

Taxi and Private Hire Vehicle Licensing

**Transport for London response to the
Department for Transport consultation on Best
Practice Guidance for Licensing Authorities**

Introduction

Transport for London (TfL) is a statutory body established by the Greater London Authority Act 1999 and is the licensing authority for London's taxi and private hire industries. We are the largest licensing authority in the country, being responsible for licensing over one third of all taxis and private hire vehicles (PHVs) in England.

As of 12 June 2022, TfL licenses:

14,810 taxis

19,171 taxi drivers

82,116 PHVs

98,700 PHV drivers and

1,687 PHV operators

We are also responsible for appointing taxi ranks on the public highway in all Greater London boroughs, with the exception of the City of London. There are approximately 700 taxi ranks throughout London appointed by TfL.

We welcome the opportunity to respond to this consultation. Taxis and PHVs play an important role in delivering passenger transport services in London and it is important that standards and approaches to licensing recommended by the Department for Transport (DfT) ensure the safety of passengers and other road users and provide appropriate levels of service.

Our responses to the specific questions posed in the online response form are set out below in the format of that form. However, there are some additional aspects of the draft Best Practice Guidance that we wish to comment on, and these comments are included in the 'Final Comments' section at the end of this response.

While we support the role the Best Practice Guidance can play in ensuring taxi and private hire services are safe, inclusive and accessible, we continue to urge the Government to introduce legislation that will address fundamental issues in the industry, including the introduction of national minimum standards, addressing problems caused by cross border hiring, and the introduction of enhanced enforcement powers. We would also urge the Government to amend legislation to remove some of the inconsistencies that exist between the taxi and PHV licensing regimes to allow us to carry out our licensing functions with greater effect. For example, we have the power to introduce character checks (eg DBS check and Certificates of GC) for taxi vehicle licensees but not for PHV licensees and we can issue short (less than 12 months) PHV licences but can only issue 12 month taxi vehicle licences. Enabling TfL to have consistent powers for taxi and private hire licenses ensures public safety and fairness between the trades.

We welcome the commitment made by Baroness Vere in the recent Queen's Speech debate to modernise the laws around taxis and PHVs and look forward to working with the DfT to achieve these outcomes.

DfT Statutory Taxi and Private Hire Vehicle Standards

On 21 July 2020, the Secretary of State for Transport published Statutory Taxi and Private Hire Vehicle Standards ('the Standards') under section 177(1) of the Policing and Crime Act 2017 which licensing authorities "must have regard to" when exercising their functions (s.177(4)).

We welcome the package of measures within the Standards which are aimed at enhancing the safety of passengers using taxi and private hire services.

Subject to consultation, TfL's structure, and the legislation applicable in London, we are committed to meeting the Standards and are pleased to confirm that many of them are already in place in London. New Standards will be implemented as soon as is practically possible, taking into account the significant negative impact the coronavirus pandemic has had on the taxi and private hire industries, including the financial difficulties that many London licensees have faced throughout the pandemic period.

A copy of our response to the DfT Statutory Taxi and PHV Standards is available on our [website](#). We will be consulting on how we implement the recommendations we are not already compliant with.

Accessibility

9. In your view, should licensing authorities introduce Inclusive Service Plans for taxis and PHVs?

- Yes
- No
- Don't know

Why?

We recognise the importance of the overall accessibility of the transport system and are committed to making it more accessible and inclusive. This is critical to delivering a better whole journey experience for disabled people and the growing number of older people and will also ensure that public transport is easier to use for all Londoners. For example, all taxis licensed in London are wheelchair accessible and have many other accessibility features.

As taxis and PHVs form part of the wider transport network, an Inclusive Service Plan for taxis and PHVs should not be a standalone plan but be part of a wider accessibility plan for transport services. For example, TfL would look to include an Inclusive Service Plan in the [Mayor of London's Transport Strategy](#). To achieve this, the Guidance should encourage all those who have a role in providing transport services in their area e.g. transport authorities, boroughs, district councils, county councils, etc. to collaborate when preparing their plans.

10. Do you agree that licensing authorities should introduce the accessibility measures proposed in the best practice guidance?

- Yes (but please see comments below)
- No
- Don't know

Why?

We recognise the importance of taxis and PHVs providing an accessible and inclusive service and licensing authorities' policies should seek to remove barriers preventing disabled people from accessing taxi and private hire vehicle services. However, at 4.8 the draft Guidance says that licensing authorities should consider specifying that wheelchair accessible vehicles (WAVs) should be capable of carrying wheelchairs larger than the reference size. Requiring wheelchair accessible vehicles to carry wheelchairs over and above the reference size may have the impact of further restricting the market of wheelchair accessible taxis and PHVs.

Nevertheless, while it is a licensing requirement that all London taxis can accommodate a reference wheelchair, close liaison with vehicle manufacturers has resulted in the newest taxis being able to carry a wheelchair larger than the reference size.

Prior to making changes to the current DfT reference wheelchair size, we recommend the DfT engages with taxi vehicle manufacturers. Implementing changes which are either not possible to engineer or add significant development and production costs may deter investment in this small market, resulting in lower numbers of WAV choice for passengers.

Incentivising the take up of wheelchair accessible PHVs may have greater benefit in meeting the needs of wheelchair users than specifying that WAVs should be capable of carrying wheelchairs larger than the reference size.

