

Transport for London London Taxi and Private Hire

Cross Border Hiring – Proposals for Legislative Change

Executive Summary

This policy paper has been prepared as a submission to the Department for Transport's (DfT) Taxi and Private Hire Task and Finish Working Group that was established in late 2017. The Group was established in order to consider the adequacy and efficiency of legislation and guidance concerning the licensing of taxis and private hire vehicles (PHVs) in England. The paper is seeking support from the Task and Finish Working Group to include proposals for national legislative change in the report being prepared by the Working Group for the Parliamentary Under Secretary of State for Transport, Nusrat Ghani MP, to consider. This paper sets out recommendations from Transport for London (TfL), supported by the Mayor and has been informed by engagement with local licensing authorities, industry stakeholders and debated within the DfT's Taxi and Private Hire Task and Finish Group, to urgently address issues of cross border hiring within the taxi and private hire trade.

The term 'cross border hiring' is commonly used in the taxi and private hire industries to describe where taxis or private hire vehicles that are licensed by one licensing authority work wholly or predominantly in another licensing authority area. This practice is permitted under current legislation and there are no geographic restrictions providing the operator, driver and vehicle are licensed in the same licensing authority (referred to as the triple licensing requirement) and the booking is also accepted in that authority.

From our engagement with local licensing authorities we are aware that nationally cross border hiring generates serious public safety issues while undermining local licensing regimes. The scale of the cross border hiring problem has been magnified significantly in recent years through the advent of new technology. It also restricts the enforcement capabilities of local licensing authorities as they only have limited powers to enforce against out of town vehicles.

Cross border hiring in the taxi and private hire industries has been commonplace for many years which has resulted in localised issues, particularly in areas where there are a number of licensing authorities in close proximity.

It was considered as part of the Law Commission Review which commenced in 2012. The Law Commission put forward proposals to Government which, to date, have yet to be taken forward. Since the review, there have been major technological advances in the industry with many taxi and private hire customers now preferring app based services. This is coupled with significant and rapid growth in the number of private hire drivers and vehicles and both of these issues have exacerbated cross border hiring concerns. The proposals considered by the Law Commission review, in respect of addressing cross border hiring, are now considered by TfL and other stakeholders we have engaged with, to be out of date.

As the regulator for taxi and private hire services in London, TfL's primary purpose is to ensure public safety. In recent years, we have seen a significant growth in the number of drivers applying for a licence in London with the intention of working elsewhere. We know this to be an issue due to the large number of complaints we have received about TfL licensed drivers, from licensing authorities around the country as well as through analysis of a small sample of data from a London Driver Diary Survey. Appendix 2 contains a map that has been produced by TfL to demonstrate the scale of the problem and also includes responses from licensing

authorities around the country, which elaborate on the various issues they face because of cross border hiring. We believe urgent legislative reform is required to address these issues.

In November 2017, the Metropolitan Police Service submitted a paper to the Working Group and gave verbal evidence to the group in December. In their submission on cross border hiring they state that: “This is the single largest risk to Policing nationally”. This has been included as Appendix 3.

In July 2017, the Mayor was asked by The Right Honourable Chris Grayling MP, Secretary of State for Transport, to provide more detail on our proposals to address cross border hiring. Since that meeting, the DfT Working Group has been convened making it the ideal platform to consider these proposals.

To address the issue of cross border hiring we recommend the following package of changes be progressed together:¹

1. Introduction of a start or finish requirement, meaning that all taxi and private hire journeys either start or end in the area in which the driver and vehicle (and operator in respect of private hire) are licensed.
2. National minimum standards set at a high level, to provide a consistent approach to customer safety and accessibility.
3. National enforcement powers, to allow enforcement officers to enforce the national minimum standards in their areas regardless of where the operator, driver and vehicle are licensed, supported by a provision for data sharing.
4. We would also recommend that the impact of these issues in Scotland and Wales are considered by the respective Governments, as not to undermine any future requirements to address cross border hiring in England.

In his draft Transport Strategy, the Mayor set out his intention to deliver a safe, secure, accessible, world-class taxi and private hire service in London. The strategy also recognises that the rapid growth in the number of private hire vehicles on London’s roads is contributing to worsening congestion. Addressing the issue of cross border hiring will go a long way in terms of tackling public safety issues, however further powers are required to limit the overall number of private hire vehicles licensed so as to manage their contribution to overall congestion, particularly in central London. This is why the Mayor continues to press Government for powers to introduce a cap on the number of private hire drivers and vehicles in London.

The Mayor and TfL have a number of other legislative proposals required for consideration. These were published in the Mayor’s Taxi & Private Hire Action Plan in September 2016. This paper provides an overview of these legislative requests and asks the Working Group to consider the inclusion of these proposals in its recommendations to Government:

- A statutory definition of plying for hire and pre-booked services – as the law stands, plying for hire is difficult to prove and requires significant enforcement resources;

¹ While we have engaged widely with other licensing authorities, the proposals relate to England only.

- Greater enforcement powers – changes in primary legislation to address common enforcement issues in London, for example, the power to seize vehicles that are found undertaking a passenger journey without hire or reward insurance cover
- Approval from the Secretary of State for TfL to issue Fixed Penalty Notices (FPNs), for example to drivers found not wearing a badge, which would act as an instant deterrent for minor offences
- The introduction of legislation for TfL to control and regulate pedicabs in London allowing us to ensure the safety of passengers and other road users; and

Next Steps

We are seeking the support of the Working Group to submit these proposals to Government as part of the overall recommendations following their detailed review of the legislation governing taxi and private hire. TfL will also continue to engage with other licensing authorities in England to further enhance support for these proposals.

Separately, Daniel Zeichner MP's Private Member's Bill received its second reading debate in Parliament on 2 February 2018. The Bill is due to return to the House of Commons in the Autumn for the resumption of the second reading debate although its chances of success will now be slim. This Bill proposes the introduction of a national database that licensing authorities must use to determine if an applicant for a private hire driver's licence has been refused, suspended or revoked by another licensing authority. TfL will continue to support the Bill and offer technical support to Daniel Zeichner MP and the DfT as required.

Notwithstanding the failure of the Bill to progress at this time, TfL will carry on working with the Local Government Association (LGA) on the development of its database of refused, suspended and revoked drivers that licensing authorities will be able to use on a voluntary basis. We would welcome this to become a mandatory requirement.

Introduction

Cross border hiring is a term used to describe a situation where taxis or private hire vehicles licensed in one licensing area work predominantly, or wholly, in another.

Currently there are no geographic restrictions on private hire services provided that the operator, driver and vehicle are licensed in the same licensing authority and the booking is accepted in that authority. It is unlikely that Parliament intended for private hire licensees to license themselves in one area with the intention of working 100 per cent of the time in another.

The law is less clear with taxis because they can both ply for hire and be pre-booked and the rules in London are slightly different to those elsewhere in England. London licensed drivers can accept pre-bookings for journeys that start and finish outside of the area in which they are licensed to ply for hire providing they are in their licensed area when they accept the booking. Drivers licensed outside of London are not subject to the same control in relation to pre-bookings although they can also only ply for hire in their licensed area.

The legislation governing taxi and private hire services requires modernisation to ensure it caters for a modern taxi and private hire industry. Cross border hiring has become an increasing challenge for licensing authorities to ensure public safety, in part due to the advancements in technology which enable passengers to book taxi and private hire services via their smartphones. Further information regarding the scale of cross border hiring is included in Appendix 2.

In principle, where a driver or vehicle is licensed may not be of great concern to a passenger. However, the public expect that when they use taxi and private hire services they are doing so safely, and have the protection and oversight from a local licensing authority. Cross border hiring restricts the ability of licensing authorities to enforce effectively, set appropriate safety standards for drivers, vehicles and operators and can undermine the confidence the public have in the licensed taxi and private hire trades within their area. In summary, local licensing, and the ability of local licensing authorities to ensure passenger safety and meet local needs, is being undermined and destabilised.

