

LIST OF RECOMMENDATIONS

CHAPTER 2 – RETAINING THE TWO TIER SYSTEM

Recommendation 1

We recommend retaining the two-tier system. Regulation should continue to distinguish between taxis, which can be hailed or use ranks, and private hire vehicles, which can only be pre-booked. (*Page 16*)

CHAPTER 3 – REFORM OF DEFINITIONS AND SCOPE

Recommendation 2

We recommend that the offences relating to plying for hire should be abolished. We propose replacing the concept of plying for hire with a new scheme of offences, resting on the principal prohibition of carrying passengers for hire without a licence, alongside a new offence making it unlawful for anyone other than a local taxi driver to accept a journey starting “there and then”. (*Page 22*)

Recommendation 3

We recommend a statutory definition of pre-booking in order to create a clear distinction between the work of a taxi in its licensing area and the work of a private hire vehicle. (*Page 22*)

Recommendation 4

We recommend that the term “hackney carriage” should be replaced in legislation with the word “taxi”. The term “private hire vehicle” should remain unchanged. (*Page 24*)

Recommendation 5

We recommend that only the providers of licensed taxi services should be allowed to describe themselves using the term “taxi” on vehicles or in advertising materials. (*Page 24*)

Recommendation 6

Operators across England and Wales (dispatchers under our Bill) should be under a duty to provide a price or an estimate of the fare on request, as is already the case in London. (*Page 26*)

Recommendation 7

We recommend that taxis picking up passengers outside their licensing area should be subject to a pre-booking requirement, which would be statutorily defined for the first time. This would require provision of an estimate of the price for the journey in advance, if requested, and record-keeping obligations. These requirements could be further refined through national standards as set by the Secretary of State. (*Page 32*)

Recommendation 8

We do not recommend the introduction of record-keeping requirements in respect

of taxis except where they are picking up passengers outside their licensing area. (Page 32)

Recommendation 9

We recommend that local authority stopping officers should have a new enforcement power to require licensed vehicles to move on where the officer considers that:

- (1) there is a reasonable likelihood that the public may believe the vehicle is available for immediate hire;
- (2) the vehicle is causing an obstruction to traffic flow; or
- (3) the driver is attempting to take work away from ranked taxis. (Page 33)

Recommendation 10

We recommend introducing a new offence which makes it unlawful for anyone other than a locally licensed taxi driver to accept a booking for a journey starting there and then. (Page 34)

Recommendation 11

We recommend that compellability should be retained in its current form. It should be open to licensing authorities to express compellability as a time or distance from the point of hire, or as extending to the boundaries of a licensing zone. Licensing authorities should also be able to extend the compellable distance up to seven miles beyond the boundary of the licensing area, or twenty miles in the case of Transport for London. (Page 37)

Recommendation 12

Licensing authorities should have the power to make a determination that in their areas, taxis should be under a duty to stop when hailed. In such areas, it would be an offence for a taxi driver in a vehicle displaying a "for hire" sign to fail to stop in response to a hail, without reasonable excuse. (Page 38)

Recommendation 13

Licensing authorities should be under a duty to consult on the need to alter rank provision; and to consider whether new ranks should be appointed, or current ones moved or removed, on a periodic basis not exceeding every three years. (Page 39)

Recommendation 14

We recommend that those acting in the course of a business who pass taxi or private hire bookings to providers who they know or suspect to be unlicensed should be guilty of an offence. (Page 41)

Recommendation 15

We do not propose to require intermediaries working solely with licensed taxis (which we refer to as "radio circuits") to be licensed. (Page 44)

Recommendation 16

We recommend that licensed operators (in future to be referred to in legislation as “dispatchers”) should be retained as a necessary element of the regulation of private hire services. *(Page 46)*

Recommendation 17

We recommend that operator licensing should only cover dispatch functions, and no longer apply to the invitation or acceptance of bookings as such. However, if it is shown that an individual or company accepted a hire vehicle booking, a presumption should arise that that person also “dispatched” the driver. This ensures the continued accountability of those who, in the course of business, accept hire vehicle bookings from the public. *(Page 48)*