In determining a licensing policy for WAVs, licensing authorities should first assess the nature and scale of the problem and then seek appropriate and proportionate solutions. For example, establishing whether the barrier to accessibility is the design of WAVs or their availability.

11. In your view are there any other measures licensing authorities should take to improve accessibility of taxis and private hire vehicles?

- Yes
- No
- Don't know

12. What other measures should licensing authorities take to improve accessibility of taxis and private hire vehicles?

TfL actively promotes accessibility across London's transport network. While the draft Guidance includes some specific recommendations, they may not be the only ways of improving accessibility. For example, the list at 4.13 is very specific whereas there are multiple solutions to the barriers listed and any measures taken by licensing authorities should be appropriate to address the specific problem identified.

The recommended measures should say that they are examples of suggested approaches. Other potential solutions include carrying out mystery traveller surveys with disabled people using taxis and PHVs and establishing a regular forum to focus on and understand disabled people's experience of using taxis and PHVs, the problems, mitigations and where things are going well.

The Guidance should also focus on the positive experience of disabled passengers, highlighting measures that have contributed to this experience that can be included as

examples of best practice.

We agree with the draft Guidance at 5.12 that robust enforcement of the Equality Act 2010 is important in maintaining the confidence of disabled passengers who use taxi and PHV services. We investigate any complaint we receive relating to breaches of section 165 of the Equality Act and, where sufficient evidence is available, we carry out prosecutions. Where a driver is successfully prosecuted, we will also review their fitness to be licensed in London. We also maintain a list of “dedicated” taxi and private hire vehicles under Section 167 of the Equality Act.

Points-based enforcement systems

13. Do you agree that any points incurred through a points-based enforcement regime should remain on the record for 3 years for drivers from the date of the incident?

- Yes
- No
- Don't know

14. Why, providing any relevant information to support your view or alternative proposals?

Comments:

Rather than a points based system we consider each incident on a case by case basis and with reference to the relevant licensing policies (e.g. [TfL taxi and PHV driver policy](#)). Whether or not a points-based system is operated, three years should be the minimum period for licensing authorities to retain records of complaints and non-compliance however we would recommend a longer period. TfL retains records of complaints and non-compliance concerning drivers for seven years i.e. two licence periods plus one year. This allows us to identify any patterns of behaviour that might lead to a safety risk for passengers. We can then make fully informed decisions based on a complete picture of driver's recent conduct, while disregarding historic information. A retention period of three years or shorter than three years may mean that patterns of behaviour that are of concern may not be identified, or information about previous incidents that should be taken into account with any new incident is not available to the licensing authority.

We agree with the guidance that licensing authorities should consider whether a review is undertaken in situations where points are incurred within a shorter period, in fact we consider it appropriate and important that a licensee's record is reviewed after every recorded complaint or incident of non-compliance. Should a pattern of poor behaviour be evident, or the individual incident is serious, licensing action may be necessary.

15. Do you agree that any points incurred through a points-based enforcement regime should remain on the record for 5 years for PHV operators from the date of the incident?

- Yes
- No
- Don't know

16. Why, providing any relevant information to support your view or alternative proposals?

Comments:

Again, we would recommend a longer period, taking into account the longer licence length of PHV operator licences and the fact that, as companies, owners and management can change, so it is important to have a record of non-compliance that can be considered at the point of licence renewal or at other stages. Our reasoning is the same as above for drivers.

Driver licensing: driver proficiency

17. Do you agree licensing authorities should require taxi and PHV drivers, as professional drivers, to evidence a higher degree of driving ability than is required for a private motorist?

- Yes
- No
- Don't know

18. Why, providing any relevant information to support your view or alternative proposals?

Comments:

As professional drivers carrying fare paying passengers, it is important for public safety that taxi and PHV drivers demonstrate a higher degree of driving ability than that required for a standard driving licence.

In order to contribute towards TfL's safer travel initiatives such as its Vision Zero, the objective of which is to eliminate all deaths and serious injuries from road collisions to be eliminated from London's streets by 2041, taxi and PHV drivers should demonstrate that they are considerate, safety conscious and have a high degree of vehicle control skills to make sure that customers travel safely, as well as in comfort.

In 2018 we consulted on introducing an advanced driving test for London PHV drivers, similar to that already required for London taxi drivers.

It is our policy that all taxi driver applicants are required to undertake a taxi-specific driving test in a TfL licensed taxi, paying particular attention to passenger safety and comfort, and vehicle features. This additional test is necessary due to the different handling characteristics of licensed taxi vehicles and the need to demonstrate competency in using the features to assist people with disabilities.

While still a requirement, delivering the driving test for taxi drivers was paused following the sudden cessation of DVSA taxi driving tests. DVSA ceased providing the tests and focused on carrying out tests it has a statutory responsibility to provide. DVSA taxi assessments aren't required by law.

We have not taken a decision on whether to proceed with the proposed advanced driving test for London PHV drivers while we concentrate on implementing the Statutory Taxi and PHV Standards and giving time for the trade to recover from the impact of the pandemic, but it will be revisited once the Statutory Standards and associated processes have been implemented.

While a higher standard of driving may be considered appropriate, it is recommended that any requirement for additional testing is supported by appropriate evidence that it will

contribute to safer travel and a reduction in collisions.

