

# Improving Safety in Private Hire Vehicles Consultation - Uber submission

## Advanced Driving Test

### **Do you agree or disagree with the proposal to introduce an advanced driving assessment for all PHV drivers? If you do not agree, please explain why.**

Uber is committed above all to public safety in private hire. In keeping with the Mayor's call in his Transport Strategy for a 'Vision Zero' approach in London to minimise road casualties and make the streets safer, we support the principle of introducing an advanced driving assessment.

Yet while we believe in raising standards there are concerns as to how this proposal would be delivered in a timely and cost-effective way, especially given the capacity constraints that led to the Driver and Vehicle Standards Agency (DVSA) having to stop providing advanced driving assessments for Taxi drivers because they couldn't cope with the volumes. We expand on this below and provide further suggestions for how it could be implemented more fairly for drivers, not least the fact that several components of the driving assessment could be consolidated into the topographical assessment.

### ***Increased cost & time for new private hire applicants***

- As of April 2018, it takes c.16-24 weeks and costs £729 to apply for a private hire licence in London. With the introduction of an advanced driving assessment (working assumption of £100<sup>1</sup>), we expect the cost to rise to £829. It is difficult to predict the additional time that the assessment will add to the process as much of that will be dictated by assessment centre capacity.
- Whilst not clear in the proposal, the possibility that the advanced driving assessment would be undertaken in the driver's private hire vehicle (PHV) - in line with the hackney carriage DVSA assessment that was in place in 2016 - would be problematic. If this is the case, an applicant would wait for their vehicle to be licensed before taking the assessment. This could, therefore, drastically increase the time before a driver can use their vehicle for private hire purposes. On that note:
  - Many drivers rent vehicles and so would incur the cost of renting their vehicle before they can take the assessment. During this period, the driver would be unable to earn an income from private hire to pay these costs.
  - Also, with the current licensing process, an individual cannot apply for their PHV licence until they have received their private hire driver licence.
- The addition of an advanced driving test will represent another activity - adding to the time investment that drivers are required to make. An applicant must already undergo a topographical assessment, medical check, a visit to the Post Office for the enhanced background check document verification and an English language assessment - all at different locations and at different times. This may deter those with inflexible working patterns from being able to enter the private hire industry.

### ***Increased cost for existing private hire licensee***

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<sup>1</sup>Based on hackney carriage test from DSA (discontinued in 2016):  
<https://tfl.gov.uk/info-for/taxis-and-private-hire/licensing/apply-for-a-taxi-driver-licence>.  
Fees: £92.94 (normal hours); £112.34 (evenings and Saturdays); £50 (wheelchair test only).

- Existing drivers will have to pay between £92-£112 to take the assessment. This excludes any additional costs in relation to training and follows substantial rises in licensing costs in recent years due to increases in TfL application costs and the introduction of the English language assessment.

### ***Undermining flexible work***

- Thousands of partner-drivers with Uber in London operate on a part-time basis - for example working a few hours per week to make some money around childcare, study or building a business. Additional process and cost to maintain/obtain a licence will threaten to end this attractive form of flexible earning.

### ***Impact to private hire passenger service***

- On-demand private hire is an increasingly popular service for consumers - especially those looking to give up their own cars or to connect with public transport. By reducing the number of active private hire drivers, the sector would be unable to meet passenger demand, so proving detrimental to many Londoners, thereby encouraging the use of private cars and making it harder to connect with public transport.

