should there be a separate licence category for wheelchair accessible vehicles?
This could involve:
(1) a duty on the licensee to give priority to disabled passengers; and
(2) a duty on the licensing authority to make adequate provision at ranks for wheelchair accessible vehicles. (Page 217) DCC does not agree with this.

**Question 58**
Should licensing authorities offer lower licence fees for vehicles which meet certain accessibility standards? (Page 217) No, we do not think lower fees should be offered to vehicles, which meet accessibility standards
Question 59
Do you have any other suggestions for increasing the availability of accessible vehicles, and catering for the different needs of disabled passengers? *(Page 217)* Promotion of the service by the use of registers.

**Provisional proposal 60**
We do not propose to introduce national quotas of wheelchair accessible vehicles. *(Page 218)* **DCC agrees with this proposal.**

**Provisional proposal 61**
National standards for drivers of both taxis and private hire vehicles should include recognised disability awareness training. *(Page 219)* **DCC agrees with this proposal.**

**Provisional proposal 62**
In order to better address concerns about discrimination, taxis and private hire vehicles should be required to display information about how to complain to the licensing authority. *(Page 219)* **DCC agrees with this proposal.**

Question 63
What would be the best way of addressing the problem of taxis ignoring disabled passengers seeking to hail them? Could an obligation to stop, if reasonable and safe to do so, in specified circumstances, help? *(Page 220)* Training, promotion and awareness raising activities.

**CHAPTER 19 – REFORMING ENFORCEMENT**

Question 64
Should authorised licensing officers have the power to stop licensed vehicles? *(Page 222)* **No, this should continue to be carried out by the Police.**

Question 65
What more could be done to address touting? Touting refers to the offence “in a public place, to solicit persons to hire vehicles to carry them as passengers”. *(Page 223)* **Police enforcement.**

Question 66
Would it be desirable and practicable to introduce powers to impound vehicles acting in breach of taxi and private hire licensing rules? *(Page 223)* **DCC does not agree that it would be either desirable or practicable to introduce these powers.**

Question 67
Should licensing authorities make greater use of fixed penalty schemes and if so how? *(Page 225)* **Yes, widen the remit of offences that fixed penalties can be used for.**
Provisional proposal 68
Enforcement officers should have the powers to enforce against vehicles, drivers and operators licensed in other licensing areas. *(Page 225)* **DCC agrees with this proposal.**

Question 69
Should cross-border enforcement powers extend to suspensions and revocation of licences? If so what would be the best way of achieving this? *(Page 226)* **Yes, national standards.**

CHAPTER 20 – REFORM OF HEARINGS AND APPEALS

Provisional proposal 70
The right to appeal against decisions to refuse to grant or renew, suspend or revoke a taxi or private hire licence should be limited to the applicant or, as appropriate, holder of the relevant licence. *(Page 230)* **DCC agrees with this proposal.**

Provisional proposal 71
The first stage in the appeal process throughout England and Wales, in respect of refusals, suspensions or revocations should be to require the local licensing authority to reconsider its decision. *(Page 231)* **DCC agrees with this proposal.**

Provisional proposal 72
Appeals should continue to be heard in the magistrates’ court. *(Page 232)* **DCC agrees with this proposal.**

Question 73
Should there be an onward right of appeal to the Crown Court? *(Page 233)* **Yes.**
Reforming the law of taxi and private hire services

Law Commission

REFORMING THE LAW OF TAXI AND PRIVATE HIRE SERVICES

Summary
This paper is a summary of the full Consultation Paper, Reforming the Law of Taxi and Private Hire Services, Law Com 203, available at our website at www.lawcom.gov.uk (A-Z of project > Taxi and Private Hire Services).

THE LAW COMMISSION: HOW WE CONSULT

About the Commissions: The Law Commission was set up by section 1 of the Law Commissions Act 1965. The Commission has the purpose of promoting reform of the law. The Law Commissioners are: The Rt Hon Lord Justice Munby (Chairman), Professor Elizabeth Cooke, Mr David Hertzell, Professor David Ormerod and Frances Patterson QC. The Chief Executive is Elaine Lorimer.

Topic: This consultation covers the reform of the law on taxi and private hire services.

Geographical scope: England and Wales

An impact assessment is available on our website.

Duration of the consultation: 10 May to 10 August 2012.

After the consultation: We plan to publish a final report with a draft Bill in November 2013. It will be for Parliament to decide whether to change the law.

Freedom of information: We will treat all responses as public documents. We may attribute comments and publish a list of respondents’ names. If you wish to submit a confidential response, it is important to read our Freedom of Information Statement on the next page.

Availability: You can download this consultation paper and the other documents free of charge from our website at: http://www.lawcom.gov.uk (See A–Z of projects > Taxi and Private Hire Services)

How to respond
Send your responses either –

By email to: tph@lawcommission.gsi.gov.uk or

By post to: Public Law Team (Taxi and Private Hire), Law Commission,
Steel House, 11 Tothill Street, London SW1H 9LJ
Tel: 020 3334 0266 / Fax: 020 3334 0201
If you send your comments by post, it would be helpful if, where possible, you also sent them to us electronically (in any commonly used format).

1 SUMMARY

INTRODUCTION

1.1 In July 2011, the Law Commission agreed to undertake a law reform project on the law of taxis and private hire vehicles. The project was proposed by the Department for Transport, but when we work on a project, the Law Commission is independent of the Government. This paper summarises our full consultation paper, which is available at http://www.lawcom.gov.uk (see A-Z of projects > Taxi and Private Hire Services). It reviews the law, and makes provisional proposals for reform. We now seek your comments and views on our provisional proposals and questions.

1.2 This summary is split into three main sections:
(1) an introduction and outline of key proposed changes;
(2) the case for reform and a brief discussion of the main themes and impact assessment; and
(3) a full list of our provisional proposals and questions.

WHAT THIS PROJECT IS ABOUT

1.3 In England and Wales, both taxis and private hire vehicles must be licensed. There is a fundamental legal distinction between taxi and private hire services. Taxis, referred to as “hackney carriages” in much of the legislation, can be hailed on the street or work at a rank for immediate hire. Only taxis can do this, which is referred to in law as “plying for hire”. Alternatively, taxis can be booked in advance either directly with the driver or through a third party without the need for an additional licence. By contrast private hire vehicles cannot “ply for hire” and can only be booked in advance. Private hire drivers cannot take bookings directly and can only take passengers that have booked through a licensed operator. A person engaging in any of these activities without the correct licence is committing a criminal offence.

Consultation

1.4 It is of primary importance that the views expressed in our consultation documents are only provisional, so that they can form the basis of a discussion on consultation. We are not firmly wedded to any of these proposals. Indeed, experience suggests that our final report is likely to differ substantially from the provisional proposals we now make.

1.5 This consultation period will be our main evidence-gathering exercise, and the only opportunity for the public to directly provide their views. After this consultation we will analyse responses and reconsider our proposals. We aim to produce a report with our final proposals and a draft Bill by November 2013.

1.6 The opportunity to discuss the issues with interested parties is always most helpful. We would therefore welcome invitations to attend or present at relevant conferences, seminars, workshops or other events during the consultation period.

2 Our approach

1.7 Our terms of reference require us to give due regard to the potential advantages of deregulation. This does not require us to blindly pursue deregulation at all costs. Nor does it mean the removal of all or even most regulation. Rather, it means that we must look at each element of the existing regulatory system to ensure that it does not impose unnecessary costs on the industry, and that it is structured in the right way to accomplish its supposed ends.

1.8 We have applied this view of the right regulatory approach in the provisional proposals and questions we ask in this review. The overall effect is of a moderate
reform programme, which retains much of the existing structure of regulation, while seeking to improve and simplify it.

OUTLINE OF KEY PROPOSED CHANGES

1.9 The main changes that might follow from our provisional proposals include:
(1) National minimum safety standards for both taxis and private hire vehicles.
(2) Changes to standard-setting: additional local standards, above the national standards, would continue to apply to taxis (for example, topographical knowledge and vehicle requirements). However, for private hire vehicles, only the national standards would apply and there would be no scope for additional local standards. However we ask about possible exceptions where local private hire standards may be retained, for example, in respect of signage.
(3) It would be easier for private hire services to operate on a national basis. We suggest private hire operators would no longer be restricted to accepting or inviting bookings only within a particular locality; nor to only using drivers or vehicles licensed by the same licensing authority. Subcontracting would be allowed, as is already the case in London.
(4) London would be regulated under the same flexible framework as the rest of England and Wales.
(5) Licensing authorities could no longer limit the number of taxi licences.
(6) More enforcement powers for licensing officers against out-of-borough vehicles and drivers.
(7) Disability awareness training for drivers.
(8) Introduction of a statutory definition of “plying for hire” (but without changing it in substance).
(9) Weddings and funeral cars would no longer be exempted through primary legislation.
(10) Allowing leisure use of taxis and private hire vehicles.
(11) Bringing more vehicles within the licensing system (including for example limousines, motorbikes and pedicabs) – but giving the Secretary of State and Welsh Ministers power to make exclusions, and to set separate standards, in respect of different categories of vehicle.
(12) Clearer exclusions for volunteers and other services where transport is not the main service provided, such as childminders.
(13) Powers for government to issue binding statutory guidance to create greater consistency in how taxi and private hire legislation is applied.

1.10 We also ask questions about the following:
(1) a new category of wheelchair accessible vehicles;
(2) extending operator licensing to taxi radio circuits;
(3) possible use of the term “taxi” in respect of private hire services if used in phrases like “pre-booked taxi only”;
(4) reintroducing a (revised) contract exemption;
(5) improving the enforcement powers of licensing officers; and
(6) a new “peak time” taxi licence that could only be used at particular times of day as decided by the licensing authority.

1.11 This list only provides simplified, headline points and does not include all the changes we propose. Some of the provisional proposals would not give rise to change in London, such as allowing sub-contracting and leisure use of vehicles.

THE NEED FOR REFORM

1.12 The law on taxis and private hire vehicles is fragmented, complex, and out of touch with 21st century life. The oldest taxi legislation that still applies dates from 1831 and the regime has been extended, amended and adapted ever since. Private hire vehicle legislation was not introduced until 1976 (1998 in London), in
response to growth in the unlicensed trade, and many regard it as hastily constructed and ill thought out.

1.13 Both taxi and private hire services are highly regulated. The pre-booked market is reasonably competitive. Customers can shop around for the provider they prefer and negotiate on price. A customer who is unhappy with the service given by a company can choose a different firm in the future. They may tell their friends to avoid that firm. The same competitive forces do not apply in respect of taxis. Ranking and hailing are not competitive markets. The customer has little choice but to take the taxi hailed or the first taxi at the rank. This can affect the justification for the level of regulation in each market.

1.14 Safety is a key justification for the licensing system as a whole yet there are no national minimum safety standards for drivers and vehicles. Licensing officers have limited enforcement powers which makes it hard for them to make sure the rules are complied with. Disability groups have highlighted significant problems in ensuring accessibility and the safety of disabled passengers.

1.15 There are aspects of the current system, including quantity restrictions on taxi licences and restrictions on cross-border activity, which can also hinder effective competition. Not only can this make taxi and private hire services more expensive than they need to be, but it also has a restrictive effect on business. Our proposals are aimed at simplifying and streamlining the legal framework and removing unnecessary and burdensome regulation.

1.16 The complexity of the regulatory regime, which is based on numerous pieces of legislation, and the piecemeal way in which it has been put together, have left many key concepts and distinctions unclear and difficult to apply. There are many grey areas about what can count as a taxi (can it cover pedicabs for example?) or a private hire vehicle (do child minders and volunteers need a private hire operator licence where they drive as part of their work?). The rules restricting operators to inviting or accepting bookings only within their licensing area do not fit easily with technological developments such as internet and mobile phone bookings. These apparently basic questions have no clear answer and different approaches are taken in different parts of England and Wales.

THE MAIN THEMES OF REFORM

A new statute for taxi and private hire services

1.17 Our aim is to clarify and simplify the existing law on taxis and private hire vehicles and to promote more consistency in bottom-line safety standards across England and Wales, including better provision for disabled passengers. The other key aim of this review is to deregulate aspects not linked to protecting public safety in order to encourage more competitive services. We propose to do so by recommending a new Act of Parliament for taxi and private hire services.

1.18 We are not proposing major changes to the way in which licensing is administered and enforced. As now, local authorities would be responsible for issuing licences, and for taking action (with the police) against those who break the law. In respect of taxis, local authorities would continue to have a standardsetting role, over and above the national minimum safety standards. Matters such as topographical knowledge, fares and local requirements (such as the turning circle requirement in London) could continue to apply.

Retaining a two tier system

1.19 We think that the legal differences between taxis and private hire vehicles (often known as mini-cabs) are worth keeping. This is sometimes referred to as the two tier system. The alternative, a so-called one tier system, would have a unified category of licensed vehicle doing all (or most) of the same work – pre-booked, hailing and ranking. We accept that the differences between taxis and private hire
vehicles are not always well understood by the public, and that this provides an argument for a single tier. But our provisional view is that the distinction between taxis and private hire allows for more targeted regulation. Traditionally taxis can have regulated fares and local requirements like topographical knowledge can be very important. By contrast, private hire services work much more like a free market and recognising the legal distinction means both sides of the trade can work better.