Having listened to the views of the Working Group and through engagement with stakeholders, TfL believes that national minimum standards set to a high level to ensure public safety are essential. While it remains vital for local licensing authorities to retain the ability to set additional standards to match local conditions, for example to meet local knowledge, accessibility and air quality requirements, standards to meet public safety requirements, such as requiring an enhanced Disclosure and Barring Service (DBS) check on applicants and driver should be set as a national minimum standard. Other examples of national minimum standards should include medical checks, road worthiness of vehicles and may include vehicle signage and information in the vehicle about how to contact the local licensing authority to comment on a journey.

The overwhelming view from our engagement with a number of interested parties within the taxi and private hire industry, MPs, Metro Mayors, London boroughs, local licensing authorities, consumer protection watchdogs and other licensing and transport authorities, is that primary legislation to tackle cross border hiring is crucial.

While much of the recent concern around cross border hiring activity is in relation to private hire services, there are also examples of taxis working predominantly in areas where they are not licensed, receiving pre-booked work through private hire operators or taxi booking companies/apps. We therefore believe it is important to address cross border hiring problems across both taxi and private hire services. London taxis are often referred to as the gold standard of taxis world-wide with the driver's encyclopaedic knowledge of London streets and iconic wheelchair accessible 'black cabs' and therefore we would have serious concerns if taxis licensed outside of the capital were working as pre-booked taxis in London.

Issues arising from cross border hiring

Public Safety

Cross border hiring allows a driver who has had their licence revoked or suspended in one area to apply to be licensed by another authority, which is unlikely to have information on the driver's prior licensing history. The ability of drivers to operate in any area, regardless of where they have been licensed presents a public safety risk.

Through our engagement with local authorities, it has become apparent just how big an issue this has become, with several authorities referencing instances of licensees being revoked only to obtain licences elsewhere and then continuing to work in the original licensing authority's area.

In their submission to the Working Group, Rotherham's licensing manager states that there "are numerous examples in Rotherham of drivers being refused a licence or having their licence revoked, only to then apply to another local authority with a view to utilising the "sub-contracting clause" within the Deregulation Act." He feels that "the sole aim of these drivers is to circumvent the high standards that have been introduced in Rotherham, and we feel that this will put the public at significant risk of harm."

The primary aim of the licensing authority is to protect the safety of the travelling public, in doing so, they may sometimes need to make licensing decisions based on information from customers that has not and may not appear on a DBS disclosure. This could include one or multiple allegations that could demonstrate a pattern of behaviour, even if individually these haven't been followed through by the police or the Crown Prosecution Service, perhaps due to a lack of evidence or at the request of the victim. Using this information however, the licensing authority may refuse an applicant or suspend or revoke a driver's licence. Cross border hiring could then allow an applicant or driver who has had their licence revoked or suspended in one area to apply to be licensed by another authority, with the intention of working in the original authority. This new licensing authority may be unaware of previous infringements and licensing action taken against the driver and may therefore license that driver, who they would not have deemed fit and proper if they had had all information the original licensing authority had. As a consequence, drivers can continue to work legally in the original licensing area notwithstanding that they had, or would have, been refused a licence there.

To ensure public safety, licensing authorities require taxi and private hire driver applicants to undertake Disclosure and Barring Service (DBS) checks to assess the applicant's fitness against any previous cautions or convictions. All licensing authorities require an enhanced DBS check which provides details of cautions and convictions. This also means that the local police force can consider whether they have 'other relevant information' (soft intelligence) - for example, allegations or arrests that may be relevant to the occupation being applied for. This could include one or multiple allegations that could demonstrate a pattern of behaviour even if individually these haven't been followed through by the police or Crown Prosecution Service, perhaps due to a lack of evidence. The determination of whether to release this other relevant information is made at a local level within the relevant police force. It is conceivable that this information could be released to one licensing authority that may use the information to refuse an application. However, the driver may then apply for a

licence with a different licensing authority and the new enhanced DBS check may not contain that police soft intelligence or information concerning the driver's licence revocation.

Enforcement

A consequence of cross border hiring is that licensing authorities do not have adequate powers to tackle infringements in the taxi and private hire trades operating in their local areas, which can undermine local enforcement efforts, putting the public at risk and undermining the reputation of the trades.

Licensing authorities undertake enforcement activity to ensure taxi and private hire services are compliant with the law and are safe. Where there are breaches of licence conditions or local regulations, licensing authorities will take action to protect the safety of the traveling public and uphold the reputation of the trades.

Local licensing authorities have limited powers to enforce against out of town vehicles. As highlighted in the submission from the police to the Working Group in November 2017, this means drivers operating in different licensing areas can effectively choose to pay little attention to the local enforcement officers. Some of these drivers operating cross border know that the local enforcement officers have no powers to take action if they are committing an offence. Many of these offences can compromise public safety for example, the road worthiness of their vehicle, touting, plying for hire, refusing to assist or carry a disabled passenger or private hire vehicles standing for hire at a designated taxi rank.

As it is highly unlikely that enforcement officers from the home licensing authority will be regularly undertaking enforcement operations in other areas, the only effective enforcement of these drivers and vehicles falls on local police officers. With limited enforcement powers by local licensing officers and stretched police resources this significantly increases the risk to public safety.

To help safeguard the public in those areas where London licensed drivers are operating outside the capital, TfL has, in recent months, undertaken a number of joint enforcement operations with local authorities such as Brighton, Watford and Reading. This removes vital enforcement resources from London which is not an effective use of resources or value for money for licence fee payers in London.

The cost of enforcement is usually funded by licence fees that are obtained by the licensing authority that granted the licence. Where cross border hiring is prevalent, a licensing authority that undertakes operations to monitor and enforce out of town drivers and vehicles has no means of recovering the costs of this activity against the licensees committing the offences.

Inadequate enforcement can lead to a fall in standards. As stated above some drivers will be aware that enforcement officers have limited powers to take action and therefore this may lead to a rise in poor behaviour from drivers and a fall in vehicle standards. At the extreme, drivers and operators could intentionally seek licensing in areas where there are fewer resources for enforcement and therefore less enforcement activity, which could compromise passenger safety.

Undermining local licensing standards

Cross border hiring undermines the ability of local licensing authorities to set and enforce standards appropriate to their local area, which can undermine the standards that local customers expect.

Cross border hiring can render ineffective attempts by local licensing authorities to set appropriate high standards to all available taxi and private hire services in their areas.

For example, in London, we are implementing new measures to enhance public safety and service standards. These include a formal English language requirement for all applicants for private hire driver's licenses and a proposal to introduce an advanced driving test for private hire drivers. It is already a requirement for London taxi drivers to take an advanced driving test. In addition, we are proposing to introduce assessments for private hire drivers in areas such as disability equality, customer care and safeguarding. Our serious concern is that cross border hiring may encourage some TfL licensed drivers and operators to deliberately seek to be licensed in other areas, that do not have these requirements which we consider important for London in place, while continuing to operate in the Capital. This can undermine guarantees such as disability access or standards that promote good customer service. There is evidence of this taking place in areas such as Rotherham (as cited above) and through our engagement with other licensing authorities we understand that this is a major concern faced by many licensing authorities who are considering raising their standards.

