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Dear Sir/Madam,

## **TFL PRIVATE HIRE REGULATIONS REVIEW – LONDON COUNCILS' RESPONSE**

London Councils is committed to fighting for resources for London and getting the best possible deal for London's 33 councils. Part think-tank, part lobbying organisation, and part service provider, London Councils formulates policies, organises campaigns and runs a range of services all designed to make life better for Londoners.

London Councils is supportive of TfL's proposals to further strengthen the regulations concerning London's private hire industry. We note the continued interest by TfL and the Mayor to seek legislative powers to restrict the number of licences that can be issued for private hire vehicles. We seek more information about the number of trips taken and the impact a restriction on vehicle licences is likely to have – for example whether it would reduce congestion or encourage more people to drive their own vehicle instead.

We have approached our response to this consultation by focusing on the best interests of passengers, our residents. As a result some of TfL's more high profile proposals we cannot support. We have set out our response to each proposal in the attached response.

I wish to particularly highlight borough views that TfL must do more to raise awareness amongst the public of the difference between a taxi and private hire vehicle, and the different ways they should be approached for transport. Boroughs also want to see far greater enforcement undertaken by TfL, especially in areas where TfL has itself highlighted there are existing problems with touting and unlicensed private hire vehicles.

Yours faithfully,

A handwritten signature in black ink that reads "Julian Bell". The signature is fluid and cursive, with a long horizontal stroke at the bottom.

Cllr Julian Bell

**Chair of the London Councils Transport and Environment Committee**

# **London Councils' response to TfL's Private Hire Regulations Review**

## **1. Operators must provide a booking confirmation to passengers containing the driver photo ID and details of the vehicle being used to discharge the booking**

We support this proposal as we believe this will improve passenger confidence about getting into the vehicle they have hired, and therefore improve public safety and help deter illegal touting. As TfL identify, supplying photographic driver ID may not be possible for customers who do not have smartphones, therefore we suggest that the minimum private hire operators are required to supply is the name of the driver and their vehicle registration number, perhaps with make and colour of vehicle, so that passengers know what they are looking for. TfL will also need to undertake communications and awareness raising so that passengers are aware of these requirements.

## **2. Operators must provide booking confirmation details to the passenger at least five minutes prior to the journey commencing**

We do not support this proposal as the impact of such a proposal in some parts of London will be that private hire vehicles wait in the street before accepting a passenger. We consider this will increase congestion, be unenforceable, and detrimental to passenger safety and convenience.

## **3. Operators will be required to seek TfL approval before changing their operating model**

We support this proposal as it ensures that operators still have a business model which meets the way their licence says they will fulfil the licensing criteria. However, it is imperative that TfL have appropriate levels of staffing so that when an operator applies to change their operating model, they can expect a swift response. We propose that an operator should receive a response within two weeks of submitting a change to their operating model; which is either that of approval, rejection (with reasons why), or a request for more information. Whilst TfL should ensure that private hire operators operate within the Regulations, it is also important that TfL should not stand in the way of progress, especially in the use of technology and where changes save money, are more efficient or improve passenger safety.

## **4. Greater security for app based booking platforms**

We support the in principle proposals for app based platforms to have enhanced security. Any new requirements need to reflect the reality that not all private hire drivers have smartphones (and so fingerprint or facial recognition may be difficult to achieve) and the nature of the work means it is imperative that TfL does not inadvertently create a situation where drivers need to use their phones whilst driving to log back into their accounts. We are not convinced that at present there is sufficient technology to achieve TfL's aims in this proposals and this should be deferred to a future date when such technology does exist.

## **5. Operator must offer a facility to pre-book up to seven days in advance**

We strongly support proposals that operators should be required to provide a pre-booking service, as pre-booking is central to the concept of a private hire vehicles. However, we believe the requirement should be a pre-booking facility of up to 14 days in advance. This will assist disabled passengers in accessing private hire vehicles as the supply of accessible private hire vehicles is more limited; and allow people going on holiday or business abroad for a fortnight to book their return journey before they leave the UK.