**London**

1.20 There is currently a different legal framework for London. We recognise the important differences which apply to London but also think that our provisional proposals are sufficiently flexible to allow for these differences given the powers we propose for the Secretary of State and Transport for London (as the relevant licensing authority). We believe this can be done without affecting the distinctive and iconic London black cab.

1.21 We propose that our reforms should apply throughout England and Wales including London. We also invite views about how London may be affected differently in respect of all of our provisional proposals and questions.

**Welsh devolution**

1.22 We think the same system should apply in Wales as in England, but, in light of devolution, Welsh Ministers would have the powers that the Secretary of State has in England.

**Taxis and the local connection**

1.23 We provisionally propose only moderate changes to the regulation of taxis apart from removing licensing authorities’ ability to limit taxi numbers. We suggest retaining the local link with the setting of taxi conditions and fare regulation, licensing and enforcement. We consider the legal definition of “plying for hire”, which covers hailing and ranking, but do not propose radical change.

1.24 We do, however, provisionally propose that the Secretary of State and Welsh Ministers should set national minimum safety standards. We think all consumers of taxi services should be entitled to the same minimum safety standards, even if local licensing authorities wish to impose higher standards in their area. And establishing national minimum standards, which match the national standards for private hire vehicles (see below), will remove incentives for drivers to try to play the system by being licensed in areas with lowers standards. It will also help with the enforcement of conditions across each country.

**Taxis and quantity restrictions**

1.25 We also provisionally propose that the power to limit the number of taxis which can be licensed in a licensing area should be removed. We accept that there are some good arguments for retaining the power (although not on the existing basis of a bureaucratic assessment of unmet demand), but provisionally consider that on balance quantity regulation is not justified. Transport for London does not have the power to limit the number of taxi licences, so our provisional proposal makes no change for the capital.

**Private hire and national standards**

1.26 Our provisional proposals are more far-reaching in respect of private hire licensing. We think that the Secretary of State and Welsh Ministers should set national standards for private hire vehicles, drivers and operators, and that licensing authorities should not have the power to impose higher standards. This reflects our view that the pre-booked market works reasonably well as a competitive market, and so there is no need for rules and regulations to guarantee quality or control fares. We ask if there should be an exception to allow local standard setting about signage. Local licensing authorities would continue to issue licences and to be responsible for enforcement. We also look at whether
operator licensing should be extended to cover, for example, taxi radio circuits.

1.27 We propose that the national standards for private hire vehicles should be set at the same level as the minimum standards for taxis. Both in respect of taxis and in respect of private hire vehicles, the power to set standards would allow for different standards to be set for different descriptions of vehicles.

**Cross-border**

1.28 Our provisional proposals aim to clarify the ability of private hire operators to work cross-border. We suggest that operators should no longer have to use drivers and vehicles all licensed with the same authority, enhancing the ability of business to work more efficiently, as well as permitting sub-contracting (adopting the current position in London). The location where a booking is accepted would no longer be critical, which would fit better with technological developments in mobile technology and the internet.

1.29 Our provisional proposals in respect of more effective enforcement and common bottom-line safety standards could help reduce incentives for drivers to seek taxi licences in locations far away from where they actually intend to work on a purely pre-booked basis (akin to a private hire vehicle). We do not propose to introduce a return-to-area requirement for vehicles dropping off customers outside their licensing area.

**Increased enforcement powers**

1.30 We make provisional proposals to improve enforcement of conditions. We suggest improving licensing officers’ powers; and ask about the effectiveness of tougher sanctions such as impounding vehicles.

1.31 The existence of national standards for private hire and minimum standards for taxis should itself make enforcement easier, particularly cross-border enforcement (that is, enforcement by an officer of a licensing authority other than that which licenses the taxi or private hire vehicle).

1.32 We also make proposals designed to improve cross-border enforcement, and look at the extent to which enforcement officers’ powers could be strengthened.

**Equality and accessibility**

1.33 Taxis and private hire vehicles provide vital transport links for many older or disabled persons as well as people with reduced mobility. Providers of transport services have a legal obligation not to discriminate against disabled people, and local authorities are subject to a duty to promote equality in the exercise of their functions.

1.34 We consider how to promote safety for disabled passengers through, perhaps, introducing a separate licence category for wheelchair accessible vehicles and vehicles adapted for other disabilities. We considered the merits of introducing national quotas of accessible taxis but suggest that such a system does not appear workable. Our provisional proposals include compulsory disability discrimination training for taxi and private hire drivers.

1.35 This is only an extremely short account of our provisional proposals, which cover a number of other detailed areas, including hearings and appeals.

**IMPACT ASSESSMENT**

1.36 This consultation also includes an impact assessment and we ask consultees for information about the costs and financial benefits likely to arise from different aspects of the review.

1.37 Our expectation is that the review as a whole will be deregulatory, and it will be important to understand the extent of likely savings. Where some new regulatory pressures arise (for example in respect of accessibility or licensing of limousines) it will be equally important to understand how large those new burdens are likely
to be. The impact assessment is available at http://www.lawcom.gov.uk (see A-Z of projects > Taxi and Private Hire Services).

LIST OF PROVISIONAL PROPOSALS AND QUESTIONS
1.38 The list below sets out our provisional views for consultation. They are divided between provisional proposals, where the Law Commission has a preliminary stance and is seeking views on it, and open questions where we are seeking more evidence and have not reached a preliminary position.
1.39 It would be helpful if you could give us your views on the provisional proposals and questions we ask, as well as on any other areas you feel are important. The page numbers refer to the full consultation paper which has more detail.

LIST OF PROVISIONAL PROPOSALS AND QUESTIONS
OVERVIEW OF PROVISIONAL REFORM PROPOSALS

Provisional proposal 1
Regulation should continue to distinguish between taxis, which can accept prebooked fares, be hailed on the street and wait at ranks, and private hire vehicles, which can only accept pre-booked fares. (Page 160)

ComCab Liverpool agrees with this proposal and is of the view that retaining the distinction between taxis and private hire vehicles is essential to avoid confusion among the travelling public and to protect the business both sectors have worked hard to develop over many years. The ability to street hail taxis and the use of taxi ranks is understood and utilised by the public in an informed manner and altering this is likely to harm the quality and consistency of the service the public receive.

REFORM OF DEFINITIONS AND SCOPE
Provisional proposal 2
London should be included, with appropriate modifications, within the scope of reform. (Page 162)

ComCab believes that special consideration be given to London and that it should remain outside the scope of reform. At the very least, if it is included in scope, considerable modifications need to be catered for.

London has the best licensed taxi industry in the world. The quality of the driver knowledge and the quality of the fully accessible, purpose built vehicles is unrivalled and the service is admired the world over. This has taken not decades, but hundreds of years to develop and the prestigious history of the trade and the high standard of regulation is clear for all to see. The level of complaints and regulatory issues around the London taxi industry are so low one must take the view that ‘if it isn’t broken don’t fix it’.

Transport for London is a competent and unique regulator, which faces challenges not seen anywhere else in the UK. Integrating licensed taxis into the London transport infrastructure is no mean feat and TfL has succeeded in modernising the industry without harming the exceptionally high standard for which it is renowned.

The challenges and scale of the ground transport requirements in London cannot be compared to any other UK City or region and attempt to regulate the unique supply chain as per every other region in the UKL can only serve to
dilute the quality of driver and vehicle available to the public. London's standard in both respect is set far higher than any other region, so rather than the other territories raising their standard to meet London, London would have to lower its standard to the rest of the UK. ComCab believes this would irreparably damage the quality of service enjoyed by Londoners and visitors to the Capital alike.

There is already no upper limit or regulated cap on the number of taxis in London and the regime for managing compliance and overseeing regulation is exceptionally strong. De-regulation of the London taxi market would see the undoing of years of work to leverage on the benefits of highly qualified and knowledgeable drivers and purpose built vehicles.

Provisional proposal 3
The regulation of taxi and private hire vehicles should not be restricted to any particular type of vehicle but should rather focus on road transport services provided for hire with the services of a driver. (Page 164)

ComCab Liverpool firmly believes that purpose built taxis in Liverpool are essential in order to provide a consistent and accessible service to the public. The ability to street hail a purpose built taxi is paramount to the needs of the disabled traveller as in our experience very few private hire vehicles offer this facility.

Removing the requirement for fully accessible taxis with an adequate turning circle will remove the ability to provide such an assured service and drivers of non-accessible vehicles will have to stop, ascertain the nature of the disability and potentially be forced to discriminate against, and refuse to carry, certain passengers.

This would be a discriminatory and backward step.

The Disability Discrimination Act (1995) and Equality Act (2010) have been embraced by the Liverpool taxi trade and by many other taxi trades across the UK to create an accessible and assured service. Taxis in Liverpool can stop on the street to pick up anybody who hails them, irrespective of their disability or needs.

In addition, the highly distinctive design and appearance of London style taxis make hailing a legal, insured and legitimate taxi very easy in Liverpool and many other cities. Having a national, blanket standard that allows any vehicle types in any city will only serve to dilute the quality of those vehicles and confuse the public. The service provided and reputation gained by the black cab trade as been built up over decades and should not be allowed to disappear from our streets.

Question 4
Would there be (and if so what) advantages to restricting licensing to motor vehicles that require a driving licence? (Page 164)

Comcab Liverpool believes that licensing should be restricted to motor vehicles that require a driving licence. Making provision to license ‘vehicles’ such as pedicabs, that do not require a driving licence is inherently dangerous as it sends a message out to the public that a vehicle operated on the roads by
someone who has had no training or licensing requirement to be on those roads, is safe and assured, when there is ample evidence to suggest it is neither.

Affording the credibility of a ‘license’ to a vehicle that has undergone no testing, is structurally dangerous and operated by someone with no licence to use road vehicles will not only send out a misleading message of assurance to the public but will also undermine the entire value of the licensing regime.

It is universally accepted that a driver and vehicle must be licensed and assured in order to operate on a ‘hire and reward’ basis, and non-motor vehicles driven by unlicensed individuals has no business sitting alongside taxi and private hire services in Liverpool or any other city in the UK.

Provisional proposal 5
Public service vehicles should be expressly excluded from the definition of taxi and private hire vehicles; and taxi and private hire vehicles should only cover vehicles adapted to seat eight or fewer passengers. (Page 165)

ComCab Liverpool supports this proposal and agrees Public service vehicles should be expressly excluded from the definition of taxi and private hire vehicles; and taxi and private hire vehicles should only cover vehicles adapted to seat eight or fewer passengers

Provisional proposal 6
References to stage coaches charging separate fares should no-longer feature as an exclusion from the definition of taxis. (Page 166)

ComCab Liverpool supports this proposal.

Provisional proposal 7
The Secretary of State should consider issuing statutory guidance to the Senior Traffic Commissioner about the licensing of limousines and other novelty vehicles to assist consistency. (Page 167)

ComCab Liverpool supports this proposal as the current situation lends itself to limousines and other novelty vehicles being inconsistently licensed either as private hire vehicles or public service vehicles.

Provisional proposal 8
The concept of “in the course of a business of carrying passengers” should be used to limit the scope of taxi and private hire licensing so as to exclude genuine volunteers as well as activities where transport is ancillary to the overall service. (Page 168)

ComCab Liverpool agrees with this proposal as it does not think it’s necessary to have volunteers and such like, where providing transport is not the most substantial part of the service, covered by private hire licensing. However, there needs to be a clear definition to the exclusion of volunteers to prevent a loophole forming whereby operators and drivers can escape licensing requirements by masquerading as volunteers.
Question 9
How, if at all, should the regulation of taxis and private hire deal with:
(a) carpooling; and
(b) members clubs? (Page 170)

ComCab Liverpool supports the principles and objectives of carpooling schemes and they are to be encouraged as they reduce road traffic and emissions from vehicles. However it is vital to ensure that regulation looks for evidence of genuine carpooling with reciprocal arrangements, genuine commuter activity (home to work, work to home) rather than an ongoing provision of service etc.

Members clubs are less easily defined and so even more care should be taken not to present a loophole by which car and taxi operators/drivers can avoid regulation. ComCab Liverpool understands such clubs to always be non-commercial and restricted to members only, and so regulation should support such restrictions.

In principle, provided legislation is well defined, ComCab Liverpool supports the exclusion of members clubs and car pooling from regulation.

Provisional proposal 10
The power of the Secretary of State and Welsh Ministers to set national standards should be flexible enough to allow them to make exclusions from the taxi and private hire licensing regimes. (Page 171)

ComCab Liverpool supports this proposal and believes flexibility at local level is essential.

Provisional proposal 11
Weddings and funerals should no-longer be expressly excluded from private hire licensing through primary legislation. (Page 172)

ComCab Liverpool believes that wedding car services should no longer be expressly excluded from private hire licensing as they are essentially commercial hire and reward services. The fact they may only service one kind of journey requirement seems irrelevant, as any other taxi or car could also do nothing but wedding work but still remain liable for licensing.

ComCab Liverpool believes there is however justification for continuing to exclude funeral services from private hire licensing as (a) the provision of transport is not the primary service and is a necessary requirement to fulfil the rest of the service and (b) in most case the vehicles cannot be utilised in other types of hire and reward work.

Question 12
Would there be merits in reintroducing the contract exemption, by means of the Secretary of State and Welsh Ministers’ exercise of the power to set national standards? If so, what modifications could be made to help avoid abuse? (Page 174)

ComCab Liverpool supports making provision for public services to be able to operate long term and scheduled services without the need for licensing, but
does not think a simple exemption (based on the ‘7 days’ rule) will be sufficient, which seems to be supported by the original repeal. Re-introducing it would simply open up the same risks of abuse. Scheduled public services will need careful definition to avoid abuse.