London is also introducing stringent environmental standards as part of the Mayor's commitment to tackle the Capital's poor air quality, which includes Zero Emission Capable (ZEC) standards for taxi and private hire vehicles. For example, since 1 January 2018 all newly licensed taxis must be zero emissions capable. Understandably, such standards may not be required in rural areas that are not facing the same environmental challenges from transport. Other licensing authorities could therefore license vehicles that end up working predominately or wholly in London. This could not only undermine our efforts to clean up London's air, but it may increasingly become an issue in several other large metropolitan areas such as Manchester, Birmingham, Leeds, etc, that are developing their own clean air proposals to tackle localised air quality issues. Derby is one of a number of cities that are currently undertaking work on the implementation of clean air zones, which is likely to have a significant impact on its locally licensed hackney carriage and private hire fleet. Should this current practice be allowed to continue, it could encourage more of the Council's currently licensed vehicles to become licensed elsewhere only to continue working in the city. This would entirely undermine the Council's actions to improve air quality in Derby. For the trades, many feel that drivers and operators working in their areas without a local licence are unfair competition. Out of area drivers may not have completed the same training or invested in vehicles that meet local standards, particularly for taxis in London where drivers have undergone the extensive Knowledge of London and invested in purpose built, wheelchair accessible and zero emissions capable taxis. Some licensing authorities (outside London) restrict the number of taxi licences issued based on the demand in their local areas; these controls, designed to manage the market, can be undermined where cross border hiring takes place.

In addition, there is considerable and growing concern about the number of private hire drivers licensed in the Capital, exacerbating London's congestion and air quality challenges.

Although cross border hiring is the primary concern for taxi and private hire regulators, we believe the possibility of limiting the number of private hire vehicles in London should be explored, given current supply and demand.

Complaints

Cross border hiring is making it harder for customers to complain to the appropriate authority in the event of an incident or the failure to meet their expectations and could lead to a loss of vital intelligence.

Passengers who have cause to complain to a licensing authority about a private hire or taxi journey will understandably be confused about whom to make the complaint to. For example, if a passenger in Windsor has booked a journey which has been fulfilled by a private hire driver and vehicle licensed outside the area they may not be aware of this and may try to report their complaint to the Royal Borough of Windsor and Maidenhead.

When private hire or taxi drivers work in areas where they are not licensed, the local enforcement officers have limited powers over the drivers, vehicles or operators. Where there has been a criminal breach, licensing authorities and/or the Police may pursue a prosecution. Other infringements, however, cannot be tackled. Some complaints – such as verbal abuse or inappropriate comments may not be reported to the relevant licensing authority and therefore the behaviour of the driver will not be considered or action taken. This is a concern as often low level complaints may not, individually, attract licensing action but multiple complaints of a similar nature about a driver or vehicle could demonstrate an escalating pattern of behaviour. This could mean that appropriate licensing action isn't considered or taken and this can put the public at risk.

1. Proposals to address cross border hiring

Following consultation with the Working Group and engagement with stakeholders and local licensing authorities, we recommend the following package of changes to address the issue of cross border hiring:

- New primary legislation to introduce a start or finish requirement, meaning that all taxi and private hire journeys must either start or end in the area in which the driver and vehicle (and operator in respect of private hire) are licensed.
- New primary legislation or Statutory Guidance from the DfT to introduce national minimum standards, that are high enough to provide a guarantee of customer safety and accessibility; and
- New primary legislation to introduce national enforcement powers, to enable licensing authority enforcement officers to enforce the national minimum standards in their areas regardless of where the operator, driver and vehicle are licensed, supported by a provision for data sharing.

It is important that all three proposals are progressed to address the various concerns regarding cross border hiring. While one proposal alone could tackle some of the issues raised above, none will tackle these issues in their entirety without the other supporting proposals.

These proposals would significantly reduce the issues associated with cross border hiring, while still allowing a degree of flexibility for operators, drivers and vehicles to work across local boundaries.

Our engagement with other authorities has shown there is broad support that the issues of cross border hiring need to be resolved by changes to primary legislation. There is some support for our proposals although some stakeholders have also put forward alternative suggestions. Similarly, for the proposals to introduce national minimum standards and national enforcement powers there is general support for the concept although some stakeholders believe national standards should be mandatory rather than minimum.

For clarity, our proposal is for national minimum standards to be mandatory, however licensing authorities would have the ability to depart from them and set higher standards when required.

The Start or Finish Requirement

Primary legislative change is needed to introduce a requirement that private hire journeys must either start or finish in the area for which the operator, driver and vehicle is licensed and taxi journeys must either start or finish in the area for which the driver and vehicle is licensed.

Under this proposal private hire operators would be able to accept the following bookings:

1. Journeys starting and finishing in the home licensing area. (Journeys taken within Licensed Area A on Figure 1)

2. Journeys starting in the area in which they are licensed but ending in another licensing area (Journey A to B on Figure 1)
3. Journeys that finish in the area for which they are licensed but starting in another licensing area. (Journey B to A on Figure 1)

This provides reasonable flexibility and avoids unnecessary 'empty' vehicles: drivers could accept a booking to a neighbouring licensing authority and on completion accept a subsequent journey finishing in their home authority.

Some exemptions would be required to ensure this proposal doesn't unduly burden private hire operators with legitimate business needs to cross boundaries. For example, many chauffeur services will have customers who wish to book a driver and vehicle to undertake journeys in multiple locations throughout an entire day. Further detail is provided on possible exemptions and how these could be implemented in Appendix 1.

Taxis are able to ply for hire on the street and stand for hire at designated taxi ranks in the areas for which they are licensed. However, for pre-booked London taxi journeys they are currently able to accept bookings for journeys starting and ending outside their licensed area providing they accept the booking while in their licensed area. For example, in London, a suburban taxi driver licensed in Merton and Sutton can accept a pre-booking via a taxi radio circuit or app providing he/she is in Merton and Sutton at the time of accepting the booking. In respect of the start or finish requirement, for taxis, it is proposed that they are able to undertake journeys as follows:

1. Journeys starting and finishing in the home licensing area. (Journeys taken within Licensed Area A on Figure 1)
2. Journeys starting in the area in which they are licensed but ending in another licensing area (Journey A to B on Figure 1)
3. Journeys that finish in the area for which they are licensed but starting in another licensing area. (Journey B to A on Figure 1)

Consideration should be given to appropriate exemptions for certain taxi services such as the carriage of disabled passengers and school contracts, particularly as all London taxis are wheelchair accessible.

Figure 1: Start or finish requirement



To ensure flexibility, it would remain possible for operators, drivers and vehicle owners who wish to undertake bookings across multiple licensing areas to apply for licences to operate in other areas. Each licensing authority can then determine whether this would be in the interests of the local area(s), and would enable the authority to take enforcement action, if required, to protect public safety.

To minimise the impact to existing operations, transitional arrangements could be put in place to allow for existing private hire operators, drivers and vehicle owners to apply for licences in any area in which they intend to work.

Enforcement

Initial enforcement may benefit from a light touch approach, working with drivers, vehicle owners and operators to provide advice and guidance. After an initial period, non-compliance could result in licensing action. Appropriate sanctions could be considered to discourage breaches of the requirement, such as the suspension or revocation of a licence or a large financial penalty.

Enforcement would be conducted by the licensing authority by means of checks on operator bookings or journey records. Both inside and outside of London operators are already required to retain records of journeys and therefore this is not an unreasonable expectation or additional burden for licensing authorities.

Combined with a national enforcement capability, enforcement officers would also be able to stop and check any licensed vehicle operating in their area. This would be a new power which would aid enforcement and act as an effective deterrent to criminal activity or breaches to licensing requirements.

Test purchasing could also be conducted by licensing authorities on private hire licensees and taxi drivers to ensure their compliance with the requirement.

Intelligence from customers and other operators could provide evidence to target operations, as already happens with existing breaches across the industry.

National minimum standards

Primary legislative change is required or DfT Statutory Guidance to introduce national minimum standards, which should include a high level of safety requirements imposed upon the driver, vehicle and operator. Passengers have the right to expect a minimum level of safety wherever they are and whichever kind of vehicle they travel in.