### **Suggested mitigations and improvements**

- With the vast majority of licences being subject to a 3-year renewal, it would be more reasonable to introduce any type of assessment upon licence renewal. This would give drivers appropriate time to:
  - Decide if they would like to continue to operate in the private hire industry.
  - Make appropriate career changes if they deem the licensing process prohibitively expensive or overly complex.
- Forcing all drivers to have taken the assessment by a fixed date (i.e. not upon renewal) would:
  - Increase pressure on operators to support drivers through the assessment - some may not even survive.
  - Concentrate driver enquiries to TfL and require resourcing to verify assessment completion.
  - Put significant strain on assessment centres which may not be able to cope with such large volumes in a short period, leading to drivers being unable to secure assessment bookings and thus risk having their licence revoked, so threatening their livelihoods.
- It should also be noted that the Driver and Vehicle Standards Agency (DVSA) [stopped providing advanced driving assessments](#) in December 2016 because they couldn't cope with the volumes: "DVSA is working hard to reduce the waiting time for driving tests for learner drivers. To help with this, DVSA is focussing on carrying out tests it has a statutory responsibility to provide. DVSA taxi assessments aren't required by law, so they're being brought to an end. DVSA carried out around 23,000 taxi assessments between April 2015 and March 2016." Since TfL [has been licensing Taxis under the provision](#) that, when they do find a provider, any Taxis without the advanced driving assessment will need to obtain it, this will further add to the volumes going through a designated provider.

As mentioned above, the advanced driving assessment represents another activity to which applicants must dedicate time, effort and increased costs. To minimise these issues, whilst still maintaining the safety of the proposed assessment, there are several changes that could be explored:

### ***Review of the assessment content***

- There is duplication of content between the proposed advanced driving assessment, DVSA driving test that is required for a driving licence and medical checks which all private hire drivers already go

through. The eyesight check, for example, which TfL outlines in its proposed test, is arguably unnecessary since every driver must take a vision test as part of their private hire driving licence medical check.

- To reduce the overall cost, time and friction that a further assessment would bring to private hire licensing, there is an opportunity to consolidate several components of the driving assessment into the topographical assessment.
- Based on the comparison table below, the following aspects are not assessed via existing forms of assessment:
  - Expert handling
  - Motorway driving
  - safety of passengers
  - stopping safely
  - dealing with distractions
  - SAFED (Safe and Fuel Efficient Driving) scheme

<b>Advance Assessment</b>	<b>Driving</b>	<b>Standard driving Exam</b>	<b>DVSA</b>	<b>Topographical Assessment</b>	<b>Medical Exam</b>
Eyesight test					✓
Pre-drive checks	vehicle	✓			
Expert handling of controls					
Appropriate use of speed		✓			
Appropriate use of gears		✓			
Appropriate use of brakes		✓			
Steering negotiating		✓			
Junctions		✓			
Motorway driving					
Overall stability of vehicle		✓			
safety and comfort of paying passengers					
emergency stop		✓			
vehicle manoeuvre e.g. turning the vehicle in the road		✓			

stopping safely at the kerbside as if picking up or setting down a passenger			
dealing with driver distraction			
awareness of vulnerable road users (e.g. pedestrians, cyclists, motorcyclists)	✓		
Highway Code Questions	✓ (theory test)		
Role Specific Questions		✓	
SAFED (Safe and Fuel Efficient Driving) scheme			

**Review of the assessment delivery method**

- The content review outlined above demonstrates some duplication with other existing assessments.
- Aspects that are not already assessed via these channels, such as passenger safety, SAFED and motorway driving, could be integrated into the topographical assessment.
- Other more hands-on aspects such as dealing with distractions and stopping safely could be assessed via an invigilated electronic assessment similar to the hazard perception test in the DVSA theory exam.

**Do you have any comments on a proposed outline driving assessment at Appendix B?**

We cover this in detail in the *Review of the assessment content* section above.

**Do you agree or disagree with the proposal to introduce an enhanced wheelchair assessment for the drivers of all wheelchair accessible PHVs?**

We support the notion of introducing an enhanced wheelchair assessment for the drivers of all wheelchair accessible PHVs but want to flag concerns about additional burdens, ability to operationalise, and the apparent lack of involvement of disability organisations.

We want to echo a number of the concerns highlighted already in terms of potential costs and burdens on drivers and/or operators, test capacity, and when the requirement is to apply i.e. upon renewal or at a fixed date for all drivers.

