

TRANSPORT FOR LONDON

SURFACE TRANSPORT PANEL

**SUBJECT: TACKLING TAXI TOUTING**

**DATE: 24 FEBRUARY 2009**

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**1 PURPOSE**

- 1.1 This paper updates the Surface Transport Panel on Transport for London's (TfL) approach to tackling taxi touting.

**2 BACKGROUND**

- 2.1 London's late night leisure economy generates large numbers of people – many of them under the influence of alcohol – trying to get home quickly in the early hours of the morning. The licensed taxi and private hire industries have, in the past, struggled to cope with this peak in late night travel demand. Many of these potential customers will not have planned their journeys home or will be in a state which will deter many licensed drivers from taking their fare.
- 2.2 As a result of these factors, there is a large illegal market for unlicensed minicabs. Simply put, only licensed taxi drivers are able to “ply for hire” – i.e. be legally hailed in the street. Any other driver offering their services for hire, or responding to requests for a taxi, is committing an offence.
- 2.3 Taxi touting presents real risks to the travelling public. Illegal minicabs are unregulated and uninsured for the purposes of carrying passengers. As recently as 2003 there were an estimated 18 sexual assaults a month involving taxi touts. This was aggravated by up to one in five women leaving clubs and pubs late at night using illegally touted minicabs to get home. The MPS Sapphire Unit (targeting sexual assaults) noted that sexual predators were using taxi touting as a route to identify and pursue victims.
- 2.4 Taxi touting also presents a real economic threat to the licensed taxi and PHV industry. Both industries face significant investment and overheads to trade as a licensed service. Touts operating outside major venues intercept their customers and represent unfair – and unsustainable – competition.

**3 PRIVATE HIRE LICENSING**

- 3.1 Legislation was introduced in 1998 to license the private hire vehicle (PHV) industry. The Public Carriage Office (PCO) within TfL has completed the licensing of over 2,500 private hire operators, 54,000 private hire drivers and 48,000 private hire vehicles.

- 3.2 PHVs carry an estimated 100 million passengers each year. They range from local minicabs through to luxury limousine services with prices and service quality varying accordingly. All PHV journeys must be pre-booked through the licensed operator. It is an offence for PHVs to ply for hire in the street or for bookings to be taken directly by the driver.

#### **4 SAFER TRAVEL AT NIGHT INITIATIVE**

- 4.1 TfL is working closely with the MPS and the Greater London Authority (GLA) to tackle taxi touting, minimise the risks to the travelling public in London and reduce the number of cab-related sexual offences. The Safer Travel at Night (STaN) campaign combines police and civil enforcement activity, improved late night travel services, liaison with the entertainment industry and direct public information campaigns.
- 4.2 TfL has established some marshalled taxi rank schemes in both inner and outer London. Travel information services have also been improved including the Cabwise service which provides licensed cab numbers direct to the user's mobile phone.
- 4.3 The proportion of women using illegal cabs has fallen from 19 per cent to 3 per cent over the last five years and levels of active touting approaches have fallen steadily. As a result there has been a 44 per cent reduction in the number of sexual assaults – although there are still eight reported cab-related sexual offences per month.

#### **5 CAB ENFORCEMENT RESOURCES AND ACTIVITIES**

- 5.1 Cab enforcement activities are funded by TfL and carried out by the MPS Transport Operational Command Unit (TOCU) and City of London Police (CoLP). Since 2003 TOCU has made over 4,500 arrests for touting and cab-related offences and dealt with another 2,000 offences by way of summons.
- 5.2 The Cab Enforcement Unit's core activities include evening patrols in the hotspot locations from Wednesday to Saturday, covert anti-touting operations, high visibility enforcement activities to detect and deter illegal cab drivers, compliance activities (vehicle and licensing checks using Automatic Number Plate Recognition) and crime prevention activities. Over the last six months, the Cab Enforcement Unit has carried out over 300 additional planned enforcement activities and operations in addition to the core anti-touting patrols.
- 5.3 The Mayor, through TfL, has committed to doubling the strength of the cab enforcement unit and these additional 34 police officers should be in place by June 2009. The teams will continue to target taxi touts through covert work but will also undertake more visible patrols and deal with operators and their agents acting illegally. They will be supported by the PCO compliance team.
- 5.4 The CoLP has been proactive in tackling taxi touting in the City which is a priority for the local community. The CoLP regularly undertakes high visibility operations and crackdowns to deter illegal cab operation in the City. Common tactics include vehicle and licence checks, use of automatic number plate recognition, seizure of vehicles and high visibility patrols.