**6. TfL proposes to no longer issue licenses for in-venue operators (“satellite offices” or temporary events)**

We do not support this proposal as we believe that not licensing in-venue operators will make problems of touting and unlicensed private hire drivers worse, and this proposal is not in their interests of the public who want to get home cheaply after a night out and may not have the phone number of a local minicab firm. Instead we believe that TfL should continue to license in-venue operators but with much stricter conditions – such as ensuring that all private hire vehicles are pre-booked; that staff do not hail vehicles for people; and much greater advertising and awareness in specific venues and across the TfL network about how private hire vehicles book at venues and what people must do to secure their own safety. Whilst TfL has undertaken advertising on the importance of pre-booking a vehicle before stepping into it, making a more specific link about how private hire vehicles work at venues is needed.

**7. Operator must have a fixed landline telephone which must be available for passenger use at all times**

We have no strong opinion on this proposal. We feel it is important that customers are able to contact the operator at all stages of their journey, but are less concerned by the precise mechanism of achieving this. Operators should be required to identify a telephone number for complaints.

**8. Operators must not show vehicles being available for immediate hire, either visibly or virtually via an app**

We acknowledge this is a critical difference between taxis and private hire vehicles, and we do not support any practice that is illegal. However, as we do not support the required five minute wait period between booking and journey commencement (question 2), we cannot therefore support this proposal as to do so would be illogical.

**9. Operators will be required to provide specified information including details of all drivers and vehicles to TfL on a regular basis**

We welcome this proposal as it will provide TfL with better data on the numbers of private hire vehicle drivers in London and it will be easier to trace drivers and operators in cases where illegal activity is suspected. We suggest that no more often than quarterly to start with is an appropriate interval for operators to supply this data to TfL, and the data requested needs to be proportionate to what TfL would do with it, to avoid it becoming an onerous requirement. TfL could then extend this period to six monthly or annually for particular operators who do not receive any complaints or where staff turnover is very low.

**10. Operators must specify the fare prior to the booking being accepted**

Whilst we support this in principle as it provides greater certainty for passengers, we are not sure how it would work in practice, and it could be open to abuse. For example a passenger could midway through a journey request a driver waits, meaning the driver could not have taken these costs into account at the start of the journey.

**11. Operators must record the main destination for each journey which must be specified at the time the booking is made**

We strongly support this proposal which will improve passenger safety and enable drivers to plan their route.

**12. Harmonise retention periods for records so that all records are kept for 12 months. (At present driver and vehicle records must be kept for 12 months, whereas lost property and complaints must only be kept for 6 months.)**

We support the proposals to harmonise record retention as a logical approach.

**13. Limit of five on the number of business names attached to each Operator's licence**

We support this proposal although consider that five trading names could still be confusing for passengers. We also question why TfL are not seeking to address some of their other concerns, for example applications from operators applying to use the same trading names as existing operators in their Borough; operators applying for names containing geographic areas they do not provide services in; and using personal names of other individuals (not related to the business). We feel that TfL's approach in this area must be proportional, but should have the interests of passengers as its greatest focus.

**14. Specific requirement for an English Language test**

We support this requirement and the suggestion that the level of English required should be to an ESOL equivalent. We note that some licensing authorities outside London are also pursuing this approach. If it is not already a requirement for taxi drivers in London, then it should be added to their requirements to ensure equitability. We also consider that other languages a driver speaks could be supplied as part of the Driver ID requirement, or could be requested as part of the booking process, as Londoners speak a wide variety of languages. We request that TfL gives an indication of how many drivers would be affected by the English language requirement, and we note that it would only apply to new drivers. We are interested as to whether TfL would seek to apply it to existing drivers, perhaps when driver licences are renewed.

**15. Drivers to only work for one operator at a time**

We would require further information of the impacts of this on individual drivers before being able to comment further. Whilst it appears to be a good suggestion to avoid excessive workloads and improve enforcement as it would be easier to identify which operator a driver was working for; we want to know whether TfL has undertaken any direct consultation with private hire drivers, and whether there are some operators who offer so little work that drivers need to work for multiple operators to make a living. We also feel that this proposal needs to be strengthened so it more explicitly focuses on preventing drivers working excessively long days or hours (for example more than 10 hours a day) as this puts passenger safety and the safety of other road users at risk. Even if a driver only works for one operator, they should not be allowed to work excessive hours and this needs to be better reflected in the proposal.