Provisional proposal 13
Regulation of the ways taxis and private hire vehicles can engage with the public should not be limited to “streets”. (Page 175)

ComCab Liverpool agrees with the proposal to remove the limitation of regulation to just public ‘streets’. It agrees with the principle the public should be equally protected at stations, airports and other privately owned areas, the same as on public highways.

ComCab Liverpool points to the London example of Canary Wharf, a major commercial centre in the Capital where tens of thousands of car and taxi trips take place every week, but is also a region that is privately owned, and in theory could offer less regulatory protection if the owner chose to act outside of current regulation.

Question 14
Is there a case for making special provision in respect of taxi and private hire regulation at airports? In particular, where concessionary agreements are in place should airports be obliged to allow a shuttle service for passengers who have pre-booked with other providers, or to the closest taxi rank? (Page 177)

ComCab Liverpool supports proposals to make special provision at airports to ensure competition can thrive and the travelling public are not compelled to use prescribed concessionary services that limit choice and increase potential for abuse of pricing and service provision. Given a monopoly position some airport operators and their selected concessionary contractor make be tempted to operate at non-competitive pricing whilst not being compelled to provide a good quality of service.

ComCab Liverpool agrees with the assertion that as major transport hubs the onward travel arrangements at airports is potentially of greater concern than at rail stations.

ComCab Liverpool believes that people using the airport should still be able to retain their right to book onward transport from a provider of their choice and for that provider to have access to the airport to collect that passenger. To restrict such access would be to dangerously limit transport options to and away from airports. Likewise support for taxi ranks should remain a major consideration of any new regulation surrounding airports.

Provisional proposal 15
The defining feature of taxis, the concept of “plying for hire”, should be placed on a statutory footing and include:
(a) references to ranking and hailing;
(b) a non-exhaustive list of factors indicating plying for hire; and
ComCab Liverpool supports the clarification and improved definition of plying for hire, ranking, hailing and the activities of private hire.

ComCab Liverpool recognises the current lack of definition allows for large scale ‘plying for hire’ and ‘touting’ by private hire vehicles, an issue that places the public at risk and adds to a lack of clear understanding as to the key differences between taxis and private hire vehicles.

Provisional proposal 16
The concepts of hailing and ranking should not cover technological means of engaging taxi services. (Page 181)

ComCab Liverpool agrees that use of the technological means of engaging taxi services should not be included in the hailing and ranking definitions. ComCab Liverpool recognises that new and innovative ways of engaging and procuring transport will continue to evolve and improve the public experience and this should not be hindered by regulation governing hailing and ranking.

10 Question 17
Would there be advantages to adopting the Scottish approach to defining taxis in respect of “arrangements made in a public place” instead of “plying for hire”? (Page 182)

ComCab Liverpool does not see any benefit from adopting the Scottish approach. ComCab Liverpool has considered the alternative of instead focussing on the privilege of taxis to take ‘on the spot’ hirings, which seems more relevant and appropriate. Whilst this may enable private hire vehicles to benefit from on the spot hirings via smart phone apps etc, provided these mechanisms capture the relevant information to satisfy legislation to qualify as a pre-booked journey, this does not appear to be too problematic.

Provisional proposal 18
The concept of compellability, which applies exclusively to taxis, should be retained. (Page 182)

ComCab Liverpool supports the retention of compellability as it provides the public with a certain level of assurance and seems to balance the benefit taxi drivers have of being able to accept on the spot hails.

Provisional proposal 19
Pre-booking would continue to be the only way of engaging a private hire vehicle and cover all technological modes of engaging cars. This is without prejudice to the continued ability of taxis to be pre-booked. (Page 183)
ComCab Liverpool supports the proposal to retain the current approach to ensure private hire vehicles can only be engaged via pre-booking through a licensed operator.

Provisional proposal 20
Leisure and non-professional use of taxis and private hire vehicles should be permitted. There would however be a presumption that the vehicle is being used for professional purposes at any time unless the contrary can be proved. (Page 184)

ComCab Liverpool supports the proposal to allow leisure and non-professional use of taxis and private hire vehicles, as it believes a restriction on such use would significantly disadvantage all taxi and private hire drivers and increase their operating costs.

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. (Page 185)

ComCab Liverpool supports the proposal to allow the Secretary of State and Welsh Ministers the power to issue statutory guidance in respect of taxi and private hire licensing requirements.

Provisional proposal 22
Reformed legislation should refer to “taxis” and “private hire vehicles” respectively. References to “hackney carriages” should be abandoned. (Page 185)

ComCab Liverpool does not support the proposal to abandon references to hackney carriages, as we feel the term “hackney carriage” helps the public, particularly tourists identify the difference between a private hire vehicle and a taxi. Currently the word “taxi” is used too freely to describe all private hire and taxi travel, leading to misrepresentations from private hire operators and drivers and confusion among the public.

One of the main reasons ‘hackney carriage’ is still used is to clearly describe “taxis” as the word is often misused and misappropriated by the private hire sector.

Question 23
Should private hire vehicles be able to use terms such as “taxi” or “cab” in advertising provided they are only used in combination with terms like “prebooked” and did not otherwise lead to customer confusion? (Page 186)

ComCab Liverpool strongly opposes any opportunity for private hire vehicles to be described as ‘taxis’ under any circumstances. This will be especially important if the phrase ‘hackney carriage’ is to be abandoned, as it will become crucial to public understanding the very clear definition of taxis and private hire.
A REFORMED REGULATORY FRAMEWORK
Provisional proposal 24
Taxi and private hire services should each be subject to national safety requirements. (Page 188)

ComCab Liverpool broadly supports the principle of basic national safety standards for taxis and private hire vehicles but does not wish to see these basic safety standards undermine the important need for taxis to be distinctively recognisable from private hire vehicles. It could be argued that the MOT regime is, in effect, a national minimum safety standard for all vehicles. In the case of taxis any standard should be a minimum standard.

Provisional proposal 25
National safety standards, as applied to taxi services, should only be minimum standards. (Page 189)

ComCab Liverpool supports the proposal that any taxi safety standards be only minimum standards.

Provisional proposal 26
National safety standards, as applied to private hire services, should be mandatory standards. (Page 189)

ComCab Liverpool supports the national safety standard for private hire vehicles being mandatory.

Provisional proposal 27
Private hire services would not be subject to standards except those related to safety. Requirements such as topographical knowledge would no-longer apply to private hire drivers. (Page 190)

ComCab Liverpool does not support the proposal to make private hire services subject solely to safety standards. In Liverpool specifically this would be a backward step and would result in a two tier private hire industry- one with the current topographical training and new entrants without it. The combination of de-regulated numbers and zero driver standards could only serve to flood the industry with low skilled, poor quality drivers.

Question 28
Should local standard-setting for private hire services be specifically retained in respect of vehicle signage? Are there other areas where local standards for private hire vehicles are valuable? (Page 190)

ComCab Liverpool supports retaining the ability for local standard setting in relation to signage and other areas that local authorities may feel are necessary to retain local standards. For instance a local region may dictate colour of vehicle in order to support the distinction between taxis and cars.

There are other areas, such as civic pride regional identity that a local authority may wish to support through local standards.
Question 29
What practical obstacles might there be to setting common national safety standards for both taxis and private hire vehicles? (Page 191)

The testing and compliance regime for two differing tiers of service seem to be among the most obvious obstacles.

Also, applying a standard that has to accommodate such a wide range of differing standards seem bound to result in more areas seeing the standard lowered, rather than raised, thus disadvantaging the travelling public and delivering a poorer quality service than before.

Question 30
Should national conditions in respect of driver safety be different for taxi services compared with private hire services? (Page 192)

ComCab Liverpool believes that the ‘on the spot’ hailing nature of taxis makes them intrinsically at greater risk that a private hire hiring whereby the hirers information is captured as part of the pre-booking process.

The fact no other party need be aware of a street hiring from a taxi places the driver at additional risk and ComCab supports conditions recognising this fact and allowing for greater driver safety in taxis.

Provisional proposal 31
The powers of the Secretary of State and Welsh Ministers to set standards for taxis and private hire vehicles should only cover conditions relating to safety. (Page 192)

ComCab Liverpool supports the proposal that the powers of the Secretary of State and Welsh Ministers to set standards for taxis and private hire vehicles should only cover conditions relating to safety.

Provisional proposal 32
The powers of the Secretary of State and Welsh Ministers to set national safety standards should be subject to a statutory consultation requirement. (Page 193)

ComCab Liverpool agrees with the proposal that the powers of the Secretary of State and Welsh Ministers to set national safety standards should be subject to a statutory consultation requirement.

Question 33
What would be the best approach for determining the content of national safety standards? In particular should the statutory requirement to consult refer to a technical advisory panel? (Page 193)

ComCab Liverpool believes consulting a technical advisory panel, as well as looking at existing standards is a good approach. The standards applied in London are high and have served the industry well, so looking at the aspects of the London standard seems a good benchmark.

Provisional proposal 34
Licensing authorities should retain the power to set standards locally for taxis provided above the minimum national standards. (Page 193)
ComCab Liverpool agrees with this proposal.

**Question 35**
Should there be statutory limits to licensing authorities’ ability to set local taxi standards? (Page 194)

ComCab Liverpool does not believe a statutory limit is necessary and cannot see any tangible benefit in having such limits. This may restrict a local authority’s ability to react to changes in marketplace, population or other requirements in future.

**Question 36**
Should licensing authorities retain the power to impose individual conditions on taxi and private hire drivers or operators? (Page 194)

ComCab Liverpool supports the concept of allowing licensing authorities the power to impose individual conditions on taxi and private hire drivers or operators. ComCab Liverpool believes that the differing marketplaces across the UK are too diverse to allow for a ‘one size fits all’ approach and that local requirements change over time and licensing authorities need to be able to impose conditions as they see fit.

**Question 37**
Should the powers and duties of licensing authorities to cooperate be on a statutory footing or is it best left to local arrangements? (Page 195)

ComCab Liverpool believes the current position does allow local authorities to work together wherever desirable and cannot see evidence that formalising such scenarios on a statutory basis would make such efficiencies more common. That said if there is a belief from the licensing authorities that a statutory footing would increase the opportunities for co-operation and efficiencies then the proposal probably has some merit.

**Provisional proposal 38**
Neighbouring licensing authorities should have the option of combining areas for the purposes of taxi standard setting. (Page 196)

ComCab Liverpool supports this proposal and allowing such combined efforts seems sensible.

**Provisional proposal 39**
Licensing authorities should have the option to create, or remove, taxi zones within their area. (Page 196)

ComCab Liverpool supports the proposal to allow licensing authorities to amend zones in their region.

**Question 40**
Would it be useful for licensing authorities to have the power to issue peak time licences which may only be used at certain times of day as prescribed by the
licensing authority? (Page 197)

ComCab Liverpool would not support the proposal to introduce peak time licences as we feel this would place an unnecessary burden on the already over stretched local authority who would have to police this new form of licence.

Provisional proposal 41
Private hire operators should no longer be restricted to accepting or inviting bookings only within a particular locality; nor to only using drivers or vehicles licensed by a particular licensing authority. (Page 198)

ComCab Liverpool does not support this proposal as it will allow cross border hiring issues. We believe that both private hire and taxis should return to their area of licence once a booking has been completed. This is already a problem in Liverpool with at least one major private hire operator being allowed to rank up in the city. The local authority do not have the resources to combat this.

Provisional proposal 42
We do not propose to introduce a “return to area” requirement in respect of out of area drop offs. (Page 199)

ComCab Liverpool do not agree with this proposal and believe that there are tangible benefits to a ‘return to area’ requirement.

Provisional proposal 43
Licensing authorities should retain the ability to regulate maximum taxi fares. Licensing authorities should not have the power to regulate private hire fares. (Page 200)

ComCab Liverpool supports the proposal to allow retention of the ability by local authorities to regulate taxi fares but not private hire fares. This makes it all the more important to protect the use of the word ‘taxi’ to ensure the public understand the proposition.

Question 44
Should taxis be allowed to charge a fare that is higher than the metered fare for pre-booked journeys? (Page 200)

ComCab Liverpool believes that all taxi fares should be controlled by the local licensing authority for the benefit of the public. To allow taxis to charge a fare higher than the metered rate could lead to confusion for the consumer and possible overcharging by unscrupulous drivers.

REFORM OF DRIVER, VEHICLE AND OPERATOR LICENSING
Question 45
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? (Page 203)

ComCab Liverpool believes that driver safety standards could benefit from greater consistency and clearer definition, the ‘fit and proper person’ requirement being a good case in point, as licensing authorities could attach different meanings and weight to the requirement currently.

ComCab Liverpool believes primary legislation may be too restrictive long term and therefore power should lie with Secretary of State and Welsh Ministers.

Provisional proposal 46
Vehicle owners should not be subject to “fit and proper” tests and the criteria applied would relate solely to the vehicle itself. (Page 204)

ComCab Liverpool supports this proposal as there is no benefit in having the vehicle owner subject to such test provided the vehicle and driver meet the standards.

