

Suzy Lamplugh Trust Briefing

Taxis and Private Hire Vehicles Regulation Reform

12 May 2014



Key messages

- Suzy Lamplugh Trust has campaigned for safer taxis and minicabs since the early 1990s and was instrumental in campaigning for the Private Hire Vehicles (London) Act in 1998
- Since then the Trust has continued to raise awareness of the danger of illegal minicabs and the importance of planning in advance to get home safely. In 2011, it worked with TFL, Travelwatch and other groups to raise the issue of the necessity of enhanced CRB checks being made available to all taxi licensing authorities as part of the licensing process.
- Suzy Lamplugh Trust responded to the Law Commission's consultation on taxi and PHV (private hire vehicle). Ahead of the planned publication of the Law Commission's in-depth report, the Government has used the Deregulation Bill Committee Stage to bring forward new clauses on taxi and PHV regulation. Doing so pre-empts the outcome of this more detailed review of all related legislation. Suzy Lamplugh Trust believes that changes to regulations should be considered in the context of the legislation as a whole, rather than in piecemeal fashion.
- Suzy Lamplugh Trust is disappointed not to have been made aware of these proposed clauses until they were brought before the Deregulation Bill Committee, or to have been included in the Department for Transport's 'targeted informal consultation' which was sent to a small number of stakeholders in early 2014. Inclusion in this consultation or notification of the Government's plans to bring the proposed clauses into the Deregulation Bill would have given Suzy Lamplugh Trust and others to provide considered feedback on the proposals.
- Suzy Lamplugh Trust's position on the three new clauses introduced to the Deregulation Bill by the Government is detailed below.

CLAUSE 8 – PRIVATE HIRE VEHICLES: CIRCUMSTANCES IN WHICH DRIVER'S LICENCE REQUIRED

- This clause permits anyone to drive a licensed vehicle when it is not being used for work purposes. Should anyone be able to drive a PHV, it would therefore be impossible to be assured that the person driving a vehicle is in fact the person who has been through the proper vetting process for licensed drivers. We believe that passengers and potential passengers of these vehicles need to be assured that drivers are thoroughly checked and that by allowing unchecked, unlicensed drivers to drive a licensed vehicle, the potential for a member of the public to be picked up by an unscrupulous individual purporting to be a legitimate driver in a licensed vehicle would increase.
- We believe that the reverse burden of proof in the Clause does not provide the necessary protection and assurances for passengers, as it relies on the vehicle being stopped once the passengers are in it. We believe that it is right that licensing officers should not have the power to stop moving vehicles, as this is a role best carried out either with or by the police, but because of this, the opportunity for intervention is limited only to when the passenger is embarking or disembarking. We therefore think that, in practice, there will be relatively little that licensing authorities will be able to do to maintain safety clause is introduced as drafted.

- We also believe that PHV vehicles are clearly marked as licensed vehicles and, in many areas, it is not possible to remove these markings to distinguish between times when the vehicle is actively available for hire and when it is not. There is therefore a great risk that people will enter the marked vehicle in the belief that the driver has been through the proper vetting process for licensed drivers. This could be addressed through a strengthened enforcement system, but only limited action could be taken with the present system.
- We understand that this clause is proposed to provide consistency with existing practice in London, where it is already possible for an unlicensed driver to drive a licensed vehicle when it is not being used for work purposes. However, Suzy Lamplugh Trust remains concerned by the persistent issue in London of rape and sexual assault by drivers of illegal minicabs, despite an enviable level of resource dedicated to enforcement of licensing regulations which we think is unlikely to be matched nationwide.
- We would further suggest that, if consistency with London is seen as important, it would be more appropriate to strengthen the requirements in London so that it was not possible for an unlicensed driver to drive an 'off-duty' taxi or PHV anywhere in England and Wales.

Suzy Lamplugh Trust therefore believes that this clause is fundamentally flawed as drafted and should be withdrawn.

CLAUSE 9 – DURATION OF LICENCES

- This clause would standardise the duration of licences to 3 years for drivers or 5 years for operators. Many licensing bodies currently renew licences annually.
- Both the IoL (Institute of Licensing) and Unite, GMB and RMT report that, while, most local authorities impose conditions on Private Hire drivers' licences and Private Hire operators licences requiring them to report criminal convictions within a specified period of time, these conditions are often ignored, and that, as a consequence, it is only the annual renewal process which enables the local authority to ensure that licensees have remained fit and proper for the duration of their licence. Furthermore, the IoL reports that the provision of information about drivers' convictions by the police is "haphazard", especially where information is requested from a constabulary not covering the local authority area.
- We therefore share the concern of these bodies that if the duration of licences was extended to 3 years (or 5 years in the case of operators) a great many unsuitable and potentially dangerous persons would remain licensed for longer, putting the public at greater risk.

Suzy Lamplugh Trust therefore believes that this clause should be withdrawn.

CLAUSE 10 – SUB-CONTRACTING

- In principle, Suzy Lamplugh Trust is open to sub-contracting between operators, on the grounds that it is often a lack of supply of taxis or PHVs which encourages individuals to take less safe means of transport, including unlicensed minicabs. However, in practice, sub-contracting should only be permitted if all personal safety risks to passengers are addressed.

- For example, if sub-contracting led to increased cross-border working, Suzy Lamplugh Trust would wish to see a commitment to empowering enforcement officers to take action against drivers licensed by another authority.
- We would also wish to see steps taken to ensure that passengers could identify and complain to the correct licensing authority, which could be on the other side of the country. This is a serious concern, as the legislation currently limits enforcement to a designated officer of the licensing authority, leaving enforcement officers from other councils powerless to intervene even where a journey takes place in a different local area.
- We would hope that the implications of sub-contracting could be better considered and mitigated by the fuller proposals for reform from the Law Commission, which may enable this clause to be brought forward again as part of any wider necessary reform.

Suzy Lamplugh Trust therefore believes that work on cross-border sub-contracting should wait until the Law Commission has reported and that this clause should be withdrawn.

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