Many parties are calling for national minimum standards as a way to improve safety in the trade. They would ensure a minimum level of safety and service that customers expect when traveling by taxi and in private hire vehicles. National minimum standards of a sufficient strength would also minimise the incentive for drivers/operators to 'licence shop' – seeking out more permissive licensing regimes.

While we support national minimum standards for taxis and private hire vehicles, we do not believe they will address the problems caused by cross border hiring as there would be no restriction on the movement of taxi and private hire journeys. This would not solve other problems of cross border hiring; for example, complaints could still be misdirected and intelligence lost. Cross border hiring could continue, not because of lower standards, but potentially because of lower licence fees, lower

levels of enforcement or convenience. The issues with enforcement and licence fees would continue.

We believe national minimum standards should include, as a minimum, the following to ensure passenger safety. However, it is proposed that these are discussed as part of the working group to seek input from other parties including the LGA and the Suzy Lamplugh Trust

Taxi & Private Hire Drivers	Private Hire Operators	Taxi & Private Hire Vehicles
<ul style="list-style-type: none"> • Enhanced DBS checks • Criminal conviction policy • DVLA Group 2 medical standards • Appropriate Route finding test • Ability to communicate in English • Disability equality training and assessment • Safeguarding training • Advanced driving skills • Right to reside and work in the UK • Clear driver identification 	<ul style="list-style-type: none"> • Planning permission for operating centres • Appropriate record keeping of bookings, drivers and vehicles and customer complaints • Accurate reporting of records to the licensing authority • Right to reside and work in the UK • Appropriate criminal background checks, particularly for those coming into contact with customers 	<ul style="list-style-type: none"> • A maximum age limit or exceptional vehicle maintenance policy • Minimum mechanical testing • Minimum accessibility requirements • Vehicle identification and how to contact the licensing authority to make a complaint

The Law Commission’s review of taxi and private hire services which started in 2012 proposed national *mandatory* standards for private hire services and national *minimum* standards for taxis. While, as set out above, we are supportive of national minimum standards, we strongly believe that mandatory standards would inhibit local licensing authorities from enhancing standards to meet the requirements of the local area. The risk of national mandatory standards being set low to avoid unnecessary standards in some areas cannot be ignored even if that isn’t the original intention. This would undermine local autonomy and an authority’s ability to meet, and adapt to, local needs.

By introducing a requirement for national minimum standards to meet passenger safety requirements, for example, an enhanced DBS check, but at an appropriate level for other standards, for example, vehicle age limits could be decided by the local licensing authority. This local autonomy allows for flexibility to meet the requirements in the relevant licensing area. For this reason we support national minimum standards and not mandatory standards.

Government retaining and protecting the ability for licensing authorities to impose additional or higher requirements, where necessary

In England, taxi and private hire standards are set at a local level; in London, this statutory responsibility is undertaken by TfL and outside of the Capital by district and unitary authorities. Setting licensing standards locally ensures that taxi and private

hire services are publically accountable by way of locally elected representatives, who are best placed to determine and set the standards that are relevant to their local community. It also allows local authorities to consider taxi and private hire provision strategically in the context of wider public transport needs to ensure residents and visitors, regardless of their age or individual needs, can access public transport.

In London, the following are examples of the standards that we believe are appropriate for our local market to enhance passenger safety, security and convenience and based on feedback through public consultation exercises and various passenger and trade research. We acknowledge some of these standards may not be deemed appropriate in other licensing areas. Similarly, there will be standards set in other areas that may not be relevant or appropriate for London. Our ability to put these standards in place must not be undermined by the imposition of national mandatory standards that cannot be departed from:

- Route testing e.g. the Knowledge of London for taxi drivers and enhanced topographical testing for private hire drivers. The Knowledge of London is well established and as relevant now as it was when it was first introduced. Passengers hail a taxi and expect the driver to know the route immediately. For private hire drivers, it is vital they have a general understanding of the geographical layout of London rather than solely relying on sat-nav technology to reduce distracted driving, accidents and ensure public safety
- A formal English language requirement for private hire drivers. English language skills are informally tested for taxi drivers through Knowledge of London oral examinations;
- An advanced driving assessment for taxi drivers (already implemented) with a proposal to introduce a similar assessment for private hire drivers, subject to full public consultation.
- Zero Emission Capable vehicle standards for taxis (already introduced for taxis new to licensing from 1 January 2018) and private hire vehicles (being introduced from 2020). These stringent environmental standards are vital to tackle London's poor air quality.
- Vehicle age limits for taxi and PHVs designed to remove the oldest, most polluting vehicles

National enforcement powers

Primary legislative change is required to introduce national enforcement powers which are essential to allow the effective enforcement of any licensed vehicle or driver working in licensed areas.

Enforcement powers for licensing officers are currently limited and while they can prosecute out of town drivers for criminal behaviour this can be time consuming and also doesn't address non criminal issues. To safeguard passengers and to carry out effective enforcement in their areas, licensing officers should be granted national enforcement powers to check drivers, vehicles and operators licensed by any authority.

These new powers need to accompany powers to restrict cross border hiring. Without it, those failing to comply with the new requirements could not be tackled when identified. It would also ensure clarity for enforcement of national minimum standards as all drivers, vehicles and operators would be required to meet the same minimum standard regardless of their licensing area; contraventions could be more easily identified while local licensing authorities would be best placed to consider the introduction of any additional local standards.

Simply introducing national enforcement powers without a restriction on cross border hiring would not tackle the issues regarding enforcement. The resources required to enforce against large numbers of drivers/vehicles licensed by another authority would be onerous and burdensome and it is also likely there will be a funding deficit as licence fees will be going to a different authority. Even if it was possible to reclaim these licence fees, it would not be practical to do so with nearly 300 licensing authorities.

Effective enforcement is dependent on the ability of licensing authorities to share intelligence and information. We therefore supported the Private Member's Bill proposed by Daniel Zeichner, MP for Cambridge, which proposed a national database for licensing authorities to populate and then check if an applicant or licensed driver has been refused a licence or suspended or revoked by another licensing authority. While this is unlikely to become a legislative requirement, the voluntary database being developed by the LGA will fulfil a similar function and enhance enforcement in the local area and allow the sharing of vital enforcement information between licensing authorities.

The role of technology

The proposals above are designed to ensure that compliance with the rules and monitoring and enforcement activity are not unnecessarily burdensome or excessive compared to the current licensing regime. While new technology has brought cross border hiring to the fore, it also presents an excellent opportunity to support enforcement activities.

New technology means many of the records required could be automatically recorded or reviewed remotely in future, including by small operators as the cost of technical solutions reduce. We will continue to monitor developments and make recommendations where new technology could help to support licensing and enforcement functions.

3. Why these proposals are the right answer

Research conducted as part of this report has found general agreement that we need to tackle cross border hiring. However, we recognise there isn't universal agreement that the start or finish requirement advocated by TfL is the right solution. While TfL will continue to make the case for this proposal, we have also fairly considered the other common proposals and their likely impact to ensure our proposal is the most effective solution and these are summarised below:

Adjoining/bordering authorities

One proposal is to widen the start or finish requirement so that journeys can start or finish in participating bordering licensing authorities. This proposal retains the start or finish requirement and therefore ensures drivers return to their licensing area, or bordering authorities, thus restricting national cross border hiring. It also allows some local operators and drivers a degree of flexibility by allowing them a larger area to operate.

However, it could lead to drivers from neighbouring authorities converging in an adjoining area. This is most likely to occur in urban areas with high taxi and private hire passenger demand. This has been seen in many areas outside London, for example South Cambridgeshire drivers operating extensively within Cambridge City. This restricts those authorities from managing their local market by limiting the number of licences issued (an option outside London for taxis), while the enforcement issues outlined remain.