The DfT may wish to include in the Guidance suggestions as to how licensing authorities enable taxi and PHV drivers to demonstrate that they have a higher degree of driving ability. This may include already established advanced driving qualifications as well as taxi and PHV driving tests, which are bespoke to the particular local authority area.

Driver licensing: vocational training and assessment

19. Do you agree that licensing authorities should not require drivers to obtain a vocational qualification?

- Yes
- No
- Don't know

20. Why, providing any relevant information to support your view or alternative proposals?

Comments:

We recognise the value of vocational qualifications but there are alternative means of ensuring that taxi and PHV drivers have the necessary skills and knowledge to undertake their role. Vocational qualifications tend to be generic, based on national frameworks, whereas a licensing authority's own training and assessments can be customised to the authority's location, local regulatory requirements and take into account whether the individual is a taxi or PHV driver.

Furthermore, vocational qualifications delivered and awarded by third party suppliers present the risks of inconsistent quality, uncontrolled costs and potential fraud. We consider it appropriate that guidance highlights the importance of licensing authorities maintaining strict control over any vocational qualifications delivered or awarded by third party suppliers.

In London we have introduced a requirement that all applicants for a PHV driver's licence (both new and renewing) must pass an assessment of their Safety, Equality and Regulatory Understanding (SERU). The SERU assessment is based on the content of the PHV Driver Handbook. The London PHV driver Handbook covers a wide range of safety, equality, safeguarding and regulatory information. Applicants are advised to read the Handbook prior to attending a TfL driver assessment centre to undertake the SERU assessment.

The Handbook is also a working guide for PHV drivers and is an invaluable tool for both applicants and existing licensees and will be regularly updated with any new or amended information. This allows us, as the licensing authority, to ensure that the information provided to our drivers is always relevant and up to date.

We intend to consult on proposals to introduce a SERU assessment for London taxi drivers and taxi driver applicants as part of our forthcoming consultation on improving the safety of London taxi and private hire services. This consultation will also include further details on our plans to implement of the DfT's taxi and private hire vehicle Statutory Standards.

Topographical knowledge tests

22. If a PHV driver is required to pass a topographical test do you think the topographical knowledge test requirement for PHV drivers should be:

- to pass the same topographical test as taxi drivers?
- to test the candidate's ability to plan a route or safely use a navigation system?
- another requirement?

23. Why, providing any relevant information to support your view or alternative proposals?

Comments:

It is vital that taxi and PHV drivers have the appropriate route-finding skills for the role they are licensed for. Given the difference in the role of a taxi driver who can accept immediate hirings with that of a PHV driver who has an opportunity to check the details of a route before starting a journey, different standards of topographical knowledge and skills are appropriate.

In London, there is a statutory requirement for PHV drivers to demonstrate an appropriate level of topographical skills and knowledge. Section 13(3) of the Private Hire Vehicles (London) Act 1998 states:

The licensing authority shall require applicants to show to the authority's satisfaction (whether by taking a test or otherwise) that they possess a level-

- a) of knowledge of London or parts of London; and*
- b) of general topographical skills*

which appears to the licensing authority to be appropriate.

To meet this requirement, all applicants for a PHV driver's licence have to pass a topographical skills assessment in order to be licensed. The specification for the assessment has been designed to ensure that prospective PHV drivers can demonstrate an appropriate level of topographical skills to work as a PHV driver in London.

The assessment comprises five specific elements, which are:

- General map reading ability and using use the different indexes within a road atlas
- Route selection (local)
- Route selection (intermediate)

- Route selection (long distance)
- General topographical knowledge and awareness

We allow a small number of concessions for applicants for a PHV driver's licence who can demonstrate that they already satisfy the topographical skills requirement and will therefore not be required to take a topographical skills assessment.

The current concessions are:

- applicants who have passed a TfL topographical skills assessment as part of a previous application;
- licensed London taxi drivers; and
- professional London tourist guides (e.g. Blue Badge Driver Guide).

Any other concessions are considered on a case by case basis.

Driver licensing: vehicle condition check

24. Do you agree licensing authorities should require drivers to conduct daily checks on their vehicle similar to the checklist provided?

- Yes
- No
- Don't know

25. Why, providing any relevant information to support your view or alternative proposals?

Comments:

Drivers carrying out daily checks on the vehicles they will use is good practice to ensure the continued day-to-day safety of taxi and PHV vehicles. We would recommend that checks are undertaken before the start of each shift, rather than daily, to ensure the checks are undertaken immediately prior to carrying passengers. Whilst we agree with the principle of requiring drivers to undertake regular checks before the start of their shift, ensuring compliance could prove problematic. Requiring drivers to produce their completed checklist could form part of on-street compliance checks but there would be a question as to the integrity of the check and the only meaningful check that could be done is whether there is a record of a check on the day the vehicle is subject to the on-street compliance inspection. Further challenges to enforcement include identifying whether a vehicle was used by a taxi driver on a particular day because taxi drivers do not need to produce any work records. This is in contrast to the PHV industry where operators' records could be used to correlate when vehicles were used with when the driver undertook the check. Regular checks on vehicles should not remove the need for regular on-street checks by licensing authority officers.