Question 47
Should national vehicle safety standards 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? (Page 205)

ComCab Liverpool believes national vehicle safety standards, if introduced, be included within the Secretary of State and Welsh Ministers’ general powers to set national safety conditions

Provisional proposal 48
Operator licensing should be retained as mandatory in respect of private hire vehicles. (Page 206)

ComCab Liverpool supports this proposal as it can see no benefit to the public if operator licensing is withdrawn.

Question 49
Should operator licensing be extended to cover taxi radio circuits and if so on what basis? (Page 208)

ComCab Liverpool does not see any benefits to be gained from requiring taxi radio circuits to be licensed operators as per private hire operators.

Most taxi radio circuits across the UK are providing only a minimum quantity of taxi driver’s workloads (usually less than 30% of a drivers work) whereas private hire drivers are 100% reliant on licensed operators for all of their work. With all private hire work having to pass via an operator it is vital that the
operator serves as a crucial link in the regulation of private hire, where vehicle standards, driver standard and fares are all subject to either low level regulation or no regulation at all.

Taxi circuits are acting solely as agencies in passing working taxi drivers selected trips which they can choose to cover, or not. As the regulation surrounding taxis, especially in London, is robust and covers not only the drivers, vehicles but also the fares, and the drivers are receiving comparatively little of their work from the circuits, there appears to be no great need nor benefit of requiring those circuits to meet the same requirements as private hire operators.

In any case most taxi circuits, ComCab Liverpool included, maintain strong and auditable systems to manage the drivers and vehicles that subscribe to their circuit. Job details are equally well maintained, so it is difficult to see what benefits would be gained from additional bureaucracy. Circuits have existed for 50 years with compliance, management and service to the public perfectly well served by the current structure of the circuits.

As taxi drivers are not solely reliant on radio circuits for their workloads, the relationship between driver and the circuit is very different from the relationship between private hire operator and driver, which is closer to that of employer and employee than the agency approach from taxi circuits. To some large extent taxi circuits are only providing ‘clearance services’ to taxi drivers who are accepting street hailed trips from customers who are paying by credit/debit card.

Provisional proposal 50
The definition of operators should not be extended in order to include intermediaries. (Page 209)

ComCab Liverpool supports this proposal and sees no benefit to be gained by having such intermediaries defined as operators and having to meet the licensing requirements.

Question 51
Should “fit and proper” criteria in respect of operators be retained? (Page 209)

ComCab Liverpool believes the criteria requiring operators to be fit and proper should be retained, but, as with drivers, this should be better defined and more formally laid out.

Provisional proposal 52
Operators should be expressly permitted to sub-contract services. (Page 210)

ComCab Liverpool supports the proposal to allow operators to sub contract services.

Question 53
Where a taxi driver takes a pre-booking directly, should record-keeping requirements apply? (Page 210)
ComCab Liverpool does not object to the requirement of a taxi driver keeping limited records of a private pre-booking, although this only really seems justifiable if it at a pre-arranged fare, there does not seem to be a good case if the journey is charged at the metered rate.

**REFORMING QUANTITY CONTROLS**

Provisional proposal 54
Licensing authorities should no longer have the power to restrict taxi numbers. *(Page 213)*

ComCab Liverpool does not support this proposal as it could clearly lead to a widespread degradation of service that may be nigh on impossible to remedy years later.

It could be argued that businesses such as ComCab Liverpool would benefit from de-restriction as in some regions the likely increase in driver number and effect on driver earnings may push more drivers to join radio circuits, however ComCab operates on the basis of providing high quality services and the likely outcome of this proposal would be to drive down quality by allowing unlimited numbers of drivers into the market place.

**Question 55**
What problems (temporary or permanent) might arise if licensing authorities lost the ability to restrict numbers? *(Page 213)*

ComCab Liverpool believes de-restriction is almost certainly likely to destabilise many regions' taxi industries, and for a sustained period of time, leading to widespread lowering of standards and near uncontrollable expansion. It is hard to envisage an orderly transition due to the very stark differences from one region to another and the sheer number of different regions.

We also envisage that some areas would suffer worse supply, where drivers all flock to neighbouring regions which are deemed to be a 'pot of gold' and de-restriction opens the floodgates to those from neighbouring regions. This is a problem not illustrated by other case studies abroad, as they did not feature so many different licensing regions so close to each other.

The value of existing licences varies wildly, so it's hard to imagine a satisfactory compensation package to those drivers reliant on the revenue from the sale of their licence satisfying all areas. In itself this consideration may not be a good enough reason no to de-restrict numbers, but taken alongside the fact there is no evidence to suggest supply would be immediately resolved in all areas, at all times, this is a high price to pay, especially for those who stand to lose tens of thousands of pounds in addition to seeing their workloads massively diluted.

**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?
Were de-restriction to take place (which ComCab Liverpool does not agree it should) then a staggered approach would seem to be essential to avoid widespread and nationwide chaos across hundreds of different regions with very unique issues.

TAXI AND PRIVATE HIRE REFORM AND EQUALITY

Question 57
Should there be a separate licence category for wheelchair accessible vehicles? This could involve:
1) a duty on the licensee to give priority to disabled passengers; and
2) a duty on the licensing authority to make adequate provision at ranks for wheelchair accessible vehicles. (Page 217)

ComCab Liverpool does not support the proposal for separate licenses for wheelchair accessible vehicles as this appears to directly contradict the Disability and Equality Act whereby the objective must be to have consistently accessible vehicles across the supply chain.

Many licensing areas require taxis to be wheelchair accessible and this seems by far the most sensible and equal policy to adopt as it provides the travelling public with the certainty when they hail a taxi in the street that it is most likely to meet their needs.

In practice it’s hard to see how specially licensed vehicles could ‘give priority’ to disabled passengers and how that could be measured or enforced. It also gives rise to the scenario whereby more than one disabled person requires a vehicle and the operator must then prioritise one type of disability over another.

Question 58
Should licensing authorities offer lower licence fees for vehicles which meet certain accessibility standards? (Page 217)

Comcab Liverpool agrees that in order to drive up the number of available accessible vehicles this proposal is a good idea.

Question 59
Do you have any other suggestions for increasing the availability of accessible vehicles, and catering for the different needs of disabled passengers? (Page 217)

ComCab Liverpool believes that all taxis should be accessible, so as to provide a consistently accessible service nationwide.

Wheelchair accessible vehicles, as with low emissions vehicles, should also attract lower rates of road fund duty. Local authorities should also make more provision for wheelchair accessible taxis and private hire vehicles in public places to aid pick up and set down.

Provisional proposal 60
We do not propose to introduce national quotas of wheelchair accessible vehicles. (Page 218)
Comcab Liverpool does not believe a quote will have the desired effect and so supports this proposal.

**Provisional proposal 61**
National standards for drivers of both taxis and private hire vehicles should include recognised disability awareness training. *(Page 219)*

ComCab Liverpool supports this proposal and in conjunction with unite union have offered NVQ courses in passenger transport which included disability awareness training. If made a standard part of the licensing requirement there is no reason it will not work.

**Provisional proposal 62**
In order to better address concerns about discrimination, taxis and private hire vehicles should be required to display information about how to complain to the licensing authority. *(Page 219)*

Comcab Liverpool supports this proposal.

**Question 63**
What would be the best way of addressing the problem of taxis ignoring disabled passengers seeking to hail them? Could an obligation to stop, if reasonable and safe to do so, in specified circumstances, help? *(Page 220)*

ComCab Liverpool’s experience is that there’s no evidence to suggest taxi drivers deliberately ignore disabled passengers. Additional and statutory training will help, as will robust enforcement where it can be proved a driver has deliberately discriminated against a person because of their disability.

ComCab Liverpool cannot envisage how compelling drivers to stop for disabled passengers could work in practice (not all disabilities are visibly apparent) nor how it could be measured or enforced.

Better training and stricter penalties for discrimination should suffice.

**REFORMING ENFORCEMENT**

**Question 64**
Should authorised licensing officers have the power to stop licensed vehicles? *(Page 222)*

ComCab Liverpool believes effective enforcement is essential if standards and the public trust in those standards are going to be sustained at highly valued levels.

Therefore ComCab Liverpool supports the proposal to allow authorised licensing officers to have the power to stop licensed vehicles.

**Question 65**
What more could be done to address touting? Touting refers to the offence “in a public place, to solicit persons to hire vehicles to carry them as passengers”. *(Page 223)*
ComCab Liverpool believes that touting undermines the licensing regime and is a considerable nuisance on the streets of many cities in the UK.

ComCab Liverpool believes that licensing authorities should be given increased powers to immediately close down operators found to be touting, and to seize vehicles and revoke licenses more easily. The main reason illegal touts operate with perceived impunity and repeatedly offend is because the commercial benefits of touting often outweigh the likely punishment if caught.

Question 66
Would it be desirable and practicable to introduce powers to impound vehicles acting in breach of taxi and private hire licensing rules? (Page 223)

ComCab Liverpool believes it would be desirable and practical to impound vehicles breaching licensing rules. There is no reason that impounding vehicles in this way would not be as proven a measure as impounding other unsound or illegal vehicles already works in practise.

Taking non-compliant vehicle off the road immediately solves the problem and sends a strong message to those seeking to circumvent licensing rules.

Question 67
Should licensing authorities make greater use of fixed penalty schemes and if so how? (Page 225)

Comcab Liverpool believes fixed penalty schemes have their place but should not be used as an alternative for robust licensing rules and proper, robust compliance.

Because of the commercial lure to drivers and operators to breach the rules, penalties all too often prove to be a ‘price worth paying’ and shift the emphasis away from resolving issues long term, to becoming a revenue stream for the local authority. Indeed the licensing authority may find it preferable to proliferate on penalty charges rather than fix the root cause of the non-compliance or breach of licensing rules.

Therefore ComCab Liverpool would prefer to see proper compliance and enforcement rather than passive issuance of penalty charges.

Provisional proposal 68
Enforcement officers should have the powers to enforce against vehicles, drivers and operators licensed in other licensing areas. (Page 225)

ComCab Liverpool does not object to this proposal in principle but clearly to be effective this would require very clear guidelines across a diverse range of regions.

Question 69
Should cross-border enforcement powers extend to suspensions and revocation of licences? If so what would be the best way of achieving this? (Page 226)
ComCab Liverpool supports this proposal and feels some formal procedures for handling cross border non-compliance would be the best approach.

REFORM OF HEARINGS AND APPEALS
Provisional proposal 70
The right to appeal against decisions to refuse to grant or renew, suspend or revoke a taxi or private hire licence should be limited to the applicant or, as appropriate, holder of the relevant licence. (Page 230)

ComCab Liverpool supports this proposal.

Provisional proposal 71
The first stage in the appeal process throughout England and Wales, in respect of refusals, suspensions or revocations should be to require the local licensing authority to reconsider its decision. (Page 231)

ComCab Liverpool supports this proposal based on the appeal containing new reasons as to why the decision relating to the outcome should be reconsidered. An appeals process should not undermine the finding of the breach, only the severity of the punishment/outcome.

Provisional proposal 72
Appeals should continue to be heard in the magistrates’ court. (Page 232)

ComCab Liverpool feels an additional layer of a special tribunal would only serve to increase costs and is largely unnecessary and so supports the proposal that appeals should continue to be heard in the magistrates’ court.

Question 73
Should there be an onward right of appeal to the Crown Court? (Page 233)

ComCab Liverpool does not feel an onward right of appeal to the Crown court is appropriate nor necessary.

CONCLUSION
1.41 It is not possible in a summary of this length to introduce all of our provisional proposals. Consultees are therefore encouraged to refer to the full Consultation Paper available on our website. Please send responses by 10 August 2012.

How to respond
Send your responses either -
By email to: tph@lawcommission.gsi.gov.uk or
By post to: Public Law Team (Taxi and Private Hire), Law Commission, Steel House, 11 Tothill Street, London SW1H 9LJ
Tel: 020 3334 0266 / Fax: 020 3334 0201
If you send your comments by post, it would be helpful if, where possible, you also sent them to us electronically (in any commonly used format).
From: Now and Forever Wedding Cars
Sent: 10 September 2012 09:21
To: LAWCOM Taxi / PHV regulation
Subject: Taxi/Private hire regulation affecting wedding cars

To Whom it may concern

Following the announcement of the government proposals to regulate and licence wedding and funeral cars, as the proprietor of a wedding car business in Congleton, I write to you to impress the inappropriateness of the proposed regulations.

By their very nature wedding cars are either purpose built, vintage or classic cars which simply will not meet the proposed regulations by virtue of their age and construction.

My own fleet comprises of two Beauford Open Top Tourers (purpose built kit cars) two Daimler DS420 limousines aged 26 and 28 and a modern executive Mercedes and Jaguar.

All of my vehicles are maintained to the highest possible standard by fully qualified mechanics. Some of them pre-date the requirement for seat belts and in any event by the very nature of their construction the soft top Beaufords do not have rear pillars to which lap and diagonal seat belts could be anchored.

It would be totally wrong to align the wedding car industry with the private hire industry. Private hire cars will operate 24 hours a day seven days a week. Wedding cars are a speciality business; the vehicles do very little mileage and are used only on special occasions, predominantly during the hours of daylight and only for a few hours most weeks, mainly in the spring and summer period. Consequently the drivers (and I have 6 casual drivers) are self employed and work comparatively few hours each year.

Should the proposals go ahead the average wedding car will not:

1 - Meet the requirement for seat belts regarding anchorage points including occasional seats.

2 - Pass modern emission tests.