Percentage of journeys

To allow flexibility for local operators to undertake some journeys outside of their licensing area, in addition to the start or finish requirement, operators could be permitted to undertake a percentage of their daily jobs in another licensing area.

This would be difficult for operators to comply with as the percentage is likely to change day-by-day. It would also be difficult for licensing authorities to monitor and enforce this requirement, requiring a more detailed analysis of journey records than is currently done. This is likely to be an unreasonable and disproportionate administrative burden for licensing authorities and lead to increased licence fees.

Intended Use

Knowsley Borough Council introduced an 'intended use' policy in 2016. The Council has set out that operators licensed in Knowsley "*must operate predominantly in Knowsley; otherwise his licence may be refused or revoked.*"

As a result of this policy, the council has seen approximately 50 licences withdrawn or returned and this has led others to suggest this policy could be pursued elsewhere. This policy was challenged in the High Court by two separate operators in early 2018. The High Court ruled that the policy is unlawful.

This proposal would not be feasible in London given the scale of the London private hire market. The measure of 'predominantly' would require a definition such as allowing a percentage of journeys outside of the licence area; this would be impractical for operators and difficult to calculate and enforce and place an

unnecessary restriction on flexibility. Considering the size of an area such as London, and the number of taxi and private hire drivers living outside of London due to the cost of living and housing issues, it may be impractical to work up an 'intended use' policy which is fair for all licensees, notwithstanding the legal challenges.

Removing the ability for private hire operators to subcontract bookings

Section 11 of the Deregulation Act 2015 (2015 Act) allows minicab firms to subcontract bookings to operators licensed in a different district. Previously, subcontracting private hire bookings by operators outside of London could only take place between operators licensed in the same district.

It has been suggested that removing this section would restrict cross border hiring. Removing this section of the 2015 Act would stop operators outside of London subcontracting bookings to operators licensed outside of the same area but there would still be no geographical restriction on where the journey can start or finish. This also isn't relevant to addressing issues with app based services who aren't subcontracting the bookings.

Operators in London have always been able to sub contract private hire bookings to operators licensed outside of London since the relevant legislation in London came into force and the Deregulation Act does not impact on the ability to do this.

Restricting app-based models

One proposal put forward to the Working Group was to geo-fence apps to a licensing authority's geographic boundary. This is proposed to restrict out of area working by ensuring those operating using an app-based model can only be seen on the app as available for bookings in the area that they are licensed. This, in effect, would serve as a digital intended use policy. This proposal would not address cross border hiring with other operators offering other booking methods and would not help to address public safety concerns. It would also mean separate regulation of the private hire industry depending on the operating model which is not practical, confusing for the public and isn't a fair way to regulate.

Addressing concerns about cross border hiring proposals

The burden on business

We have also heard common concerns about the proposals to tackle cross border hiring. In particular, some stakeholders have suggested that our proposals will create too much red tape in the licensing process. The process of applying for a licence or following local licensing regimes is not synonymous with red tape. The local licensing regime is vital to maintaining local standards and ensuring the safety of the travelling public. Most local licensing authorities ensure applications are dealt with in an efficient and rigorous manner. Indeed, these proposals will ensure that licensing income is available to the area of operation, ensuring that licensing authority is adequately resourced to meet the demands placed on it.

While there would be some additional licensing requirements for licensees wishing to operate in more than one licensing area, these are not intended to be a barrier to entry and ultimately ensure a greater level of security for the traveling public.

Our proposal that operators, drivers and vehicle owners be able to apply for a licence in more than one authority and in any licensing authority within which they wish to work will help to avoid unnecessary consequences for bordering authorities or for businesses that work in a number of areas.

Retaining flexibility

Most operators and drivers want to comply with the local enforcement regime. This protects the reputation of their trade and ensures a level playing field in the local market. However, some parts of the trade are concerned that a start or finish requirement is not flexible enough for their way of operating.

We do not believe the start or finish requirement will stop businesses from operating flexibly. Rather, it will simply make them accountable to one or more localised licensing authorities. Exemptions and conditions to the scheme for specialist transport will enable additional flexibility (further detail is included in Appendix 1).

Demand will not fundamentally change with the introduction of this requirement. The proposal for operators to be able to work in more than one area could in fact present a new opportunity: operators could expand their operations in areas which are currently served by out of town vehicles.

It would be unrealistic to argue that the requirement would have no impact whatsoever on the flexibility of the trade to operate, however some reduced flexibility is a necessity in order to safeguard the public.

In neighbouring licensing areas, operators could request that their licensing authority collaborate with a neighbouring authority. This would enable the widening of the geographical area within which drivers are allowed to operate. This option is explored in more detail in Appendix 1.

A London solution

Our engagement, summarised in Appendix 2, demonstrates that cross border hiring is a national issue which is impacting licensing authorities throughout England, including London. As the largest licensing authority, TfL recognises that drivers licensed in London but operating elsewhere that are causing many of the problems outlined. However, cross border hiring issues are common place throughout England. We have taken ownership of this issue, both in the short-term in joint enforcement operations in others areas where we have been made aware of large numbers of London drivers but this approach is not sustainable in the long term. By engaging authorities outside London, we have sought to develop proposals to put together a sustainable long-term solution that will work across England.

4. Other Requests for Reform

The Mayor's Taxi & Private Hire Action Plan published in September 2016 requests for additional powers to address issues faced in London and elsewhere in England.

We believe these powers are essential to ensure a flourishing two-tier system with space for all providers including traditional taxi and private hire services and new app based services in both industries.

This includes:

A statutory definition of plying for hire and pre-booked services

As the law stands, plying for hire is difficult to prove and requires significant enforcement resources. A statutory definition of plying for hire along with a statutory definition of pre-booked services will remove ambiguity and clearly define the differences between taxi and private hire services, maintaining the distinction of the two-tier system. With the introduction of app based services into the industry we face many calls for clarity in this area. For example, if vehicles are shown as available on a smartphone map prior to being booked which shows the location of the vehicle, it could encourage passengers to approach that driver and vehicle directly. Reading Borough Council have secured convictions against two private hire drivers for plying for hire although the Court did not consider how the law applied to app-based ways of working, as the individuals in question pleaded guilty.

Greater Enforcement Powers

A change is required in primary legislation to address common enforcement issues. For example, the power to seize vehicles that are found to be undertaking a passenger journey without hire or reward insurance cover, automatic disqualification from driving on conviction of anyone found guilty of a touting or unlawful plying for hire offence and extending the power the police already have to take DNA samples for touting offences to include drivers caught unlawfully plying for hire. These powers would enhance public safety.

Fixed Penalty Notices

Approval is required from the Secretary of State to enable Fixed Penalty Notices (FPNs) to be issued for minor offences. For example, drivers found not wearing a badge. This would act as an immediate deterrent and would be another method of compliance to ensure passenger safety in the taxi and private hire trade.

Pedicab legislation

The introduction of primary legislation to control and regulate pedicabs in London would allow TfL to ensure the safety of passengers and other road users. Currently we do not have the authority to regulate or license pedicabs in London making them unsafe and putting the safety of pedicab passengers at risk. There are no background checks on riders or vehicle safety checks and fares are not regulated.

Capping the number of private hire drivers & vehicles

While addressing the issue of cross border hiring and the other legislative asks (above) remains a priority for TfL and the Mayor, we also require primary legislation to introduce powers for London to be able to cap private hire numbers. This is important to manage the growth of the private hire industry. The 2017 Centre for London report, which looks at new ways to tackle the challenges facing London's roads such as congestion and pollution, recognises that 'the proportion of exempt vehicles such as PHVs' have increased within the Congestion Charging Zone. In 2011 TfL licensed around 60,000 private hire drivers. This has now risen to almost 120,000 actively licensed drivers – an increase of almost 100 per cent over a six-year period.