26. What, if any, comments do you have on the vehicle condition checklist?

We would propose the following amendments (in italics) to some of the specific items on the checklist:

- Steering has no excessive play *and operates as manufacturer intended* - (this would take into account heavy/notchy steering)
- All seats are secure *and adjust correctly*
- *Battery terminals are secure and free from corrosion*

- There must not be any *engine oil*, brake fluid, power steering fluid or water leaks
- All body panels and sills must not be loose or in danger of falling off *and free from excessive damage*
- The exhaust *be secure, free from leaks and* must not emit excessive amounts of smoke.

Vehicle licensing: vehicle safety ratings

27. Do you agree licensing authorities should consider the safety benefits to passengers, drivers and pedestrians of vehicles which have received a higher Euro NCAP rating (where these have been assessed) when setting its vehicle requirements?

- Yes
- No
- Don't know

28. Why providing any relevant information to support your view or alternative proposals?

Comments:

Within the fleet of licensed taxis and PHVs in London, there are vehicles that provide specialist services that have lower NCAP ratings. Using NCAP ratings as a licensing criterion could have the impact of excluding such vehicles from the market and diminishing the specialist services they provide.

For example, the model types of private hire vehicles can include larger type vehicles for passengers with specialist needs, such as converted Sprinter or Mercedes models. It is possible that other smaller types of vehicles may also have been subject to conversions specifically for that use and will also not meet NCAP ratings.

There are also many types of vehicles in London, including all operational London taxi models, converted wheelchair accessible vehicles, both small and large and imported vehicles such as the Toyota Prius that have been subject to an IVA that do not meet the higher Euro NCAP standards.

However public safety is our priority when setting taxi and private hire vehicle standards and we await the findings and evidence of the DfT's consultation before considering any changes.

Vehicle licensing: seating capacity

29. Do you agree that each person, regardless of age, should be counted as a passenger?

- Yes
- No
- Don't know

30. Why, providing any relevant information to support your view or alternative proposals?

Comments:

We consider that the reference to article 33 of The London Cab Order 1934 in paragraph 8.10 should be omitted and we are reviewing it. In the interest of passenger safety, TfL does not allow the number of passengers, regardless of age, to exceed the number of seat belts fitted in the passenger compartment of either a taxi or PHV, and to suggest otherwise is unhelpful.

31. Do you agree taxis and private hire vehicles should not be licensed to carry more people than the number of seats and seatbelts available?

- Yes
- No
- Don't know

32. Why, providing any relevant information to support your view or alternative proposals?

Comments:

See answer to question 30 in regard to taxis.

Paragraph 5, Schedule 2 of the Private Hire Vehicles (London PHV Licences) Regulations 2004 specifies that the number of passengers carried in the vehicle must not at any time exceed

- (a) the number of passengers that it is licensed to carry; or
- (b) the number of passenger seats fitted with seat belts.

While we agree that taxis and PHVs should not be licensed to carry more people than the number of seats and seatbelts available, the Guidance should be clearer on licensing vehicles to carry fewer people than the number of seat belts available. There may be vehicles that are

licensed to carry fewer passengers than the number of passenger seatbelts available in the vehicle due to safety concerns.

At paragraph 8.9 the draft Guidance states that “It may ... be unreasonable, undesirable or even a safety risk for passengers to have to operate folding seats to exit the vehicle: the ease of this in an unfamiliar vehicle in an emergency situation should be considered”.

TfL allows the use of such seats in private hire vehicles, including them in the licensed seating capacity. These seats are considered safe by the manufacturers and we therefore consider them suitable for the travelling public, and vehicle owners have invested heavily in these vehicles with the reasonable expectation that they will have be licensed with a higher seating capacity.

The DfT may wish to include guidance on the seating capacity of stretched limousines licensed as PHVs. Such vehicles often have side facing seats and not all seats are fitted with a three-point inertia seat belt. The Guidance should clearly say that only those seats with a three-point inertia seat belt should be used in calculating the seating capacity, and side facing seats should never be used due to the increased risks to passengers in the event of a collision.

Vehicle licensing: tinted windows

33. Do you agree that licensing authorities should only require the removal of 'factory fitted' tinted windows as part of vehicle specifications if it can evidence that this is necessary and proportionate?

- Yes
- No
- Don't know

34. Why, providing any relevant information to support your view or alternative proposals?

Comments:

Our licensing standards (taxi Conditions of Fitness) specify that taxis must have no more than 25 per cent tint value in all windows, and PHVs have no more than 25 per cent in the front and side windows and 30 per cent in the rear window. These standards are in line with the relevant [Road Traffic Act](#) and/or Construction and Use [regulations](#). In the event that the vehicle does not comply with these standards it will fail the licensing inspection. It is then the owner's decision as to whether they replace the windows in order to license the vehicle.

The Guidance should be clearer in defining 'factory fitted'. Is the term referring to the tint being fitted as part of the original vehicle build or is an adaption that was fitted by the manufacturer as a bespoke aftermarket element of the vehicle?

It is important that it is always possible to view and read any mandatory signage displayed in windows, and windows should not be tinted to the extent that this is not possible. Furthermore, any level of tint greater than the permitted 25 per cent may have a safety implication if it is not possible to see the passengers inside the vehicle and ensure they are safe and well.