3 - Satisfy standards of modern engineering with regard to steering mechanism, play in wheel bearings, design of door handles etc.

4 - Be free of oil leaks. Many of these vehicles leaked some oil virtually from the day they were new - those were the acceptable standards at the time of their manufacture.

Proprietors such as I are, almost without exception, small businessmen able to provide limited amounts of work for drivers. The cost of running the business is already almost prohibitive given the cost of maintaining these specialty vehicles, specialised wedding car insurance, employer’s liability insurance, public liability insurance and the cost of fuel. If we are now to take on board new regulations for the vehicles, medical examinations, CRB checks and private hire exams for the drivers and operators licenses for the owners then the cost will be totally disproportionate to the income and the wedding car industry will undoubtedly fold.

An age old tradition of the bride arriving at the church in a traditional wedding car will simply be lost. That will be a sad and in my view unnecessary erosion of a time honoured tradition. Proprietors of wedding car businesses are often first and foremost custodians of the larger vintage and classic cars offering a welcome service to the public.

The application of these regulations will destroy the industry, cost jobs and eliminate another part of our envied heritage.

I urge you on behalf of the industry as my local elected MP to bring to bear measures by whatever means you have...
available to ensure these regulations are sensibly and appropriately considered. Thereafter I am sure that the government will realise that the proposed regulations are unnecessary, misguided and ill advised so far as the wedding car industry is concerned. I urge you to raise the matter at Prime Ministers Question time at the earliest opportunity. There are very many wedding car business throughout the county who will be affected by this and many have already expressed great concern to me.

It is of grave concern to me to that the government is in a position to destroy in an instant a business that I have diligently built up over the last 7 years and to take away my livelihood and the jobs of my drivers. Also a glut of such cars for sale at one time will ensure the resale value of the classic car market will be at rock bottom.

If that should happen then the government will be adding to the unemployment list and benefit claimants when in these austere times it should be doing everything in its power to encourage and support the small business man and private enterprise.

Whilst it might at first appear to be a good idea to further legislate the industry, it is always best to consider the unintended consequencies - in this case, the destruction of the wedding car industry nationwide!

Please contact me at any point to discuss this and keep me advised of any further consultations and developments.

Yours sincerely

Ian Chesworth

Now and Forever Wedding Cars

Now and Forever Wedding Cars

Web: 
Email: 
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Limousines of Cheshire

Web: 
Email: 

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Dear Hannah,

Attached is the response from Pryors Cars of Didcot, Oxfordshire. We are a family owned taxi and Private Hire company that has operated for more than 55 years in the trade. We pride ourselves as innovators and a beacon for quality in the industry.

We have tried to answer your questions in a form that we feel is relevant to your process.

Pryors feel that your review of the trade is excellent, however, whilst we as a company strongly support a free market approach for the combined industry we feel local regulation of drivers/vehicles and operators is essential to protect the public. Certainly allow operators to transfer work to operators in other areas, to be undertaken by vehicles and drivers licensed in the relevant area, allowing drivers and vehicles to work for any operator from any area is a step too far.

It is our belief a free for all, open market in the hackney carriage industry will not be to the advantage of the public. An industry made up of uncontrolled independents will not allow and supply/demand management causing chronic over supply and under supply at varying times. We would like to discuss various options of using permits to control supply at varying times. These are not difficult to instigate but for some reason in the UK we believe they have never been trialled.

What must happen is the removal of ‘plate value’ when being transferred. The buying and selling of plates is a major handicap to moving the trade forward and the practice needs to be stopped.

Our company has always been of the clear opinion that what is really holding back the improvement in quality of service across the whole industry is the fact that the vast majority of the trade focuses on maximising their involvement in the ‘black’ economy. As long as this trade is dominated by people more concerned with avoiding taxation you will never elevate the quality of the service provision.

Taxation in this industry is minimal, inconsistent and extremely confusing. Pryors are very disappointed that no effort has been made in this document to ensure that it includes a simple process to clarify the legal status of self employed/employed driver and for operators and hackney carriage drivers to be required to keep clear precise records of all fares.

The law commission should engage with HMRC to bring clarity to the employed/self employed process by making the licensing process a clear indicator.

Are we the only people in the trade asking for this? We think we are and that indicates the degree of how this trade is dominated by the black economy. Whilst this remains service levels will not rise significantly, no matter what legislation you choose to introduce.

Pryors would like to repeat our offer to host a visit from the Law Commission, this would give you a completely different perspective of how the trade can be operated across Taxi and Private Hire sectors at a higher quality than is readily available in the UK.

Kind regards

David Pryor
Pryors Cars response to Law Commission

Reforming the law of Taxi and Private Hire Services

Introducing Pryors

Pryors is a family run taxi business that has been based in Didcot, Oxfordshire since 1955. We vary from the typical taxi/private hire business in that we employ (PAYE) our drivers and own all of fleet.

Our local authority is also different from the majority of authorities with its policy of a joint hackney/PH drivers badge, relatively low entry requirements and not setting a tariff for Taxis. Despite/because of these policies we find our semi rural area has a far higher level of service than heavily legislated metropolitan areas.

Pryors run a mix of hackneys and PH vehicles. We only have PH vehicles to allow our high quality executive services to avoid plating and signage requirements of Hackney policy.

In the vast majority of Authorities the amount of ‘hailed’ work is minimal and the need for hackney is limited to ranks at major stations and city town centre locations in late evenings. The actual number of pure ‘street hire’ hackneys outside the centre of London is a small fraction of our industry. Elsewhere nearly all hackneys obtain the baulk of their income via telephone (and other technologies) bookings.

We will go through your 73 questions and proposals but feel the option should be there for more ‘out of the box’ proposals.

Proposal 1

Yes

Proposal 2

Yes, London works well and shouldn't be undermined by new legislation.

Proposal 3

Yes, absolutely. And the link with Traffic commission for larger vehicles needs to be thought through so that we have no ‘gaps or overlaps’ which currently causes loopholes.

Question 4
No, in congested cities pedicabs etc will continue to grow and be seen as a viable alternative for more than just the tourism industry in the future. Legislation needs to be timeless and not blinkered to new innovations that we may currently not predict.

Proposal 5

Yes, in order to achieve this then a Public Service Vehicle should be required to have nine or more seats. The overlap comes from the PSV end not the taxi industry.

Proposal 6

Yes

Proposal 7

Yes

Proposal 8

No. The definition of volunteer needs to be clarified and enforced. In our town we have volunteers paid ‘expenses’ that are higher than some low cost taxi service providers charge. A limit on the income from ‘expenses’ could be set for a ‘volunteer’ because there are a core of ‘volunteers’ who more than cover expenses.

Question 9

We have no knowledge of such operations and any ‘crossover’ with Taxi licensing. Our view would be that anyone covering more than the expenses incurred in the actual provision would be a business and should fall under legislation.

Proposal 10

Agreed

Proposal 11

Agreed, linked with acceptance of proposal 10.

Question 12

No, definitely not. The exemption was a loop hole that undermined any legitimate taxi and PH operator from viably offering higher levels of service because the
‘chauffeur’ market was dominated by operators hiding behind the contract exemption clause. If contract exemption exists then enforcement becomes virtually impossible.

Please do not consider re-establishing a loophole that was a considering problem for operators trying to offer higher standards.

Proposal 13
Agreed

Question 14

No, The same systems that work so well at managing supply meeting demand at airports should be allowed at railway stations as well, where an operator can manage supply effectively to meet demand fluctuations at various time of day. This would solve the main problem with deregulation of the taxi trade, over crowding at station forecourts.

Proposal 15

Yes. But there should also be acceptance of Private Hire ranks on private land, where an operator booking system is in place. This would allow the system in place at Gatwick to be replicated at other work sources where the land owner wants to control quality and supply management by an operator.

Proposal 16
Agreed

Question 17
Yes

Proposal 18
Agreed

Proposal 19

Why pre-booking? Surely bookings made ‘through a licensed operator’ would suffice.

Proposal 20
Agreed. In France I believe a taxi has to cover his roof sign when being used privately. A similar ‘indication’ system could be developed here.

Proposal 21

Agreed

Proposal 22

In non-metropolitan Britain the word taxi is the generic term to cover both Hackney and Private Hire (which is a term/concept beyond the understand of the vast majority of the population). To use the word ‘taxi’ to legally define only part of what the public conceive to be the definition will make a complicated dilemma even more complicated.

Question 23

Yes because the public thinks they are ordering a ‘taxi’ when they order a pre-booked private hire vehicle.

Proposal 24

Yes, as long as the standards are related to safety and not service levels.

Proposal 25

Agreed

Proposal 26

Agreed, as long as the standards relate only to safety! Not becoming prohibitive banning excessive or minimal signage etc.

How would you propose to deal with scenarios where a council issues a joint Taxi/PH badge?

Proposal 27

Disagree. A test demonstrating understanding of the law relating to taxi driving and road usage has proved beneficial in our district. The need for a topographical test is less, however some ability to route plan is advantageous.

A test on ‘taxi law’ is important when enforcement is undertaken as a driver has demonstrated he knows right and wrong.

Proposal 28
The key to good operators being successful is good branding. Allowing operators the freedom to sign vehicles as they see fit is crucial in allowing good ‘brands’ to evolve in the industry.

Clearly a ‘minimum’ level of signage is essential for enforcement but that visibility shouldn’t any higher than the window stickers successfully used in London.

Question 29

Safety standards shouldn’t be a problem. It is when you then extend it to matters concerning size of vehicle, colour etc you will become prohibitive. PH Operators need the flexibility to offer what the market they are aiming requires. This may be a general market or a small niche market that has specific requirements.

Question 30

No

Proposal 31

Agreed

Proposal 32

Agreed

Question 33

Yes. And it should be a broad industry body, not organisations (Unions and Associations) who claim to represent the trade.

Proposal 34

Agreed

Question 35

Yes

Question 36

Yes

Question 37

A statutory footing.
Proposal 38

Yes, definitely.

Proposal 39

Yes.

Question 40

Yes.

Proposal 41

We feel that this proposal will go too far and make enforcement impossible. We accept that an operator should be allowed to pass a booking onto an operator into a different authority but believe that a vehicle/driver should only receive a booking from an operator licensed through the same authority.

We feel that there has to be more responsibility placed on the operator to ensure that a vehicle/driver go about their business properly.

As an operator we can accept bookings from anywhere to anywhere but we have connectivity with vehicle/driver because they are ‘declared’ as ccepting work from our office with our local authority.

Proposal 42

Agreed.

Proposal 43

A council setting a tariff for taxis in an open market is simply setting the service level that a service provider can offer.

Certainly on ranks and hails there needs to be some form of protection for the public and in large cities with predominantly solo independent drivers tariff setting is favourable.

However in more rural areas, where ranking and hail is a very insignificant part of a licensed vehicles work the benefit of tariff setting are outweighed by competition.

We strongly believe that a council should be encouraged to investigate the competitive advantages of systems where operators of taxis have to declare the tariff their meters are set to.
Please put more emphasis on the market setting fares in areas where public protection becomes less of an issue.

Question 44

Yes, this is absolutely essential for rural communities where many bookings require positioning mileage far greater than passenger mileage.

Question 45

B.

Proposal 46

No. Vehicle owners need to be subject fit and proper person tests. The cash based factor of the trade attracts unscrupulous elements to the edge of our trade and purchasing an array of licensed vehicles is one way of gaining benefit for illegitimate purposes.

Question 47

B.

Proposal 48

Yes.

Question 49

Definitely! They are doing exactly the same role as a PH operator so they should be required to follow the same process regarding record keeping etc.

Proposal 50

Agreed

Question 51

Yes.

Proposal 52

Yes.

Question 53
Definitely! A taxi should keep records of all transactions.

Proposal 54

This is a more difficult subject than a yes or no answer. Balance is what is needed and that is very difficult to achieve.

Excessive numbers of taxis means drivers working longer hours and increased safety concerns due to hours worked and car maintenance etc.

There is enough evidence that unlimited supply causes harm to the service and PH manages to absorb most of the excess demand in restricted markets. Making it easier for PH to do this (taxi bookers on street etc) would possibly be the best solution.

We see the main issue is how to develop supply management systems that ensure a suitable number of vehicles are available at any time to meet demand. As you say in the document, PH is far better at managing this both in busy and quiet periods.

Open markets of independent, self employed drivers will purely see flooded ranks during the day with little demand and empty ranks during late nights with high levels of demand.

There is certainly an argument to restrict the number of plates if an authority can demonstrate that drivers are having to work too many hours to make a reasonable living and justify investment in their vehicles.

It is always a surprise that council’s never seem to monitor the annual mileage of taxis to see how busy they actually are.

Question 55

The main matter that needs addressing is the ‘value’ attached to a plate in a restricted market. If plates were made non-transferable and only allowed to be held by a current licensed driver (or licensed operator if holding more than one plate) then the underlying clamour for the status quo would be countered!

Regular drivers seeing their incomes drastically reduced and being unable to afford investment in vehicles would be a huge problem.

Unmanaged supply will see long queues of waiting taxis in congested rank areas.
Some people who have ‘invested’ in plates will lose the money they have invested, but they shouldn't have been able to acquire them anyway. It is a matter that has to be addressed for the trade to move on.

Alternatively the council should ‘sell-off’ plates at public auction and place responsibility on the plate holder to ensure that vehicle is active at busy periods.

Question 56

Yes. Change needs to be gradual.

Question 57

Yes to both.