**16. Driver and Operator licence applicants to provide National Insurance numbers and share with Department for Work and Pensions (DWP)**

This proposal is intended to assist in identifying checks and assist the DWP in any "relevant investigations". We note that operators are already required to record the National Insurance number of any driver working for them, and so we do not see any evidence of need for this proposal. We would require evidence from the DWP that at present they lack this information and it is necessary for them to have it. The data can of course be requested from HMRC. As collecting data for the sake of collecting data is not good practice, we do not support this proposal without further information as to its need.

### **17. Vehicle licence to be revoked if driver licence revoked**

This is a sensible and logical proposal to bring revocation of vehicle licences in line with revocation of driver licences. We seek assurances from TfL that where a vehicle is being used by more than one driver, the vehicle licence would not be revoked.

### **18. Checks on convictions of operator staff**

We support the proposal for basic disclosures to be a requirement of all staff working for an operator where they come into contact with the public and booking data. Given their access to personal information and booking data this is appropriate. However, it would be helpful to know whether TfL are basing this proposal on evidence of risks at present, or whether this is a pre-emptive measure. Again, TfL should give some indication of the impacts this may have on operator staff and costs for operators of requesting basic disclosures on all appropriate staff, and what impact this could have on passenger fares. Likewise we expect this to be a requirement for all taxi operator staff.

### **19. TfL stop accepting payment by PO and cheque**

London boroughs are also seeking to reduce their exposure to cheques and postal orders, but are still expected to accept payment of these where residents and businesses cannot pay by other means. We would require more information on what is considered to be a 'small number' of payments and whether this would have an impact on private hire operators' ability to pay and/or operate before we could support this measure.

### **20. Hire and Reward insurance to be checked at point of licensing and must be in place for duration of vehicle licence**

We support this proposal as it will improve safety.

### **21. Drivers to carry or display a copy of insurance details at all times**

We support this proposal both as a sensible measure and to bring the private hire vehicle industry in line with the requirements made on the taxi trade. We do not consider it necessary for the insurance to be displayed in the vehicle, as we are not convinced of the practical ability to do this easily by drivers. However, should passengers wish to see the insurance documentation, drivers should have to provide it.

### **22. Hire and Reward fleet insurance in place by operators**

We have no strong view on this proposal, but support whatever is most likely to improve safety for passengers; whether that is Hire and Reward insurance or Hire and Reward Fleet insurance. If there is a significant cost of the latter to small operators or individual drivers, then we do not consider this an appropriate burden, if it can be assumed that Hire and Reward insurance is an adequate alternative.

### **23. Review of operator licences, to introduce new licence types, priced appropriately**

We strongly support this proposal as boroughs are concerned by the lack of enforcement capacity that TfL has. Proposals for different types of licence for operators with 1000+ vehicles as well as incentivising the take-up of zero emission vehicles and accessible vehicles through lower licence fees are supported by London Councils.

### **24. Controls on ridesharing in licensed vehicles**

We do not feel TfL's proposal in this area reflects its explanation of why this is necessary. It is clear that TfL should be targeting any *unlicensed* drivers that offer ridesharing. In terms of

controls and frameworks, we do not think TfL should start from a position of banning ride sharing, but should explore how it can work effectively for passengers and drivers without circumventing the licensing system.

**25. Amendment to Vehicle Regulations so that any advertising displayed “in” or “from” a vehicle is subject to controls set out in the Regulations as is currently the case for advertising “on” a vehicle**

We support TfL’s proposals in this area as this is a minor amendment.

**26. Additional measures**

We welcome the additional measures that TfL has set out that it is not consulting on. We welcome enhancements to the assessment that private hire vehicle drivers undertake, and consider that ability to navigate between key points of interest, together with clear understanding of the private hire licensing system and map reading skills, will be of benefit to customers as assessment and standards will be more rigorous. We encourage TfL to consider how these assessments can be rolled out to existing private hire drivers.

We also welcome TfL’s intention to take a greater role in providing an escalation service for customers who are not satisfied with the complaint response they have received from the private hire vehicle operator. However, TfL must have adequate staffing to achieve this, and could perhaps consider whether London TravelWatch could undertake this role, appropriately funded, in line with other forms of transport in the capital. Requirements on private hire operators to supply complaints data must be proportional and not an unnecessary burden. TfL should review the data it receives and the frequency after a time period to assess as to whether the level of data received is necessary and appropriate.

We fully support the new requirement for all new private hire drivers to undertake disabled passenger training, and for it to be part of the licence renewal process for existing private hire drivers.