Vehicle licensing: vehicle testing

35. Do you agree licensing authorities should, where possible, obtain details of vehicle tests, including failures?

- Yes
- No
- Don't know

36. Why, providing any relevant information to support your view or alternative proposals?

Comments:

TfL collects comprehensive data (e.g. vehicle make, vehicle model, reasons for failing licensing inspections, etc.) during vehicle licensing inspections. Monitoring this data, particularly failure reasons, allows us to ensure vehicle standards are appropriate and take targeted action with vehicle owners to improve pass rates.

As part of our vehicle licensing process we give due regard to advisories on MOT certificates and have access to limited information about MOT test failures via the on-line interface. This allows us to give appropriate scrutiny to MOT test information and identifying fraud, for example, where there is evidence of a vehicle passing its MOT test on the same day that it failed for significant failures and there was not sufficient time to rectify the issues.

We therefore suggest that the Guidance recommends that all licensing authorities utilise the on-line MOT test checker.

37. Do you agree licensing authorities should require testing stations to provide the outcomes of all examinations carried out, including where vehicles were subject to advisory notices?

- Yes
- No
- Don't know

38. Why providing any relevant information to support your view or alternative proposals?

Comments:

As stated above, we receive all relevant vehicle licensing inspection information from our

contracted third-party service provider and give due regard to MOT test failures and advisories. However, the Guidance should recognise that where MOT tests are carried out separately by an authorised MOT testing centre, failure and advisory information will not necessarily be available to the licensing authority.

Vehicle licensing: vehicle age limits

39. Do you agree licensing authorities should not impose age limits for the licensing of vehicles?

- Yes
- No
- Don't know

40. Why providing any relevant information to support your view or alternative proposals?

Comments:

Vehicle age limits are not arbitrary or inappropriate. The age limits set by TfL were considered appropriate following public consultation. They ensure quality standards in the taxi and PHV industry, improve air quality in London, and are easy to understand for both the industry and vehicle manufacturers. The age limits for taxis and PHVs licensed by TfL are directly linked to emissions standards allowing greater operating life for new vehicles including electric vehicles. A 'one size fits all' approach to age limits as presented in the example is not operated by TfL and is not recommended. Age limits allow continued improvement to be achieved as newer vehicles with additional safety features and passenger benefits enter the market and those with the greatest wear and tear are removed.

Nevertheless, in certain circumstances we allow exemptions to the age limits in order to meet the needs of specialist or niche sectors of the market where the choice of vehicles is limited, where alternative fuel conversions have been made, or where specialist adaptation have been made e.g. for a disabled driver or for specially modified disabled access vehicles.

The draft Guidance fails to recognise that age limits on licensed vehicles removes older vehicles from the industry and negates the need for more frequent testing (see comments on frequency of vehicle testing below).

Age limits (along with other licensing conditions for zero emissions vehicles) are integral to our commitment to reduce emissions from the taxi fleet as part of the government's air quality plans, and to enable TfL to set a clearly defined and deliverable path to a zero-carbon taxi and PHV fleet in London.

Information is available on our website about the age limits for [taxis](#) and [PHVs](#).

Vehicle licensing: vehicle identification and signage

41. Do you agree licensing authorities should not permit roof signs of any kind on private hire vehicles?

- Yes
- No
- Don't know

42. Why, providing any relevant information to support your view or alternative proposals?

Comments:

Regulation 8 of the Private Hire Vehicles (London PHV Licences) Regulations 2004 prohibits the display of signs or advertising material on or from PHVs licensed by TfL. These regulations were made following public consultation.

43. Do you agree that licensing authorities should not impose a livery requirement on private hire vehicles?

- Yes
- No
- Don't know

44. Why, providing any relevant information to support your view or alternative proposals?

Comments:

We agree that it is both unnecessary and inappropriate to impose a livery requirement on PHVs. In addition to reducing the visibility of PHVs, the Guidance should recognise the diverse nature of the PHV industry. The PHV fleet in London and elsewhere includes chauffeur and executive vehicles, vehicles used for school, day centre and medical transport services, and driver guides' vehicles, as well as minicabs. Operators should therefore be allowed to determine the colour of the vehicles they use for the particular service(s) they provide.

Further to paragraph 8.42 of the draft Guidance, section 7(2)(c) of the Private Hire Vehicles (London) Act 1998 states that a PHV licensed by TfL should not be "of such design and appearance as would lead any person to believe that the vehicle is a London cab". We

consider that this legislative requirement is sufficient to maintain a clear distinction between taxis and PHVs in London.

45. Do you agree that PHV signage requirements should be limited to the authority licence plate or disc and a 'pre-booked only' door sign?

- ✓Yes
- No
- Don't know

46. Why providing any relevant information to support your view or alternative proposals?

Comments:

We agree that signage requirements should be limited to driver and vehicle licence details and signage to inform the public that the vehicle must be pre-booked.

We consulted on whether PHVs should be more identifiable in 2018. There were mixed responses with 54% agreeing to the proposal, however there was limited support amongst the private hire industry. We do also recognise that there are a range of differing vehicles and specialist services in the industry which may not be supportive of more identifiable signage, such as chauffer and executive services. However driver identification, visible to a passenger before entering a vehicle could be helpful for passenger safety allowing a passenger to check the driver details in advance of the journey.

We will await the DfT's findings and evidence before considering any changes to our signage requirements.