We would also would welcome more clarity on whether drivers would need to take the assessment every time they get a vehicle licensed - this would make more sense, since this could then be assessed at the point of vehicle licensing, so avoiding duplication of effort.

Ideally such an assessment would be run by a disability-focused organisation. However, if it is important that the same third party carries out this and the advanced driving assessment - and indeed we would encourage synergies where possible - the likes of Transport For All should at least advise or oversee the process in some way.

Finally, it is vital that the objectives here do not have the converse effect of reducing the number of wheelchair accessible vehicles on the road, so impacting passengers with mobility needs.

**Do you agree or disagree that wheelchair accessible PHVs should only be driven by private hire drivers who have completed the wheelchair assessment, whilst undertaking a booking? If you do not agree, please explain why.**

Yes, we agree that wheelchair accessible PHVs should only be driven by private hire drivers who have completed the wheelchair assessment, whilst undertaking a booking, although we would reiterate the points made in the previous answer.

## **Private hire vehicle signage**

We support efforts to enhance passenger information and awareness as part of efforts to increase public safety in private hire. Where we agree with the introduction of new signage in our answers below, it is important that additional burdens imposed on drivers and/or operators are reasonable and proportionate.

Any such negative impact will be determined by the effort required in obtaining and installing the signage, which is not clear at this stage. It is also important to establish whether this will be carried out at the point of PHV licensing/renewal, or whether there will be a requirement to visit a centre by a specified date. If the latter, it will require effort and availability from drivers, centres applying signage and rental providers who need to update their fleet.

### **Do you agree or disagree with the proposal to introduce signage in private hire vehicles which will display customer contact information?**

We agree. It should be added that signposting how to complain to TfL is important but, depending on the issue, it can be more suitable to contact the operator directly to resolve the issue in the quickest way possible. Signage should explain the various options to passengers rather than potentially divert them from the best course of action.

### **Do you agree or disagree with the proposal to introduce mandatory signage in private hire vehicles which will display dooring cycle safety sign?**

We agree.

### **Do you agree or disagree with the proposal to introduce additional signage in private hire vehicles which will advise passengers to wear their seatbelt?**

We agree.

### **Do you agree that these messages should be displayed in one combined sign?**

Yes.

### **Do you have any alternative suggestions to ensure that passengers are aware of this contact information?**

Technology may have a role to play, in that app-based operators could support TfL's objectives by providing additional information through the app. When one books a trip via the Uber app, for example, the passenger is shown in-app an image of the driver and their licence number, and further information is provided on the e-receipt that follows the trip.

### **Do you agree or disagree with the proposal to change the colour of the vehicle licence disc on an annual basis?**

We agree, subject to the burden on drivers and operators being reasonable and proportionate.

### **Do you have any other ideas as to how expired licences can be identified?**

Coloured discs seem the best option for a solution that is easily visible for compliance officers and members of the public.

**Do you support the proposal that private hire vehicles should be more identifiable and do you have any comments on the options listed above?**

We agree that signposting how to complain to TfL is important but, depending on the issue, it can be more suitable to contact the operator directly to fix the issue in the quickest way possible. Signage should explain the various options to passengers rather than potentially divert them from the best course of action.

**Do you agree with the proposal that exemptions from displaying the proposed mandatory signage should be considered by TfL on a case by case basis?**

It is important to allow for exemptions as appropriate, but there is a risk of the proposed 'case by case basis' becoming an expensive, cumbersome approach. We would recommend some form of blanket rules and/or principles, which also allow for exceptional circumstances on a case by case basis.

**Do you agree or disagree that the information contained on PHV driver ID cards should be more visible from outside of PHVs?**

The principle and objective is sound but there is a risk of making drivers feel vulnerable, especially given their personal data would be exposed even when not in the car.

**Do you agree or disagree with the proposal that a version of the PHV driver's ID card should be displayed on the nearside of the PHV on the front windscreen in the top corner?**

Yes we agree, while reiterating the concern in the previous answer.