- 5.5 The CoLP also provides valuable support to the marshalled taxi rank at Liverpool Street station to help ensure that people are taking licensed cabs from a safe area outside the station.
- 5.6 The MPS and CoLP work closely with the PCO to ensure compliance with laws relating to taxis and PHVs. This work involves regular visits to licensed operators, vehicle and licence inspections, dealing with complaints from the public and participating in special exercises with the police and other agencies. In addition, TOCU has regular meetings with the licensed taxi and PHV trade to identify priorities and gather intelligence.

## **6 PENALTIES FOR TAXI TOUTING**

- 6.1 The offence of 'Tout for business – private hire / other vehicle' is a criminal offence under the Criminal Justice and Public Order Act 1994. Those arrested and charged with taxi touting are also charged with having no valid insurance.
- 6.2 TfL has consistently argued for tougher penalties for taxi touting. This has included working with the Home Office and the Crown Prosecution Service which resulted in taxi touting being designated a recordable offence. This allows fingerprints and DNA samples to be collected which in turn can lead to the resolution of past or future crimes where DNA is available. Under the TOCU's positive arrest policy, anyone found to be taxi touting will be arrested and have their DNA sampled.
- 6.3 A person guilty of taxi touting is liable on summary conviction to a fine not exceeding £2,500. The offence of using a motor vehicle without valid insurance is liable on summary conviction to a fine of up to £5,000 and carries between 6 and 8 penalty points and a discretionary disqualification.
- 6.4 Sentences in individual cases are a matter for the courts taking into account the circumstances of the offence and the offender. TOCU records show that the average financial penalty for the taxi touting conviction was £135 (fines range from £35 to £600). The average financial penalty for both taxi touting and having no insurance was approximately £260 but the majority also had their licences endorsed or were disqualified from driving for a period of time.
- 6.5 TfL/GLA raised concerns with the Home Office about the inconsistency and leniency of penalties being imposed for taxi touting in 2004. As a result, Magistrate's Court Sentencing Guidelines were revised to include guidance on taxi touting offences and reissued in 2008 but no significant improvements have yet been noticed.
- 6.6 Discussions on revised legislation were given fresh impetus by the recent attempt by the Ministry of Justice to allow touting offences to be dealt with by a Penalty Notice for Disorder (PND). This would have meant that offenders would be given an £80 fine rather than being dealt with through the courts. The Mayor in conjunction with the licensed taxi trade, PHV industry, and the Suzy Lamplugh Trust successfully lobbied against this and received a welcome commitment from the Secretary of State to work with us to develop more appropriate legislation.

- 6.7 The Mayor has also written to the Home Office asking for support in introducing tougher penalties for taxi touting, including the power to seize and dispose of vehicles used for the purposes of private hire and taxi touting. This is being discussed with the Home Office, Ministry of Justice and the Department for Transport.
- 6.8 The PCO has no separate jurisdiction over unlicensed minicabs as they fall outside the licensing regime. However, the PCO does deal with licensed PHV drivers found to be touting through licence revocation. The Mayor's "one strike and you're out" policy has already led to the PCO revoking over 40 PHV driver licences since August. The Panel should be aware that the extension of the "one strike" policy to include licensed taxi drivers has proven to be very controversial within the licensed taxi trade.

## **7 INFORMING THE PUBLIC**

- 7.1 The hard hitting public awareness campaign has been effective in reducing the demand for illegal minicabs and the resulting reduction in cab-related sexual assaults. The campaign is supported by the Cabwise service whereby people can text the word "HOME" to 60835 and receive the numbers of two nearby TfL licensed, 24 hour minicab operators and the Taxi One Number.
- 7.2 TfL, MPS and CoLP have been working with bars, clubs and other late night venues to ensure the safety of customers and staff once they have left the premises. TOCU and other partners will work with specific venues where problems are identified. In addition, the MPS Clubs and Vice Unit have produced good management guidelines for clubs and bars in London and safe travel options are a safe component of this.

## **8 CONCLUSION AND FUTURE DEVELOPMENTS**

- 8.1 TfL recognises that touting remains one of the most pressing problems for late night travellers and the licensed taxi and PHV industry. TfL is taking forward a programme of actions which builds on the work set out above. This includes:
- (a) implementing the TOCU Cab Enforcement Unit restructuring and recommendations from the five year review of the Unit's activities;
  - (b) working with the Government to introduce tougher penalties for taxi touting and other unlawful cab activity;
  - (c) working closely with the licensed taxi and PHV trade as well as other partners to tackle specific issues; and
  - (d) doubling the size of the Cab Enforcement Units in TOCU and the CoLP.

## **9 RECOMMENDATION**

- 9.1 The Panel is asked to NOTE this report.

## **10 CONTACT**

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