Question 58

WAVs are expensive to run and doing jobs involving wheelchair users are time consuming and unprofitable.

For example, if we take a booking for WAV on our fleet we have to monitor what work that vehicles does for an hour before to ensure that it is available to cover the WAV booking.

Question 59

We have to find some way of encouraging more WAVs onto the road.

The only proposal I could suggest is to give priority at ranks to WAVs. For example, if a rank had 8 spaces the local authority specifying that at least 4 spaces had to be available for WAVs at all times. This would mean non WAVs waiting longer for a place on the rank and WAV drivers getting an advantage from more rank work available to them to justify their investment in a WAV.

Question 60

National quotas won't work, finding ways of benefitting those that provide them is key.

Proposal 61

Yes, but not before they join the trade. There are too many barriers to entry already. The proposal should be that a driver has to do disability awareness with 12 months of being licensed.
From our own experience the training is far more beneficial if the driver has experienced the situations that he/she is being trained on.

Proposal 62

No. Many of us are trying to provide an executive style environment in our vehicles and don't want a vehicle full of signs.

Users of PH are far more likely to complain to the operator they booked with so it would be far more relevant to demand an operator has a proven complaints procedure as part of his licensing requirements.

Question 63

Yes it would, with a penalty points system that many Councils are introducing then this could be regarded as an offence and the driver penalized.

Question 64

Yes, without doubt. With good reason, if it is operating in that officers Authority.

Question 65

The only suggestion we can make is to make it legal for licensed PH operators to use ‘street agents’ to accept bookings for licensed vehicles/drivers.

Question 66

Yes.

Question 67

Yes. Legally not illegally.

Proposal 68

Enforcement officers should be able to act as an agent for another authority on a vehicle operating in his district. However, he should pass information back to licensing authority of vehicle/driver to action.

Thus if a Shropshire PH vehicle is working in Newcastle and is found to be causing an offence the vehicle/driver should have to report back to Shropshire to be dealt with.

Question 69
Short term suspensions of 48 hours, long term and revocations should be dealt with by the correct authority.

Proposal 70
Agreed

Proposal 71
Agreed

Proposal 72
Agreed

Question 73
Yes.
Email to tph@lawcommission.gsi.gov.uk

FAO: The TPH Team

Re: Law Commission Taxi Law Reform

Provisional proposal 11 in Consultation Paper No 203

Weddings and funerals should no-longer be expressly excluded from private hire licensing through primary legislation. (Page 172)

This is a grossly misguided proposal. Wedding and Funeral Car Hire is expressly excluded from private hire licensing for good reason. Wedding and funeral cars are not part of the national transport system. They are not taxis or mini cabs and to suggest that they should be regarded as such is without logic. Taxi and mini cab controls would be totally disproportionate for vehicles which cover so few miles per year and where the operators and premises are know to the client and where the client - proprietor relationship is paramount.

Wedding Car Hire: An Introduction

Wedding Car Hire is a first rate example of a deregulated business sector that provides value for money and has an excellent safety record. Moreover about half of business are small family concerns offering brides the opportunity to experience genuine historic vehicles which are are part of our national heritage.

The international heritage value of historic cars is encapsulated in the Charter of Turin. Our small family business is based on a left hand drive French built 1930 vintage landaulette which I drive and maintain myself. My wife takes the bookings and decorates the car differently for each wedding to suit the themed colour choices of each bride. Each wedding that we undertake is special, as is each bridal couple.

The car when not in use is dry stored and in the winter months no booking are taken. The winter lay up enables planned maintenance to be undertaken. At times parts have to be specially made and this takes time. This management regime is common to most historic cars and could not be undertaken with the ten week taxi test intervals which are part of the private hire licensing regime.

The safety record of such vehicles is recognised by the low cost of insurance and has been further recognised and rewarded by the Dept. for Transport's ruling that from 18 November 2012 vehicles built on or before 31st Dec 1960 will be MOT exempt.

There have been no reports or evidence of brides or other members of wedding parties being attacked or assaulted in any way by wedding car drivers or company owners. A Basic CRB check is available for the self employed but I have never been asked to show one. The reason being is that family firms have a known address, that the driver is typically the owner and that the client and business owners have met and have exchanged written contracts with permanent addresses and other contact details. On this procedure is our reputation built and trust engendered.

Page 1 of 4
Wedding cars are not hired blind but are carefully selected and inspected by the client. Client proprietor relationship is of vital importance to ensure that the bridal car is decorated to the exacting standards of the modern bride and cars are booked months in advance. Family run wedding car businesses are part of the wedding celebrations, not just providers of transport on the day and to this end both parties keep in touch about colour schemes and car decorations during the months between booking and the wedding day itself.

There are no opportunities for criminal actives. Addresses are known and on a lighter note, in my experience my car and myself are in the wedding album of every family by whom we have been booked and in the photographic record of many many wedding guests and passers by. The latter must be the case because we have bookings from clients who have seen us at previous weddings

Personal recommendation is key to success and we know that all is well when the happy couple take time from their guests to personally thank us and write letters of thanks after their big day.

Impact of removal of exclusion from private hire licensing.

This would result in wedding cars becoming mini cabs with all the additional costs of licensing but without the ability to undertake mini cab work to offset these costs. I cannot see the situation where I take the bride and her escort to church and during the marriage ceremony I have a booking from an operator to pick up a fee from the local shops. Then after the wedding reception take a someone to the pub or dog track. We undertake one wedding per day and there is only one Saturday in a week. There are very few mid week weddings.

The Law Commission notes that some cars that are booked as wedding cars are also licensed private hire vehicles. This is in fact the case, but the Law Commission, with respect, is looking at this the wrong way round. Some private hire vehicles undertake wedding car hire contracts as work which is additional to their primary revenue generating work.

I can only speak from experience. I have worked with third party wedding support vehicles that have included the following:

- Private cars owned by the client's family/friends
- Bentley saloons as wedding cars.
- Self drive Minibuses
- Eight seater stretched limousines and minibuses both as private hire
- Sixteen seater stretched limousines and Fifty four seater coaches both as public service

I have yet to come across a Hackney Carriage in this role, perhaps there are very few rural areas.

The private hire and public service vehicles which I have encountered at weddings were on a tight time table and were clearly booked to do other contracts after the weddings.

The private hire eight seater minibuses and stretched limousines clearly have main duties such as social outings and the nightclub scene. The coaches have holiday travel and day trips duties and the larger stretched limousines plated as public service would be ideal for hen parties and nightclubs.
Try as I might I cannot see my vintage car in any of these additional roles.

I have phoned several local licensing authorities as to the age of vehicles they would consider for private hire plating. Typically a car five to six years old, on first application, is considered old.

An eighty two years old left hand drive car without seat belts, would be beyond the pale. How would an historic car fare if forced to be licensed are private hire vehicles? What compensation is planned for businesses force to close?

I am given to understand that Hackney Carriage and Private Hire Vehicle require an annual MOT if appropriate, and for additional testing every ten weeks which is in effect an MOT with a few additions such as cleanliness and condition of seats, first aid kit, spare wheel and associated tools and equipment. I was told by one test inspector that some of these vehicles can cover some seventy to ninety thousand miles per year.

I put it to you, that to put a vintage car that does a maximum of one and a half to two thousand miles per year through such a system is grossly disproportionate especially as you, the Law Commission, are strangely silent on national standards for Voluntary Drivers.

The Voluntary Drivers Sector

No national standards are proposed for this sector. Could it be that 600,000 miles per annum is too small to be considered part of the nations transport infrastructure? If this is so, why be exercised about the few tens of thousands of wedding car miles per annum?

Customs and Revenue tabulate to twenty thousand miles per annum as an upper mileage for voluntary drivers. There are no national standards requiring Health Checks, CRB Checks, Special Driving Tests regular Vehicle Safety and Condition Checks. These drivers only carry the the sick, the young and the elderly and in cars, driven in the main, by retired people.

A person with a cynical turn of mind might think the silence on the Voluntary Driver Sector could be political. I am minded to think of it as an oversight. Just as I am minded to think that the proposal that weddings and funerals should no-longer be expressly excluded from private hire licensing through primary legislation is mistaken. My M.P. is also so minded. You cannot recommend one without the other.

**Criterion 4: Accessibility of consultation exercise**

This criterion has not been achieved. We and others in the wedding car business only heard of this via third parties in the taxi and minicab business. Insurance companies were also not part of the consultation process. Many wedding car businesses are still unaware of this consultation paper.

The Law Commission has failed its own Criterion 4. Why would people from the wedding and funeral sector, expressly excluded from private hire licensing read consultation proposals about Hackney Carriages and Private Hire? Especially as this proposal was hidden away on page 172 of a lengthy document that lacked flow and logical progression.
Conclusion

Total lack of consultation with the Wedding Car Hire Sector, especially those involving Vintage Cars

Total failure in understanding the impossibility of Vintage Cars being plated as PHV's.

Total disregard for imposing significant costs on a sector run in the main to keep Vintage and Historic cars on the road.

Total lack of evidence to support Provisional proposal 11

Total lack of proportionality and logic when compared with the Voluntary Driver Sector.

Therefore:- Provisional proposal 11 should be removed from from the document.

It was not raised as an issue by government so why add cost, complexity, red tape to a small sector that is going about its business without this kind of proposed regulation. The Voluntary Driver Sector is however large and Freedom of Information Act requests about the number of drivers driving 10,000 miles and more per annum is beginning to make interesting reading.

Yours sincerely,

V and G Boxley
From: Elegance Weddingcars
Sent: 10 September 2012 09:33
To: LAWCOM Taxi / PHV regulation
Subject: RE: i wish this article to be considered

Dear Sirs,
I write to you again to say a wedding or funeral car can not be classed as a taxi or cab. My Vintage Rolls Royce can not be driven by anyone as you need to double declutch this car does one wedding when it gets a wedding and does not do 20 or more jobs a day everyday like a cab or taxi. This is a completley different vehicle i would not be able to operate like a cab or taxi. To have the brakes done on a vintage is £3,000.00 i can't go to quick fit i need a specialised mechanic these cars need as i say a specialised mechanic not just any garage. Your way of thinking a wedding car or indeed a funeral car could be classed as a cab or taxi i just can't understand.
Would you like a hearse to pick you up from the supermarket?

Kind regards
Kim
Elegance Wedding Cars
Telephone 0
www.e
Dear Sirs,
I have wedding exhibitions this year. Can you tell me what to say to 2014 - 2015 brides. Do i say i might be able to do your wedding i am not sure yet.

Kind regards

Kim

Elegance Wedding Cars
Telephone

This email was received from the INTERNET and scanned by the Government Secure Intranet anti-virus service supplied by Cable&Wireless Worldwide in partnership with MessageLabs. (CCTM Certificate Number 2009/09/0052.) In case of problems, please call your organisation’s IT Helpdesk. Communications via the GSi may be automatically logged, monitored and/or recorded for legal purposes.
From: Wedding Cars
Sent: 10 September 2012 09:48
To: LAWCOM Taxi / PHV regulation
Subject: Law Commission's proposals

Law Commission’s proposals to licence wedding cars will create even more unemployment! I thought jobs were a priority not conning people?

On average a taxi goes out 25 times a day.
On average a funeral car goes out 25 times a month.
On average a wedding car goes out 25 times a year.

How can they all have the same regulations?

Regards,
Rob Bowyer
Dear Sirs;

I have just learn't that you propose that wedding cars must be licensed vehicles and that their drivers must become similarly licensed.

I drive a wedding car 3 or 4 times a year and I have no intention of undergoing the exhausting requirements of this process for these few occasions. My wedding car driving helps me to afford a holiday and now you propose to take this opportunity away from me - thanks a bunch.

The inference in your paper is that unlicensed drivers are dangerous. I have never had an accident and I don't know of a wedding car driver that has. What proof do you have to support your assertions or is this just an assumption by someone who really does not know the business.

I strongly object and suggest that this proposal is dropped.

S Jellis
From: Cardiff Hackney Associationsk
Sent: 10 September 2012 09:50
To: TPH
Subject: Re:Consultation Paper No.203. Insubstantial,Inaccurate,Discursive, Confusing, Misleading, and Injudicious.
To the Rt Honourable Lord Justice Munby chairman of the Law Commission.

Dear Sir,

Re: consultation paper No.203, Term of reference as follows: To review the laws relating to regulations of taxis and private hire vehicles, with view to its modernisation and simplification, having due regard to the potential advantage of de-regulation in reducing the burdens on businesses and increasing economic efficiency.

(1) Before I begin to deliver my views, I think it would be expedient to give a brief account of my experience in this trade as well as other various trades I have been actively involved with, so that any misunderstanding regarding my comments can be avoided by all parties concern.

Currently I am a self employed Hackney Carriage driver, and have been so, for last 10 years, I am also the chairperson of the Cardiff Hackney Carriage Association, which represent the vast majority of the city's 958 hackney carriage drivers and have been representing the Taxi trade in various capacity for last eight years. Also I am an O.I.S Commission approved legal advisor, an ex Driving Standard Agency's Approved Driving Instructor, a Business Manager.

(2) As the deadline of consultation period has been extended by another month, this of course has given me another opportunity to add few more vital points to my previous comments.

Having managed to read the report more thoroughly, it has became crystal clear to me that the report is considerably inaccurate, discursive, misleading and of course injudicious for the following reasons:

Although many areas covered in the report is significantly inaccurate or defective, but I would like to concentrate mainly on couple of areas which I found totally unacceptable.