47. Do you agree that licensing authorities should not require the displaying of PHV operator details on vehicle?

- Yes
- No
- Don't know

48. Why providing any relevant information to support your view or alternative proposals?

Comments:

We agree with the reasoning at 8.45 of the draft Guidance. In addition, some operators, for example those in the chauffeur and executive sector, would not want to have their name displayed on their vehicles. It is now common that many PHV drivers work for more than one PHV operator and displaying multiple PHV operator details on vehicles would be confusing for passengers.

49. Do you agree that when an exclusive relationship exists between the vehicle proprietor, driver and operator, licensing authorities should permit the display of PHV operator details in a discreet manner?

- Yes
- No
- Don't know

50. Why providing any relevant information to support your view or alternative proposals?

Comments:

Subject to approval on a case-by-case basis, TfL currently permits the display on PHVs of an operator's name, logo and contact telephone number and/or web-site address in one of the following positions:

- on the rear windscreen;
- adjacent to the vehicle registration number plate;
- in a single area of rear-facing bodywork.

Any such signs cannot detract from or obscure the rear licence disc, or obscure rearward vision.

However, we recognise that adopting this case-by-case approach over a period of years has led to some inconsistency in the number and types of private hire operator's that have their information displayed in the permitted areas. We will await the conclusion of the DfT's consultation and may consider changes to our policy were an alternative approach recommended.

51. Do you agree with our suggested practice regarding the use of the words 'taxi' or 'cab', as well as similar meaning words, for display on PHVs?

- Yes
- No
- Don't know

52. Why, providing any relevant information to support your view or alternative proposals?

Comments:

Section 31 of the Private Hire Vehicles (London) Act 1998 prohibits the use of the words 'taxi', 'taxis', 'cab' or 'cabs' in any advertisement for a PHV which identifies the vehicles to a specified address or premises in London. This provision was introduced by Parliament with the primary aim of differentiating London PHVs from London taxis and has been effective in largely eliminating the use of these terms by the PHV industry.

However, the definition of 'advertisement' in the 1998 Act is quite limited which has enabled some operators to use words 'taxi', 'taxis', 'cab' or 'cabs' in ways that do not breach the law. This is particularly pertinent given significant developments in technology and means of booking PHVs since 1998.

In addition to saying that signs on vehicles should not use these terms, we suggest that the Guidance goes further and recommends not allowing the use of these terms in any form of advertising, including company names, website names, app names, etc. (unless the vehicle being offered for hire is a taxi obviously).

Vehicle licensing: environmental considerations

53. Do you agree that taxis and PHV with internal combustion engines should be tested more frequently than annually?

- Yes
- No
- Don't know

54. Why, providing any relevant information to support your view or alternative proposals?

Comments:

All taxis and PHVs licensed by TfL are required to undergo two MOT tests per year in addition to the annual licensing inspection. While this frequency of testing helps ensure that the emissions standards of petrol and diesel engines are maintained, it is appropriate for all vehicles to have their roadworthiness tested more frequently given the high mileage incurred by working taxis and PHVs.

Taxi rank provision

55. Do you agree that taxi rank provision should be reviewed every 3 years?

- Yes
- No
- Don't know

56. Why, providing any relevant information to support your view or alternative proposals?

Comments:

It is important that taxi ranks are well maintained, visible and accessible, but it may be impractical in large cities to have a mandatory three-year review cycle. TfL is responsible for approximately 700 taxi ranks throughout London and a formal three-year review cycle would be impractical. Nevertheless, some taxi ranks are visited more often than once every three years and for all taxi ranks we will try and resolve concerns when they are raised.

In a dynamic city where roads are changing all the time a flexible approach that focuses on ensuring existing ranks are maintained, visible and accessible, and identifies need for new ranks, may be more appropriate than a rigid three-year review cycle.

Our dedicated Ranks and Infrastructure Team works closely with the London taxi trade, local authorities and other stakeholders to ensure that problems and issues are addressed, and the provision of taxi ranks meets the needs of the travelling public. We consider this to be an example of best practice.

Model Byelaws for Hackney Carriages

57. What, if any, comments do you have on the model byelaws?

TfL has not set byelaws for hackney carriages. In the circumstances, we will not comment on the model byelaws.

Sample notices between taxi, PHV driver and passenger

58. What, if any, comments do you have on the sample notices?

We have no comments on content of the sample notices at Annex F, but please see our comments below on the recommendation at 8.31 of the draft Guidance to display such signs.

Staying safe: guidance for taxi and PHV drivers

59. What, if any, comments do you have on the staying safe guidance for taxi drivers?

We have no comments to make on the staying safe guidance for taxi drivers. We have welcomed the advice previously issued by the DfT which we have shared with London's taxi trade.

60. What, if any, comments do you have on the staying safe guidance for the PHV trade?

We have no comments to make on the staying safe guidance for the PHV trade. We have welcomed the advice previously issued by the DfT which we have shared with London's PHV trade.

Useful questions when assessing taxi quantity controls

61. What, if any, comments do you have on the questions for assessing taxi quantity controls?

We acknowledge that the draft Guidance only seeks to recommend best practice in delivering licensing authorities' existing powers, and the power to restrict taxi licences only applies to areas outside London. However, it is not unreasonable for London to have similar powers to restrict both taxi and PHV numbers. The Mayor and TfL have been asking for these powers for some time and as part of the Government's commitment to modernise taxi and PHV legislation, we urge the DfT to amend legislation to give TfL these powers.