Independent research produced for TfL shows that congestion in London has been worsening across a variety of indicators, including travel speeds and journey reliability. It can also be seen that there has been a small but notable reversal of the trend in falling traffic volumes and vehicle activity across London in recent times. An interesting feature of this trend is the evidence of changing vehicle composition, with falling private vehicle activity offset, in part, by private hire vehicles.

Finally, we remain keen to support any Government proposals brought forward in relation to the gig economy to tackle wider issues raised about workers' rights and the employment conditions of London's private hire drivers.

Appendix 1: Detailed requirements

Ensuring flexibility

From discussion with a number of licensing authorities and other stakeholders including taxi and private hire trade representatives we understand that the start or finish requirement will require some flexibility through controlled exemptions to ensure they don't disproportionately impact services including chauffeurs and specialist services.

Specialist Services exemption

Local boundaries are less relevant to specialist private hire services (e.g. school contracts, chauffeurs, entertainment business and driver guides). They may not be serving a local market in the same way that private hire vehicles or taxis do and by restricting them to a start or finish requirement could cause significant passenger safety and inconvenience issues. As part of these proposals, there could be agreed definition of these services. The definition should look to include services that provide a specific social need for the local areas.

Chauffeur services exemption

Many chauffeur services will be transporting dignitaries and business leaders and provide a tailored and bespoke service to meet the needs of the individual. This could mean that they carry out a number of journeys that neither start or finish in their licensed area. A similar definition of this service could allow more flexibility for chauffeur services.

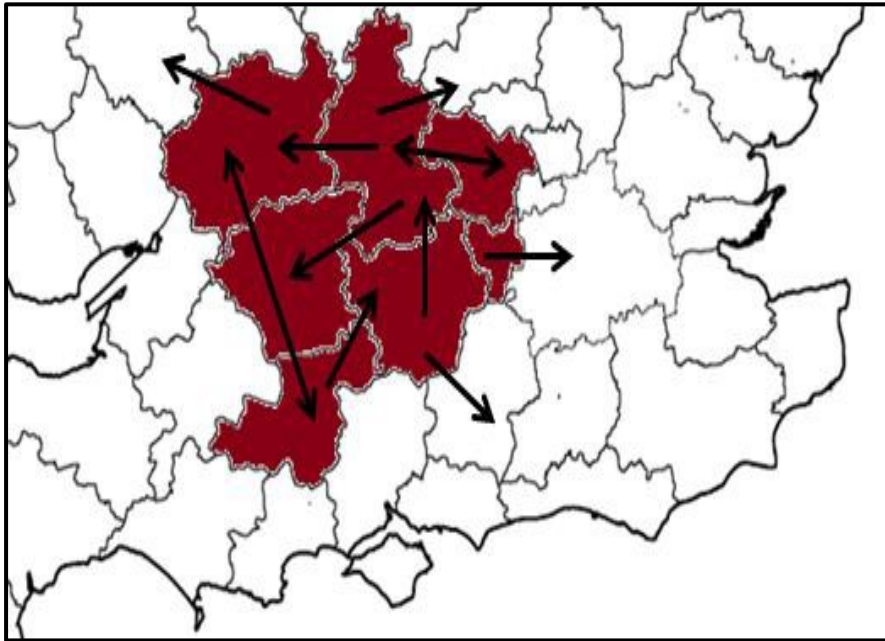
Local cooperation

Some licensing authorities may not support the start or finish requirement on its own, for fear it would be too restrictive on established local drivers' movements. For example, Greater Manchester is made up of 10 individual licensing authorities that have the responsibility for taxi and private hire licensing. Many passengers will travel in private hire vehicles and taxis across these licensing authorities in one trip.

A provision could be made to enable licensing authorities the ability to widen the geographical area of the start or finish requirement, based on a collaborative agreement between licensing authorities. We are aware that there are already very effective working relationships between many of these neighbouring authorities, some of which undertake joint enforcement operations and have agreed standardised licensing conditions.

Within these newly created areas, the start or finish requirement would not apply for locally licensed drivers. All other statutory licensing responsibility would still remain with the licensing authorities

Figure 2: Widening the geographical area



Appendix 2: The extent of cross border hiring

TfL intelligence

In London, there has been a rapid growth in the numbers of private hire vehicles and drivers licensed. TfL, as the largest licensing authority in the UK, has the capacity to cope with significant volumes of private hire driver and vehicle applications. We believe it is common practice for drivers to apply for a licence with TfL with no intention of working in London.

The map set out below in Figure 3 shows the location of private hire drivers with home addresses outside of London who have been licensed by TfL. Over 700 London licensed drivers live in Birmingham and 200 in Manchester alone. While some may be operating within London, it is unlikely that all of them are commuting the long distances every day to work in the capital, suggesting some London licensed drivers are circumnavigating local licensing rules for their area of operation.

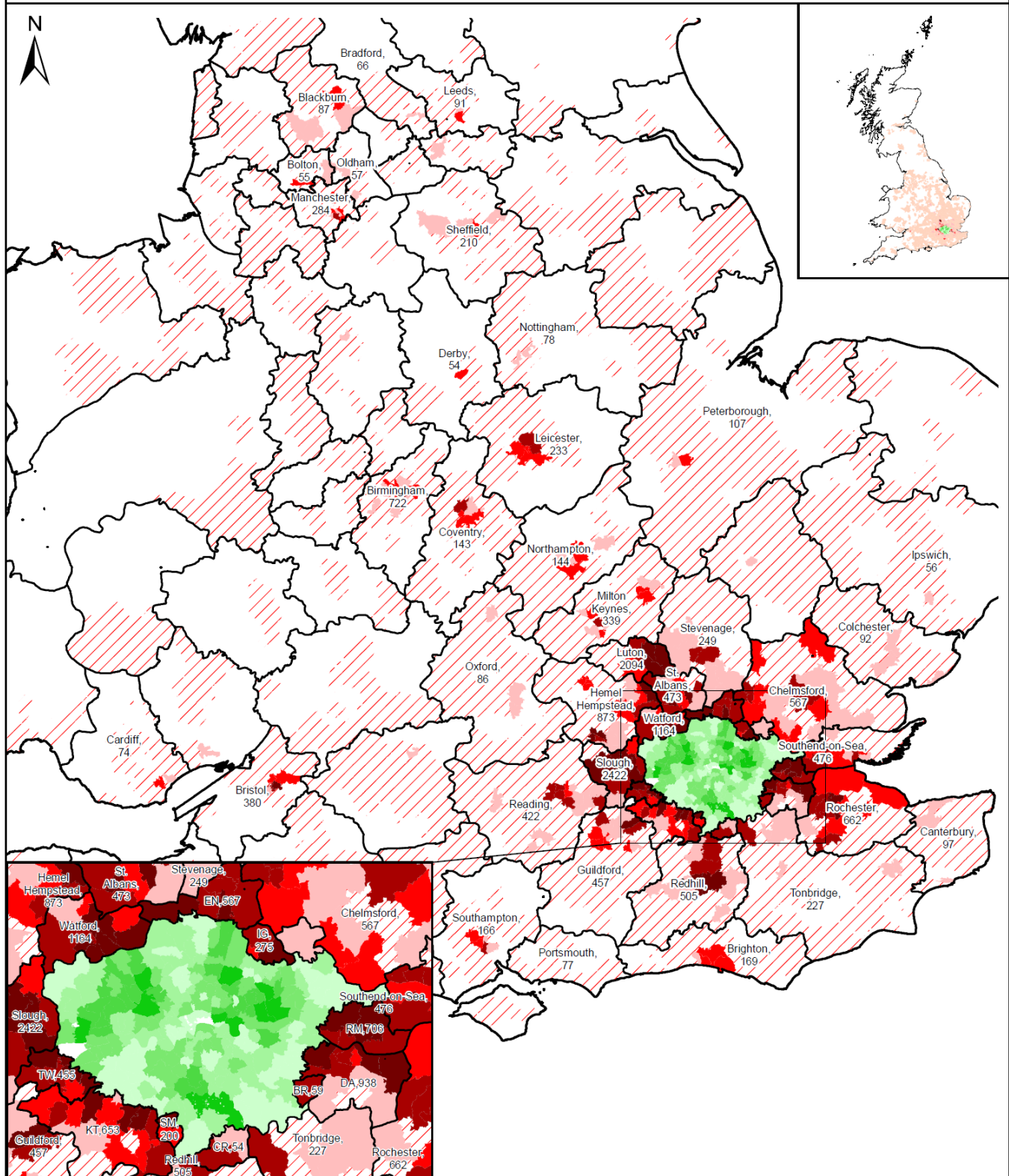
TfL has carried out local licensing operations in six areas² that have reported large numbers of TfL-licensed drivers operating in their area.³