For example, I found that the report manifestly failed to include many adverse effects of deregulation, in other Countries, such as Canada, America, Japan, South Africa, Netherlands, Sweden, Ireland and finally Home Countries, Wales & England.

First lets have a look at the result of de-regulation in Canada:

The glot of taxi license in Montreal date back to post war period, back then, concern to create more jobs for working class people as well as for army veterans and also to meet unmet demand of taxis, lead to the elimination of the license limit ( only 765 taxis at the time ) taxi license de-regulation introduced during world war ii, this action triggered rapid growth in the number of taxis: between 1946 and 1952 this figure rose to 5,222 for all of the Montreal.

Systematically since 1952, all studies on the taxi situation in Montreal have blamed the accessive number of taxis for all of the industry's economic problems.

In 1982 Government of Quebec proposed an Act respecting transportation by taxis, in which all public and private sector players in Montreal region unanimously asked for a plan to not only re-restrict the number of taxi license but also to reduce the number of taxis licenses in force.

Despite the re-introduction of delimitation on taxi license, the negative effect created by such huge number of taxis continued to haunt Montreal.

In 1982 a drastic measure was taken to overcome the difficulties created by accessive supply of taxis. The buy back policy was launched, between 1985-1990, the operation lead to the elimination of 1,287 licenses a 25% reduction was made, the total cost of purchasing these licenses amounted to $21 million dollars. But even today Montreal is still suffering under the influence of de-regulation. According to many stakeholders, the damage caused by deregulation is irreparable not just to the trade but to the image on the city.
De-regulation in several American cities in 1980s has lead to undesirable result. (i) Significantly high supply of taxis caused price increases by 35%. (ii) Price gouging increased significantly. (iii) Vehicles condition in general deteriorated. (iv) driver's working hours increased to dangerous level. (v) Consumers complaints rate increased by 100% due to refusal of short haul trips. (vi) Cherry picking became a common practice. (vii) Overcrowding, congestion, pollution all of which increased disproportionately. As a direct result Seattle re-regulated taxi license in 1984. St. Louis City Council re-regulated taxi license in 2002.

Taxi De-regulation in Japan resulted in modest increases in taxi fares, primarily amongst long distance trips, drivers income decreased substantially, but most importantly deregulation of taxis failed to increase customers to compensate for losses suffered due to increased numbers of taxis. The burden of taxi deregulation fell disproportionately on taxi drivers, due to the fact that taxi companies also increased the numbers of taxis rented to make more money on rental fees. which resulted in stiff competition amongst drivers decreasing the earnings by large margin.

According to Transportation professor Seiji Abe of Kansai University, considered deregulation of taxis to be a failure in the Japanese taxi industry, compare to other industries in Japan.

De-regulation of taxis in Netherlands in year 2000 failed to reach policy objectives of strengthening the role of taxis in the overall Dutch transport system. Instead the deregulation resulted in unanticipated fare increases in large cities and bad drivers behaviour became a serious problems, due to deregulation local authorities lost control, therefore were unable to rectify these problems.

De-regulation of taxis in Ireland had turned out to be a bit of a disaster according to the investigation carried out by the Excellent RTE prime time programme, date Monday 20 May 2011. The programme highlighted and confirmed what many in the trade have been saying for many years. It was not merely that there are too many drivers chasing too little business, meaning that some people work dangerously long hours in an effort to make a reasonable living out of their job.

The full time drivers, who do things honestly by the book are frustrated to see people in other full time occupation arrive out at peak times to make few extra euros at the expense of those who are doing this job, as their only source of income. and they're angry that others get involved who have no respect for the rules and who are dragging the trade into disrepute.

According to many, some are driving taxis without relevant qualification, some entrepreneurs renting their taxis to people who shouldn't be even driving taxis in first place. One in seven drivers have criminal convictions, having criminal conviction shouldn't automatically disbar somebody from working or driving a taxi, depending of course on what the conviction was for and what punishment was received.

But it is utterly unreasonable that somebody with a conviction for a violent crime or who committed sexual offence is granted with a taxi license. Another serious problem has brought by deregulation in Ireland, that is some taxi are driving vehicles that are not fit for purpose, because the vehicle is a grave danger to the passengers as well as other road users, yet appears to be getting away with it, purely due to lack of regulatory control, resulted from entrenchment of cost cutting measures or cost effective measures being put in place, due to lack of funding. And finally, according to some people, de-regulation of taxi license in Ireland also created an window of opportunity for some criminals using taxis as a drug courier service. Therefore the actual benefit of deregulation seems to be getting enjoyed mainly by the entrepreneurs and criminals.

The taxi license de-regulation in Cardiff resulted in rapid growth in supply of taxis, from 480 to 958 within a year an increase of 478 taxis. along with growth of taxis, customers complaints rate also increased rapidly, by as much as 150%, the vehicles condition also seems to have deteriorated considerably this is according to Cardiff city Council and not by me, driver's working hours also has doubled, meaning drivers are working far too long hours to make ends meet.
Some restaurants and take away owners also got themselves a taxi license to work part time i.e. at peak hours, as it was free for all, about two years a go, a restaurant owner, having worked in his restaurant until midnight, began shifting people with his free taxi license, obviously very tired already, picked up five young lads instead of four, driving way beyond speed limit, had a massive accident which nearly killed all of them.

The other noticeable detrimental effect effectuated by deregulation, is Cherry picking which increased significantly, overcrowding in the city centre became intolerable everyday's problem for police.

Air quality in city centre got worsen dangerously due to overcrowding by taxis and buses, financial hardship forced owner drivers to keep taxis in service for longer than its current age limit, of course with the consent of the authority.

Driver's standards also dropped, especially the with freshers, hence an additional course have been introduced to overcome such problem.

The enforcement section also experienced huge difficulties in keeping control of the trade. presumably the local authorities such as Coventry Chesterfield, Wirral also have experienced similar sort of problems post deregulation, hence those local authorities have also reintroduced delimitation on number of licenses they issue. So now I think its about time we ask the vital question as to who actually benefited most from the deregulation? let me tell you who benefited most: (i) Part time seasonal taxi drivers (ii) entrepreneurs like Private hire Operators (iii) criminals like drug couriers, but none of whom deregulation was originally intended for, such as consumers or individual drivers.

Furthermore, one of the most common argument often heard from these bureaucrats against taxi regulation is, restricting numbers of taxi license is a barrier used, to stop people entering the trade, which is totally baseless and misleading. the reason its misleading is because limiting taxi numbers does not prevent a person becoming taxi driver at all, as granting driver's license is unrestricted therefore using such rhetoric should never be allowed. Restricting taxi license numbers is not intended to prevent drivers from joining the trade, but only to prevent more and more vehicles from flooding the limited space available within the crowded city or town centres. I hope I got the message across.

By the way a point should be noted, in Cardiff driver's badge can be use for both driving taxi as well as private hire vehicle.

The most important function of restricting taxi licence is mainly to maintain the equilibrium of supply and demand, as well as to have control on overcrowding, pollution and nuisance, in turn of course it assist the operator or owner driver to be able to provide the service in a solvent manner.

The other argument also frequently used by these bureaucrats are that the taxi regulation is damaging because, taxi users are often put in monopolistic situation by taxi driver in terms fare charges, as the punter(s) have no choice but to take first taxi at the queue in taxi rank. Again another misrepresentation of the taxi drivers role by these bureaucrats, how is that? let me tell you how, under section 55 of town police clauses act 1847, all taxis in England & Wales must use taximeter for any journey within the control district, therefore there is no need to haggle the rate what so ever. On the other hand if the journey ends outside the control district then the passengers have the right to go to any driver if he/she wish to, which it is a common practice existed in taxi trade for many hundreds of years. Therefore the report is again totally inaccurate.

Another point been mentioned in the report is that there are 250 different type of legislation is used to govern taxi and private hire trade.

But having seen most of the highly complex court cases, which have been tried and decided, the Town police clauses act 1847 section 45 or section 37, or Local Government miscellaneous provision act 1976 are mainly used, Hence making suggestion that due to such huge varieties in the legislation, the enforcement department of the council suffers from considerable uncertainty, thus often face challenges in courts.

That is completely untrue, that's not the contributory cause of disputes at all. The main reason for dispute, is the brain dead lawyers and some of the arrogant and half witted officers the council employs.
The legislation which governs the licensing policies such as TPC Act 1847 and LGMP Act 1976 is probably the most basic and simplified form of legislation ever been enacted by English legislative body compare to any other law, such as Corporate law, Immigration law, criminal law even divorce law. Therefore making attempt to simplify it even further will only make the matter worse bearing in mind the current law has been in place for last 170 years, yet they're still struggling to understand it fully.

Another point been noted in this report is that at peak hours, private hire vehicle usually rank up illegally outside night clubs and when Clubs kick out everyone at 2.00 am, although there is shortage of Taxis but due to draconian laws private hire vehicles are not allowed to pick up anyone unless booked through the operators which don't make sense.

Let me tell you how and why it make sense, if private hire drivers are allowed to pick up hailing of the street, without being pre-booked, this will create an widow of opportunity for criminals to pose as a private hire vehicle drivers with ordinary cars to attract lone drunk woman, the result of which could be absolutely catastrophic.

Therefore such policy is not only insane but highly dangerous, its like dicing with death. Now that I have explained it clearly thus can only hope it make sense to you.

Finally, lets get some facts, the population of France is 65 million, number of taxis in France is: 45,000 and is regulated with no provision for private hire vehicles, the Population of England and Wales is: 53 million, number of taxis: 78,000 with another 138,000 private hire vehicles, According to the unmet demand surveyor Acom, private hire companies enjoy 60% of the passenger transportation business where as Hackney Carriage trade only enjoy 40% hence struggling to survive which is clear demonstration of lack of demand.

And although this is an important element of comprehensive report yet this report failed to mention such an important figure why?

let me tell you why, person who created this report has tunnel vision.

Conclusion:
Compare to the report presented by OFT this report is by far one of the worst report I have ever seen, no wonder only 68% of the recommendation made by Law commission is successful, despite the fact that huge sum of taxpayer's money is invested in facts finding and information gathering exercise. Therefore my advise to law commission is get the facts right first before presenting a voluminous reports.

yours sincerely
Mathab Khan
11 Heol Esgyn Cyncoed, Cardiff.
Dear Colleagues,

We are all aware that the Law Commission Consultation about our Trade is coming to the end. The closing date for any response is **10th of Sept 2012**, which is fast approaching. We must respond to this by any means either by electronic mailing or by the post, but we should not miss this opportunity or we shall have only ourselves to blame if the result is not to our liking.

Here are the both addresses for your convenient.

**E-mail Address** is

**tph@lawcommission.gsi.gov.uk**

Postal Address is

**Public Law Team (Taxi and Private Hire)**

**Law Commission**

**Steel House,**

**11 Tot hill Street,**

**London SW 1 9 L J**
Please find enclosed my response to The Law Commission’s Consultation of Reforming the law of taxi and private hire services. This is a direct response to the summary proposals with reference to the main consultation paper. Each provisional proposal and question has been responded to numerically – in order to make it easy to refer back to specific proposals/questions.

Please feel free to contact me with regards to this response. My details are supplied above. I have spent a considerable amount of time reading through the entire Consultation Paper. I have endeavoured to answer all of the questions/proposals succinctly. I hope you acknowledge this and consider carefully what I have had to say. This proposed reform could adversely impact upon my livelihood and the welfare of my family.

Sincerely
Response to The Law Commission Proposed Reforms to The Law of Taxi and Private Hire Services

Provisional proposal number 1: As regulations stand – they should continue to distinguish between Private Hire Vehicle (PHV) and Hackney Carriage Vehicle (HCV) because firstly ALL HCV have disabled access provision. Secondly; HCV have standard fares set by licensing authorities whereas PHV set their own fare rates. Thirdly; HCV are easy to identify therefore public safety would not be compromised if PHV were also allowed to pick up off the street (enabling bogus vehicles to operate freely). Fourthly; HCV drivers have substantial knowledge and training compared with their PHV driver counterparts.

Provisional proposal number 2: We agree that London should be included in the proposal because all major cities should have the same legislation as London because visitors to the UK visit all parts of the country (business or pleasure) not solely, London. For example the use of varying vehicles would be most confusing whereas the iconic black cab – is distinguishable to the general public and visitors from abroad.

Provisional proposal number 3: Taxi and PH regime could be restricted in application to vehicles that require a driving license. Any vehicle wanting to be used as a HCV should be purpose built for the conveyance of the public (with disabled access and partition) thus not restricting competition within this market. PHV should not be restricted on model of vehicle as long as safety checks are standardised.

Question 4: Yes, for purposes of clarity and safety.

Provisional proposal number 5: Public Service vehicles SHOULD be included in the definition of taxi and PHV because many PH firms operate mini-buses which carry in excess of 8 passengers. The law should cover the safety of the vehicle and vetting of the driver.

Provisional proposal number 8: I agree

Question 9: It should not.