Final comments

62. Any other comments?

5. Enforcing the licensing regime

5.4 Mystery shoppers

In addition to publicising the use of mystery shopping, the Guidance should also recommend publicising the outcome of resulting enforcement action. Both approaches may act as a deterrent to licensees considering refusing carriage to an assistance dog owner or wheelchair user.

6. Driver licensing

6.5 Disability awareness

We support the principle of licensing authorities encouraging drivers to learn British Sign Language but we do not consider it a licensing authority's responsibility to contribute to the costs. The DfT may wish to include in the Guidance information about other available and suitable funding sources.

6.26 Intended use

We understand and support the need for this requirement.

Without such a restriction there is a high risk of taxi drivers licensed by authorities outside London working in the capital, particularly for app based PHV operators, thereby exacerbating the issues caused by cross border hiring.

In most cases it is unlikely to be necessary to have to apply an intended use policy for London taxi drivers. It can take several years to complete the Knowledge of London in order to become a London taxi driver and therefore unlikely that anyone would do so in order to work predominantly as a PHV elsewhere. Nevertheless, an intended use policy would prevent London taxi drivers seeking better business opportunities by working predominantly at locations outside London, such as airports in south east England.

We do not consider that basing a licensing decision on the residential address of the applicant would be helpful to encouraging workers into these industries. Major cities such as London, attract workers from an area far beyond their boundaries, and many London taxi and PHV drivers choose to live remotely from the capital and commute to work, often for economic reasons.

7. PHV operator licensing

7.2 Fit and proper test

We understand the principle of using financial records to assess the suitability of companies, but see difficulties in linking it to the fit and proper requirement and public safety.

The Guidance gives no indication as to what specific criteria in relation to financial records would be used to determine fitness. Moreover, only established companies' financial records will be available which may prevent the same criteria being applied to new companies, potentially excluding new entrants from the industry.

However, consideration of Bankruptcy Restriction Orders (BRO) or Bankruptcy Restriction Undertakings (BRU), and disqualifications from being a company director would be appropriate in assessing individuals' suitability to be licensed.

7.3 Disability awareness

We agree that operators should train their customer facing staff in appropriate disability awareness, or have their knowledge and skills assessed and be encouraged through targeted and general communications to uphold the highest standards of customer service.

Similarly, operators should be encouraged, rather than required, to ensure that their websites and digital booking platforms comply with the WCAG 2.1 accessibility standard to Level AA as a minimum (para 7.4). However, these standards only legally apply to public sector bodies and it is not a licensing authority's responsibility to mandate them for PHV operators.

Policing of the public sector standards is the responsibility of the Central Digital and Data Office (CDDO) and local licensing authorities are not qualified or equipped to undertake such a role, however we would take into account any relevant information from the CDDO when considering an operator's fitness.

7.10 Health and safety responsibilities

Where there is a breach of Health and Safety law it will be dealt with by way of corrective action and enforced by the Health and Safety Executive (HSE) or relevant local authority. We will consider any breaches which may impact on an operator's fitness to remain licensed. .

The Guidance should make it clear that dealing with health and safety breaches is the responsibility of the HSE and where licensing authorities identify breaches they should not pre-empt any HSE decisions or actions by taking licensing action.

8. Vehicle licensing

8.2 Specification of vehicle types that may be licensed

We agree that licensing authorities' vehicle specifications should allow for a mixed taxi and PHV fleet that meets the needs of the travelling public. However, we consider it entirely appropriate for the specification of a taxi to be a high standard, ensuring accessibility and manoeuvrability. The standards we set for taxis are not designed to be restrictive but are important for vehicles that ply for hire.

This section of the Guidance should make it clear that it is important that licensing authorities understand the views and needs of disabled users when setting vehicle standards.

The constraints on supply of purpose-built taxis should not be a reason for lowering standards. Instead, licensing authorities and the industry should work with vehicle manufacturers to increase the choice of vehicles.

8.19 Emergency equipment

The draft Guidance appears to be missing some wording and we therefore suggest the following amendments:

The National Fire Chief Council (NFCC) recommend that [WHERE] licensing authorities require fire extinguishers to be provided in vehicles, [THEY] should ensure that suitable and sufficient training is received by the drivers.

8.23 Frequency of vehicle testing

The draft Guidance does not specify what constitutes an “older vehicle”. To ensure consistency throughout the country, more specific guidance is required.

Given the high mileage that taxis and PHVs incur, we consider it appropriate that **all** vehicles are subject to two MOT tests per year in addition to annual licensing inspection. Our on-street compliance activity provides clear evidence of failure to maintain vehicles which supports our requirement for frequent testing.

8.31 Personal security

While passenger information signs could be made available, it would not be appropriate or necessary to display such signs in all vehicles. The Statutory Taxi and PHV Standards already recommends other information to be displayed in licensed vehicles, and additional signs would result in a cluttered appearance and have a limited impact. To meet accessibility standards it would be necessary for such notices to be made available in both larger print and Braille. In the circumstances, printed signs are an old-fashioned way of communicating information and other methods should be advocated as best practice.