Where non-compliance was noted, it was observed that this is influenced by the fact that there is not the same level of compliance checking being carried out outside London and drivers therefore do not feel it necessary to apply the same standards of compliance as they would in London.

² Crawley (Gatwick Airport); Uttlesford (Stansted Airport); Luton (Luton Airport); Brighton; Portsmouth; Southend on Sea. These locations were identified from the number of cross border hiring complaints received in relation to these areas. They are also areas where it is most likely for TfL-licensed private hire vehicles to be working regularly, at the airports outside of London.

³ This is not a long-term solution to tackling cross border hiring and the challenges it presents. The costs of such operations are prohibitive and they take valuable enforcement resources away from London. Operators and drivers complying with the rules in London expect their license fees to be used to tackle unfair competition and poor behaviour in their local market, not to have this activity directed to other areas.

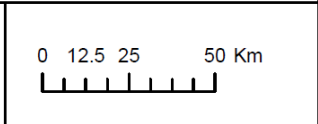
Figure 3: Prevalence of active London-licensed private hire drivers with home addresses outside London



Legend	
PHV inside London (Mapped to Postcode District)	PHV outside London (Mapped to Postcode District)
1 - 174	1 - 10
175 - 429	11 - 20
430 - 786	21 - 40
787 - 1231	41 - 80
1232 - 1955	81 - 977
Postcode Areas	
Label	Total number of drivers in Postcode Area

DATE: January 2018

VERSION: 11



Home addresses of TfL licensed PHV drivers in January 2018. Number of drivers is mapped and coloured by Postcode District, and the labels show the sum of all drivers in that Postcode Area. For the purposes of this illustration "London" has been mapped as the following Postcode Areas: BR, CR, DA, E, EC, EN, HA, IG, KT, N, NW, RM, SE, SM, SW, TW, UB, W, WC. Along the London Boundary Postcode Districts within these Areas have been separated out of London where necessary.

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National intelligence

Cross border hiring is a national problem which can have severe local impacts. Recent and widespread introduction of technology in the private hire industry has further highlighted significant issues and is enabling this activity on a national scale.

TfL has contacted licensing authorities across the country about their experience of cross border hiring. There is a large base of support from local authorities across the country that experience cross border hiring and feel the current arrangements are not fit for purpose. Several authorities expressed concerns about public safety and the undermining of the local licensing regime. Some local authorities cited instances where a driver they had revoked had obtained a licence from a different authority and continued to legally work in their area. Many councils also said they were experiencing complaints from their licensees (drivers and operators) about “out of town” drivers competing in the local market without having undertaken training or paid the same fees.

A number of authorities provided evidence of the problems caused by cross border hiring within their own local authority. Extracts from some of these letters is shown below. Permission has been sought from the local authorities in question to cite these extracts.

West Midlands

“Whilst the harmonisation of standards in the West Midlands is desirable, it will not eradicate the movement of drivers who will still seek licences from even further afield if other authorities’ conditions are less onerous or if other authorities licensing processes are faster, which will undermine our efforts to protect public safety... We have examples of drivers with convictions for violence and sexual offences who have been refused a licence by one authority and yet another authority has granted them a licence.”

Doncaster

“In Doncaster, we have experienced issues with taxis that are licensed elsewhere operating permanently within the Doncaster Borough. In the majority of instances these vehicles have been licensed by local authorities that are situated many miles away although, in most cases, the licence holders are Doncaster residents. There are examples where the licence holders of these out of town taxis are individuals who do not satisfy our licensing requirements but have been able to obtain a licence elsewhere. I am aware of at least one individual who has been refused a licence by Doncaster Council, due to a recent Police Caution for fraud, who remains licensed by another local authority located approximately 100 miles away, despite that authority being fully aware of the caution, who continued to work exclusively in the Doncaster area. Whilst I respect that other authorities are free to make their own licensing determinations it is frustrating when a decision that is contrary to our own determination effectively undermines our efforts to safeguard Doncaster residents.”

Reading

In the past twelve months Reading has experienced a significant increase in private hire vehicles working in Reading that are licensed by Transport for London. In March 2016, Uber Britannia was refused a private hire operator’s licence, as they were

unable to meet our operator conditions. Uber Britannia could have appealed this decision, but chose not to. In October 2016, Uber created the Reading Reward area which covered all of Reading and parts of neighbouring boroughs. The reward area guaranteed drivers a minimum of £25 per hour for the first 150 drivers. On the weekend of 7th and 8th October 2017, council officers found 144 Uber drivers working in Reading, most of which were licenced by Transport for London.

Reading has always had a number of out of town drivers trying to illegally work, but never on this scale. The council is currently taking legal action against drivers found plying for hire, however a change in legislation is required to stop operators taking advantage of weaknesses in the law.”

Herefordshire

“Herefordshire is a large rural County with 5 main urbanisations, the largest being Hereford itself. Concerns have been raised to us from our neighbours in Worcester due to applicants wishing to access the trade in Worcester by applying to Herefordshire, who do not have a cap on numbers. They currently use a “loop hole” within the legislation to get a licence via Herefordshire. We are advised that, in many instances, some of these drivers have no intention of driving within our county.”

Southampton

“App based companies are finding the easiest authority to licence their vehicles and drivers and through the use of technology are able to support these vehicles and drivers to work in areas across the country. For example in Southampton we licence 283 hackney carriages and around 650 private hire vehicles. Over the last year there has been in excess of over 120 additional vehicles working in Southampton but they are licensed by other authorities, mainly London.