**If you do not agree that the information contained on PHV driver ID cards should be more visible from outside of PHVs or support our proposal please specify why?**

We do not disagree but do reiterate the concern above.

## **Hire or reward and operator fleet insurance**

### **Do you think any changes are needed to the existing PHV hire or reward insurance requirements?**

#### **Yes / No / Don't know / No opinion**

No. The current insurance requirement for the PHV market provides effective and comprehensive liability insurance protection to all third parties.

We do not support any requirement for operators to hold a separate primary Hire & Reward commercial motor fleet policy. The primary insurance obligation rests with the vehicle owner and the UK fleet motor insurance market typically limits insured vehicles to only those registered to the Commercial Company (plus its Directors).

The fleet insurance option is not one that works for operator models that involve independent contractors using their own vehicles, often in connection with more than one private hire operator.

Requiring drivers to hold commercial insurance and requiring private hire operators to have fleet insurance will simply result in double coverage, a 'windfall' for insurance companies and no additional public safety benefit, with a more complex claim process for injured parties. The cost could also be prohibitive for many operators, putting them out of business.

Including such a requirement for private hire operators would also introduce complexity for TfL when licensing drivers, dual insurance questions when claims happen (as Owners/Drivers must ensure their vehicle is insured under the Road Traffic Act) and restrict the ability of drivers to drive for multiple operators.

There are however insurance products that operators can purchase to provide contingent protection that would provide assurance to TfL that every booking is covered by private hire insurance, including in circumstances of fraud or non-payment by the vehicle owner. This is far more appropriate and practical than requiring the operator to purchase traditional fleet insurance for vehicles that they do not own.

This contingent protection approach:

- is feasible
- is consistent with existing insurance products
- simplifies administration for TfL which can inspect the operator's proof of contingent insurance rather than each individual PHV certificate
- ensures that injured passengers and the public are always protected by insurance during a covered booking and do not need to access the Motor Insurance Bureau scheme for compensation.

**If you answered yes what changes do you think are needed? Hire or reward insurance should be in place at all times the vehicle is licensed as a PHV / PHV operators should be required to have hire or reward fleet insurance in place covering all of the private hire vehicles available to them / Other (please specify)**

N/A.

**What evidence do you have to support the changes you think are needed and why do you feel this enhances public safety?**

N/A.



**Should PHV drivers be required to produce evidence to TfL compliance officers that they are covered by the applicable hire or reward insurance policy for inspection? Yes / No / Don't know / No opinion**

Yes.

**If so, what form should the evidence they produce take? Original certificate / Photocopy of original certificate / Letter from insurer or insured person / Electronic copy of original certificate / Other (please specify)**

The evidence to be produced would ideally be an electronic copy of the original insurance certificate.

## **Background character checks for private hire driver licence applicants**

**Please provide your views on how TfL can best establish background character information for persons who have lived for an extended period outside the UK or come to the UK from another country. Please provide any evidence to support your comments.**

As part of our commitment to public safety, we support efforts to maintain robust background checks for anyone working in private hire. Indeed, it is not possible to drive on the Uber app without having attained an Enhanced DBS check as part of the private hire licensing process.

In terms of establishing background character information for persons who have lived for an extended period outside the UK or come to the UK from another country, we would make the following comments:

- The requirement around 'minimum residency in the UK' could prove problematic, given it may be considered discriminatory and potentially contravenes one's worker rights when their visa or EU status states that they can work in the UK.
- On a related note, the reality is that immigrants over-index in private hire and so it is important that they are able to find stable, reliable work and are not inadvertently discriminated against.
- Further clarity is required as to whether this impacts only new applicants or existing licensees. Should it impact existing drivers, there is a question as to whether current licences will be revoked.
- In introducing additional checks, it is important not to undermine public trust in the current robust protections - such as the Enhanced DBS check - and inadvertently create concern about one's safety when entering a vehicle before any new process is in place.
- There may be value in introducing 'self-declaration of criminal convictions by applicants' but we should beware the limitations of self-declaration in this way'.