Raising the standard of drivers through better knowledge of their role and responsibilities, including safety, equality and regulatory understanding, should be seen as a more effective way of improving the service to passengers.

8.34 Partitions in vehicles

We consider the recommendation that the front passenger seat should not be included in the seating capacity of the PHV licence where a partition is fitted is overly restrictive. The number of passengers a PHV is licensed to carry is a maximum and drivers should have the discretion not to allow passengers to use the front seat if a partition is fitted and if they

consider that is appropriate.

In the event that a screen is removable, the vehicle would need to be re-inspected and have the seating capacity amended every time the partition was taken out or put back. This would place an unnecessary burden on both vehicle owners and licensing authorities.

All taxis licensed in London are required to have a fixed partition between the driver and passenger compartments, and no passengers can be carried in the front of the vehicle.

8.56 An accessible fleet

Demand for wheelchair accessible vehicles is only part of what should be assessed. Other factors that improve services for disabled passengers must also be considered. The Guidance should link this point to Section 4 'Accessibility' which encourages consultation with disabled passengers on their experience of using taxi and PHV services, and ensure that their feedback informs service development and vehicle licensing policies. Moreover, this should be an ongoing process rather than by way of a formal three-year review cycle recommended at paragraph 8.56 and 8.64.

While some discretion may be appropriate to incentivise an increase in wheelchair accessible vehicle provision, the Guidance should clearly state that any relaxation in licensing standards must not be at the expense of public safety.

8.57 Inclusive vehicle specifications

The Guidance at 8.57 needs to be balanced against that at 8.1–8.3 that licensing authorities should not overly restrict the type of vehicles that can be licensed. While adopting the draft Guidance may have positive impacts on disabled people who would presumably benefit due to more 'accessible' vehicles, there may equally be negative impacts on operators and vehicle owners and limiting the choice of vehicles to those who do not need mobility aids.

In addition to ensuring that all London taxis are wheelchair accessible, wherever possible we would want to encourage the licensing of accessible PHVs. However, there are many types of services that do not require the ability to carry mobility aids and only licensing vehicles that can, would have the effect of restricting the market, particularly to innovative passenger services.

8.67 Accessibility equipment

In improving the accessibility of taxis and PHVs, we welcome the recommendations in the Guidance, particularly that regarding 'talking taximeters'.

10. Taxi fare rates

10.2 Setting taxi fare rates

While the draft Guidance recommends that licensing authorities should adopt "a simple formula for deciding on fare changes", there is no further guidance as to what a simple

formula might look like.

It is important to note that the simpler the formula the less accurate it is likely to be. The cost index TfL uses to calculate taxi fare changes is a complex formula that is reflective of variations in costs to the industry, for example, the different costs associated with using and maintaining electric and diesel taxis. Simplifying the formula would mean taking some data out which would result in a less accurate calculation which will impact on both taxi users and drivers. We have had several reviews of the cost index, including by specialist consultants, and have yet to identify a better model.

Once the cost index has been used to calculate outputs, we consult on potential changes to taxi fares, taking into account the views of taxi drivers and users alike. Any final proposals are then subject to scrutiny and approval by TfL's Finance Committee. We consider this to be a fair, open and objective process.

11. Taxi ranks and roadside infrastructure

11.4 Taxi ranks

The draft Guidance states that “taxi ranks late at night can become a hotspot for anti-social behaviour”. We consider this to be an unnecessarily negative statement. Taxi ranks play an important role in the night-time economy, supporting women and young people wanting to get a safe journey home. Night ranks can help reduce anti-social behaviour by providing a means of moving people on as quickly as possible. To facilitate this, the focus should be on ensuring the supply of taxis matches demand.

While providing safe spaces for PHVs to pick up at high-volume locations (11.8 refers) can provide a safe and convenient service for passengers, there is an associated risk of creating quasi-ranks where PHVs may be seen as exhibiting themselves for hire. The draft Guidance should make these risks clear and also state that dedicated collection points should not be exclusive to any one operator.

11.7 Working with local authorities

When reviewing kerbside access it is important to work in partnership and consider the requirements of all relevant stakeholders (e.g. licensing authorities, local authorities, taxi and PHV trade associations, cycle groups, freight groups, passenger groups, and organisations representing disabled people or people who may have accessibility requirements).

When considering access and any potential changes it is also important to consider the street context including what type of access is needed, who needs it and how frequently access is required. There may be situations where restricted kerbside access is appropriate for long sections, but others where it is not.

12. Taxi Zones

We recognise why the DfT sees taxi zones as inappropriate in certain circumstances.

However, there is a clear purpose for the approach in London which we believe is necessary, appropriate and successful.

Paragraph 27 of the London Cab Order 1934 allows TfL to limit a taxi driver's licence to the area that he has demonstrated an adequate topographical knowledge for. Under this provision we license drivers either for the whole of the Greater London area or for one or more of nine suburban sectors.

This existing system of taxi zones in London aims to provide an adequate supply of taxis in all areas of the capital. We do not agree with the recommendation in the draft Guidance that taxi zones should be abolished as in certain circumstances they are appropriate and necessary. Abolishing London's taxi zones would likely result in fewer drivers working in suburban areas as drivers are attracted to the city centre 'honey pot', creating an imbalance of supply and demand throughout London.