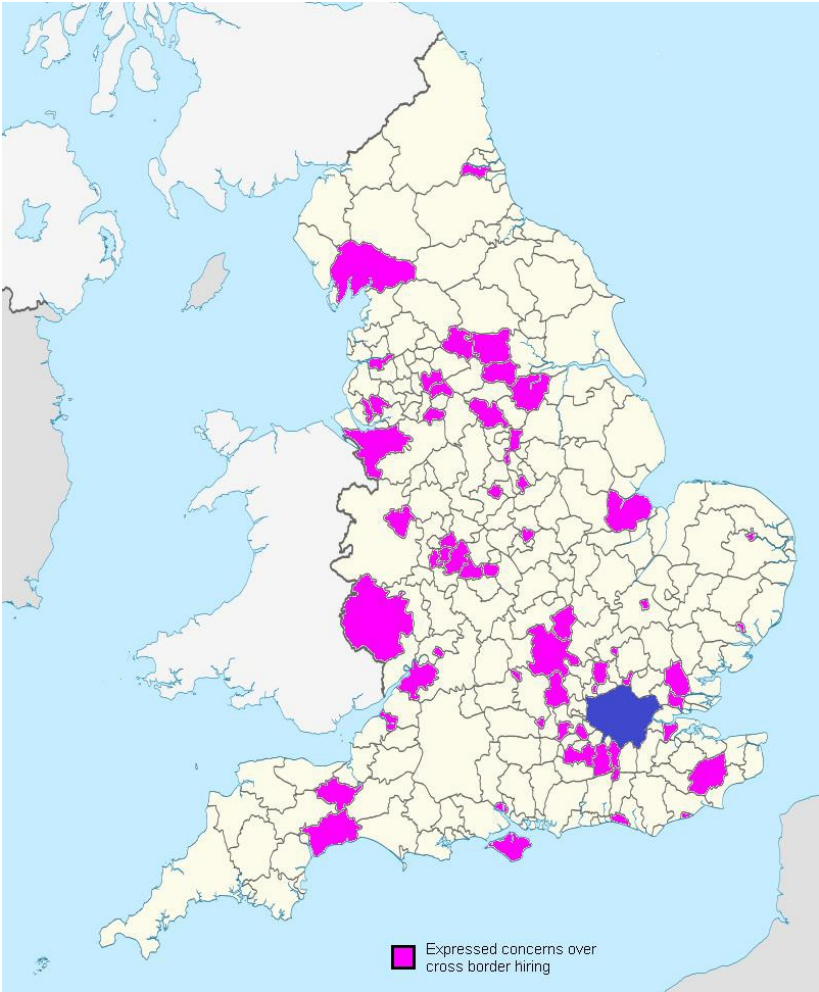
This causes safeguarding concerns. In Southampton for instance we identified there were a number of indecent assault allegations involving drivers where it was one person’s word against the other. As a result we gathered sufficient evidence to justify making it a requirement that any vehicle licensed by Southampton would need to have a camera fitted. The in excess of 120 vehicles licensed elsewhere are working in the city but do not have to have a camera fitted as they need to comply with the conditions imposed by the authority that licensed them, not the one covering the area they work.

Across the country the vast majority of licensing authorities are struggling to contain the damage caused by this new way of working. There is at least one notable exception, who have streamlined their process, made it cheaper and I believe can be completed on line. The applicant only meets a member of staff to present appropriate documents when they collect their licence. A quick review of public records reveal this authority has licensed around 1,000 drivers from their area but over 6,000 from other areas, including a number from SO postcodes. They are in the process of setting up a network of garages across the country to test their vehicles. I anticipate to see a drop in the number of cars and persons licensed by Southampton and an increase of this authority’s vehicles working in Southampton.

I have written to an authority and expressed my concerns but when they replied I was shocked. They informed me they had been contacted by Hampshire Police investigating a rape allegation by one of their drivers. By chance they had 2 licensing

officers in Southampton carrying out their only enforcement visit who got the suspect to surrender his licence to them. I wonder what would have happened if they were not in the city. Of course the investigation into the rape allegation will not benefit from the on board taxi camera.”

Figure 4: Licensing authorities that have indicated to TfL they have issues with cross-border hiring



Case study examples

Southend

Two private hire drivers, originally licensed by Southend-On-Sea Council had their licenses revoked. These drivers applied to TfL for a licence and, due to a lack of information disclosed by the enhanced DBS, they were granted licences. They then proceeded to work regularly in the Southend-on-Sea area, which caused significant concern for the local licensing authority that had originally revoked their licenses.

Rotherham

Both the Jay report into Child Sexual Exploitation in Rotherham and the subsequent Corporate Governance Inspection identified a clear link between the sexual exploitation of children and the licensed taxi trade. Recent police investigations led to the arrest and charge of people associated with the licensed taxi trade in Rotherham.

In response, Rotherham carried out a comprehensive review of taxi and private hire policies, standards and processes. The council now feels that the standards in place are amongst the highest in the country, including a requirement for licensed vehicles to be fitted with CCTV.

The licensing team report numerous examples of drivers being refused a licence or having their licence revoked, who then apply to another authority and obtain a licence. These drivers then use the lax cross border hiring regulations to work in Rotherham despite not meeting the standards set by the council. It is Rotherham's view that the "sole aim of these drivers is to circumvent the high standards that have been introduced" which "will put the public at significant risk of harm".

Berwick-upon-Tweed and Newcastle

Some prospective taxi drivers who wished to operate in Newcastle were refused licences as they did not reach Newcastle's conditions of licence. These same drivers then applied and were successful in obtaining taxi licences in Berwick which has less stringent conditions of licence and a cheaper application fee. These vehicles and drivers then operated cross border as private hire vehicles in Newcastle. The legality of this was debated in R (app Newcastle City Council) v Berwick-upon-Tweed Borough Council. The judgement confirmed that this was legal, and that councils have no powers to stop this practice despite Newcastle's concerns.

During the case, Berwick accepted that the majority of vehicles licensed never stand or ply for hire in Berwick despite being licensed to do so. Figures cited in the judgement illustrated that the number of hackney carriage proprietors licensed by Berwick by August was 672. By comparison, there were only 46 licensed by April 2006 and 148 licensed by April 2007. Of the 616 proprietors licensed as of July 2008 some 247 had their registered home address in Newcastle upon Tyne, 196 in North Tyneside and 21 in Gateshead, all approximately 55 miles from Berwick-upon-Tweed.

Appendix 3: Police Submission to the Task and Finish Working Group – 7 November 2017

Plying for Hire

Current legislation is ineffective for the prevention and detection of crime within the Licensed Taxi and PH Trade.

Previously Touting by unlicensed drivers was epidemic across London, however with the advent of app based PH Operators and significant increase in the number of licensed drivers more problems are now encountered with Plying for Hire, for which the current legislation is woefully inadequate and virtually impossible to enforce effectively. A refined definition of Plying for Hire needs to be created and new legislation implemented to enable effective prevention and detection.

There are public safety risks with drivers Plying for Hire in that there is no booking for the journey and no subsequent record of the journey taking place, meaning that if an offence occurs on that journey the police face an investigative challenge in not having this record available. In cases where there is a booking record made the journey records have been used to support victims allegations in terms of the route taken by the driver and also unexplained breaks in the journey.

Cross Border Hiring

This is the single largest risk to Policing nationally. Local Authorities hold the responsibility for their drivers and deal with non-compliance issues and illegal practices in their area. With the triple licensing requirement drivers can effectively work anywhere they choose and pay very little attention to the Local Licensing officers. This means that any effective action needed to address Cab Related offending would by default fall to the Police, who at the times of peak offending in terms of cab related matters are at their busiest in terms of overall demand on the service. While a lot of this is low level in terms of plying, touting and ranking offences there is a significant risk of poor practice and ineffective regulation leading to an increase in opportunistic sex offences. Drivers know they are immune to the Local Authority and the chances of the police pro-actively dealing with them are slim.

Legislation needs to be enacted that would prevent drivers extensively working outside of their area. The suggestion that a journey should either start or finish in the drivers licensed area is sensible and workable in practice.

National Standards

There should be a national database of drivers, which would be accessible by both Licensing Authorities and the Police. This would mean that drivers subject to complaints, suspensions or revocations are not able to seek a new license in a different area and continue working. Licensing Standards should be standardised and drivers subject to consistent regulation wherever they work. Consideration could be given to creating a single licensing body for all Taxi and Private Hire drivers nationally to create a single standard meaning that the public can be sure that wherever their journey may occur the driver is working to one standard.

Complaints about PH drivers should be referred to the Licensing Authority as a default and not left potentially unchecked in local complaint records. It is well documented around the challenges faced in London with one PH operator not reporting criminal offences to TfL or the Police and the risk to the public is potentially significant as they would not have the earliest opportunity to intervene and prevent further offences.