Provisional proposal number 10: I agree

Provisional proposal number 13: Currently only HCV are able to pick up off the streets and this should remain the case. On the issue of private land, regulation should not be limited on the way taxis an PHV interact with the public (such as airports, railway stations, supermarkets and other private land) both HC and PHV operators should have equal opportunity to offer their services. As this would offer a fairer and more competitive service - to the public in a closed environment. This would stop monopolies.
Question 14: Special provision should only be made at airports so that passengers should ALWAYS have a choice. The benefit of having HCV is that they are easily identifiable (esp. for foreign visitors) and ALL have disability access as standard. The fares are regulated by the Local Authority (LA) and they have no substantial charges for carrying extra passengers or for short journeys (which is currently the practice at some airports where the sole service provider is a PH operator). In the interests of fairness and competitiveness and consumer choice both HC and PH operators should be allowed to offer their services. So as never to create a monopoly by one or the other.

Provisional proposal number 15: Plying for hire should be placed on a statutory footing and include:

(a) References to ranking and hailing
Currently ranking and hailing is legitimate only for licensed HCV within their defined geographical areas. This should remain the case because:
1; they are insured to do so as they carry Public Hire Insurance which PH operators do not.
2; their fares are regulated by the LA when a consumer hails or goes to a rank they are assured that the fares are regulated, thus standard and consistent. Whereas PHV can charge what they like to whom they like without any sense of fairness or recourse if a HCV driver overcharges they are easily traced and can be dealt with by their LA as is currently the case.
3; consumers always have a choice to phone a licensed operator if they are unhappy with the fares quoted to them by a HCV driver. Alternatively, the consumer can negotiate a price with the said driver or approach any other HCV driver - this is consumer choice. Technology now allows consumers the ability to analyse which is the best option for them.
4; not all licensing authorities vet PH drivers (CRB Check). This can leave the public vulnerable as PHV drivers can operate in geographical areas where they have not been vetted. If they had been, they would not have been issued a license because of their CRB check results. ALL HCV drivers in major cities and towns are vetted correctly, in the interests of public safety.

(b) I agree that there needs to be clear and distinct definitions with regards to the term ‘plying for hire’. Currently there is a distinction in the law but more LA enforcement powers are needed so PHV from outside the LA area can be challenged and prosecuted when they are illegally plying for hire. This is in the interests of the consumer from a safety and financial aspect.

(c) I agree that there should be a clear definition between the legitimate activities of HCV and PHV. This would not encroach on PHV going about their legitimate ‘pre-booked’ business.

Provisional proposal 16: I agree in principle with this proposal but if it is abused by PHV drivers plying for hire, then trying to legitimise this activity by the use of technology, and then provisions for these situations must be made in any forthcoming legislation.

Question 17: There would be no advantage adopting the Scottish approach because firstly, most major cities vet all drivers HC and PH. The Scottish approach would compromise these safety checks which have been put in place over the years (to protect the public). Secondly, it would cause consumer confusion, leaving them vulnerable to criminals e.g. sex pests, rapists, thieves etc.

Provisional proposal 18: I agree with this proposal.
Provisional proposal 19: I agree with this proposal.

Provisional proposal 20: I disagree with this proposal.

Provisional proposal 21: Local Authorities are best placed to deal with these matters.

Provisional proposal 22: I agree with this as long as legislation clearly states that PHV operators and drivers cannot use the term ‘Taxi’ at any time.

Question 23: I think that the terms ‘Taxi’ and ‘Cab’ are best left to describe HCV whereas the term ‘Minicab’ is a good definition for a PHV. Therefore it would be a nationally recognised term as it is currently the case in the capital – London.

Provisional proposal 24: I agree.

Provisional proposal 25: I disagree and feel this is best left to the LA to assess as long as it is done reasonably. Taking into account, public safety and how viable it would be for the vehicle owners.

Provisional proposal 26: I agree.

Provisional proposal 27: I disagree.

Provisional proposal 28: Yes.

Question 29: There does need to be a national minimum safety standard. However, each LA should assess the level of standards required in their area as a ‘one size fits all’ approach is not always appropriate. E.g. there are differences between a major city and a rural setting.

Question 30: National conditions should be different because HCV are purpose built whereas PHV are no more than randomly chosen vehicles. However, safety aspects such as CCTV in vehicles for both PH and HC would be of great benefit.

Provisional proposal 31: I agree.

Provisional proposal 32: I agree.

Question 33: The best approach would be each Local Authority assesses its safety standards requirement. These standards can then be fed back to a central organisation which can decide on which are most pertinent and therefore create a National standard (after pooling Local Authority feedback).

Provisional proposal 34: I agree that LA should retain the power to set standards.

Question 35: No, because each Authority is best placed to determine if certain requirements are necessary to protect the public within its area.

Question 36: Yes, LA should retain the power.

Question 37: Powers and duties of licensing authorities to cooperate should be on a statutory footing. This would ensure that the LA comply with the nationally set criterion.
**Provisional proposal 38:** Neighbouring licensing authorities should have the option of combining areas for the purposes of taxi standard setting. This should apply to PH operators and drivers and HCV drivers.

**Provisional proposal 39:** Licensing authorities should have the option to create, or remove, taxi zones within their area. However, this should take into consideration environmental and economic factors. It should not allow PHV to act as ‘taxis’ nor should it allow taxis licensed in other boroughs to work in a busier boroughs therefore ‘cherry picking’.

**Question 40:** No, because:

(i) Councils have powers to release more licenses where demand is necessary e.g. Manchester carries out regular surveys to assess whether there is any unmet demand. If so licenses are issued accordingly after consultation with trade and other interested parties.

(ii) the consumer in such cases would be confused and the regulation of different fare structures would be difficult.

(iii) the Authorities should only have emergency powers for such events as the Olympics etc. which would ensure that in extreme circumstances – provision is available.

**Provisional proposal 41:** PHV operators should be restricted to accepting or inviting bookings only within a particular locality and should only use drivers and vehicles licensed there. This is because (i) it stops unsuitable operators and drivers from obtaining a license from a less stringent Authority and then going to a locality where they were not originally allocated a license to work. (ii) the fare structures vary from Authority to Authority so consumers could be charged varying amounts for a similar journey. (iii) In cases of disputes or disciplinary matters the consumer would be unsure where and how to resolve such issues. (iv) It would stop license operators from setting up in areas to save costs and circumventing more stringent safety checks for vehicles and drivers.

**Provisional proposal 42:** I disagree with what is being proposed with regard to ‘cross-border hiring’ for the following reasons:

1. This would result in a ‘free for all’ to work areas which are busier than the one the driver is licensed in without having to be licensed in the busier town.

2. There would be no recourse for the consumer if they had a problem with the driver. Who would the consumer report their issue to? The fares would vary from driver to driver which is unacceptable for the consumer this would lead to inconsistencies. Therefore this is open to abuse by the more unscrupulous driver who knows he is virtually untouchable.

3. This situation would lead to damaging environmental issues. Drivers would flock to busy areas to work thus creating traffic congestion and pollution. Economically it would damage the livelihood of the drivers licensed to work in that area – currently drivers are struggling to earn a fruitful living. Also, the costs incurred to run and license a vehicle in one locality could be far less in one area than another – this leads to a disparity in outlay and return for drivers from differing areas. Will these costs be standardised nationally for a ‘level playing field’ for ALL drivers?
4. Cross-border drivers would not have the local knowledge to offer the high standard of service which is currently given in that area. This level of service is monitored by the license issuing authority and can be improved if and when required within its area. Who would monitor the cross-border drivers? How will this impact upon the consumer? Why should the consumer accept a lower standard of service?

5. Currently, legislation allows PH operators to pick up in any area if they are pre-booked. So can take legitimate bookings from outside of their area and this should remain the case. PH cannot pick up from the streets as they are not pre-booked. Therefore there is no argument for them picking up in the 'out-of-area' scenario (it has never been the case). This provisional proposal is not viable with regards to PH as it would transform them into HC ‘public hire’. They are not insured, equipped or licensed to do so, as this is one of the major distinctions between Private Hire and Hackney Carriage Taxis.

6. Cross-border issues have no relevance with safety issues therefore the two should not be linked. Local Authorities issue licenses to meet demand in their areas so allowing a ‘free-for-all’ would upset that balance. Which would impact economically and environmentally upon the area as mentioned earlier.

7. This leaves the issue of HC drivers from outside an area being allowed to work there under this proposal. It throws up a number of issues firstly; they would not be insured to work that particular area – as they are not licensed in that area. Secondly; the fares differ from area to area. This would leave the consumer confused and out of pocket in many cases. Where would the consumer turn if an issue were to arise – which authority do they complain to? As mentioned previously, this would impact environmentally and economically on that area.

**Provisional proposal 43:** I agree.

**Question 44:** No, taxis should not be allowed to charge more than the metered fare for a pre-booked journey within the boundary set by its licensing authority. However, contrary to your information (at 15.58) the majority of authorities make it obligatory upon the taxi driver to clearly display their driver number and their Local Authority number therefore it would NOT be hard for the consumer to track down that taxi and make a complaint.

**Question 45:** National driver safety standards such as the requirement to be a “fit and proper person” should be set out in primary legislation.

**Provisional proposal 46:** I agree

**Provisional proposal 47:** (a) Primary legislation.

**Provisional proposal 48:** Yes it should.

**Provisional proposal 49:** Operator licensing should NOT be extended to cover taxi radio circuits.

**Provisional proposal 50:** I agree.

**Question 51:** Yes they should
Provisional proposal 52: Operators should be expressly permitted to sub-contract services.

Question 53: Yes it’s not unreasonable.

Provisional proposal 54: I disagree with the Commission’s recommendation. In my opinion Licensing Authorities should have the power to restrict Tari numbers.

Question 55: If Licensing Authorities lost the ability to restrict numbers it would lead to severe problems;

i. Fares would rise sharply for the consumer as has happened in cities that have derestricted numbers e.g. Birmingham. Drivers were unable to earn a living therefore were charging excessive fares to make up the shortfall for lost earnings. Currently fares are regulated stringently by Local Authorities that have control over their numbers.

ii. Recent examples of cities that have derestricted numbers such as Birmingham, Liverpool and Sheffield show that the ‘improved’ provision went hand in hand with a decline in quality of service as the number of taxis increased. Consumers were left with a substandard service. If it’s all about improving consumer choice, why would the consumer choose a lesser service – ultimately the Commission’s recommendations will lead to this.

iii. Most cities do not have a lack of provision. They have enough Taxis and PH operators to meet the consumer’s demands. Illegal activity occurs regardless of numbers. Improved enforcement is the only way to protect the consumer from this – not an increase in the number of Taxis.

iv. Currently most cities do not have an unmet demand. This is because they already have sufficient numbers and in the current economic climate these numbers indicate that supply in fact outweighs demand. The issue of drivers waiting to enter the trade is a red herring, e.g. if a person qualifies as solicitor the onus is on the Government or Law Society to find them employment (or would we expect them to force already saturated areas to accept a new law firm or employee).

v. The type of business model required with this situation is a ‘franchise’ style model, not the ‘Laissez Faire’ model the Commission seem to be pushing forward. The Local Authorities are best placed to assess their needs and demands taking into account factors such as: consumer demand, economic and environmental impact on their area.

vi. Other sectors that have delimitied such as buses have failed the consumer. Standards have dropped, which has led to an around poorer service and over-saturation of the busiest routes.

Question 56: Transitional measures should be introduced if quantity restrictions are removed. The hardship that drivers will face who have currently taken out loans, remortgages to enter the trade and the loss to drivers who may have been thinking they had something to retire with should be fairly compensated. Compensation should be given for the value of the ‘goodwill’ that licenses carry. The Australian and Irish model for compensation could go some way to deal with this because if not, the financial hardship would ultimately put a burden on the State benefit system.

New drivers entering the trade should have a higher entry standard as in London. This would ensure that the consumer was not left short changed by this measure.
**Question 57:** In major towns and cities a separate license category for wheelchair accessible vehicles is not necessary e.g. in Manchester ALL taxis must have wheelchair accessibility so there is no discrimination against disabled consumers – they can hail any cab at any rank and are guaranteed ease of access to the vehicle.

The policy which needs to be adopted by all major towns and cities should be that ALL taxis are purpose built with wheelchair accessibility.

**Question 58:** Licensing authorities should offer incentives such as lower license fees for vehicles which meet certain accessibility standards for drivers taking this responsibility in smaller and rural towns and villages.

**Question 59:** Please refer to responses 57 & 58.

**Provisional proposal 60:** I concur.

**Provisional proposal 61:** I agree that this be introduced nationally.

**Provisional proposal 62:** I agree.

**Question 63:** The best way discourage discrimination could be for licensing authorities to require taxis to display their availability for hire by some obvious means to the public. This in turn could be coupled with a requirement to stop in response to a hailing if it is free and safe to do so.

**Question 64:** Yes they should have the power to stop licensed vehicles.

**Question 65:** Greater public awareness on the dangers of ‘touts’.

**Question 66:** I agree with this proposal.

**Question 67:** No, they should not.

**Provisional proposal 68:** Yes, enforcement officers should have the powers to enforce against vehicles, drivers and operators licensed in other licensing areas.

**Question 69:** Cross-border enforcement powers should extend to suspensions and revocation of licences the best way of achieving this would be formal procedures for cross-border cooperation.

**Provisional proposal 70:** I agree that the right to appeal against decisions to refuse to grant or renew, suspend or revoke a taxi or PH licence should be limited to the applicant or, as appropriate, holder of the relevant licence. AFTER, extensive consultation with the trade bodies and licensing Authorities and other relevant agencies.

**Provisional proposal 71:** I agree.

**Provisional proposal 72:** I agree.

**Question 73:** There should be an onward right of appeal to the Crown Court.