Recommendation 18

It should also be an offence, in the course of business, to dispatch an unlicensed vehicle or driver. It would also be an offence for a person to dispatch a private hire vehicle and driver unless that person holds a dispatcher’s licence. It would be a defence if the driver and vehicle were reasonably believed to hold appropriate taxi licences. *(Page 48)*

Recommendation 19

Persons accepting a hire vehicle booking in the course of business should be under a duty to provide information to the hirer in respect of any person on to whom they passed the booking. *(Page 48)*

CHAPTER 4 – DEFINITIONS AND SCOPE

Recommendation 20

We recommend that our proposed reforms should extend to all of England and Wales, including London and Plymouth. *(Page 55)*

Recommendation 21

Taxi and private hire licensing should cover vehicles regardless of their form or construction, including non-motorised vehicles. *(Page 57)*

Recommendation 22

We recommend that taxi and private hire licensing requirements should only cover services provided for commercial gain. *(Page 63)*

Recommendation 23

We recommend that taxi and private hire licensing should not cover the carriage of a passenger as an ancillary or incidental part of another service. *(Page 63)*

Recommendation 24

We recommend that, for the purposes of taxi, private hire and public service vehicle legislation, all passenger seats and spaces capable of carrying a standing passenger should be included when assessing vehicle carrying capacity. *(Page 66)*

Recommendation 25

We recommend that consideration be given to revising the criteria for licensing a vehicle as a “small public service vehicle” , making them more clearly centred on local bus services. *(Page 67)*

Recommendation 26

We recommend extending the reach of taxi and private hire licensing to larger vehicles in two circumstances:

- (a) on a mandatory basis, in respect of stretch limousines and novelty vehicles; and
- (b) on an optional basis, where providers want to use larger vehicles in a taxi or private hire business. *(Page 70)*

Recommendation 27

We recommend that the Secretary of State should have the power to exempt certain categories of vehicle or services used to carry passengers for hire from the requirement to hold a taxi or private hire licence. Licensing authorities would, however, retain the power to impose licensing requirements on vehicles used as taxis within their local licensing area. *(Page 71)*

Recommendation 28

We recommend that wedding and funeral cars should continue to be exempt from taxi and private hire licensing while the vehicle is being used in connection with a wedding or a funeral. *(Page 74)*

Recommendation 29

Non-professional use of licensed taxi and private hire vehicles, including by non-professional drivers, should be permitted, subject to a rebuttable presumption that such vehicles are being used professionally when they are carrying passengers. *(Page 77)*

CHAPTER 5 – COMMON NATIONAL STANDARDS FOR TAXI AND PRIVATE HIRE

Recommendation 30

We recommend the introduction of national standards for taxi and private hire services. *(Page 80)*

Recommendation 31

National standards should promote enforcement, protection of the environment and accessibility, in addition to safety. *(Page 82)*

Recommendation 32

National standards for taxi services should be comparable but not necessarily identical to national standards for private hire services. *(Page 82)*

Recommendation 33

We recommend that driver and vehicle standards should be set in secondary legislation by the Secretary of State. *(Page 84)*

Recommendation 34

The standard setting power of the Secretary of State should be subject to a statutory consultation requirement. *(Page 91)*

Recommendation 35

We recommend that the ability to apply for a vehicle licence should no longer be restricted to vehicle owners. *(Page 93)*

Recommendation 36

Applicants for vehicle licences should not be subject to a fit and proper person test. *(Page 95)*

Recommendation 37

We recommend that licensing authorities should not have a general power to impose individual conditions on the holders of taxi or private hire licences. *(Page 98)*

CHAPTER 6 – CRIMINAL OFFENCES SPECIFIC TO THE TAXI AND PRIVATE HIRE TRADES

Recommendation 38

We recommend that the Secretary of State should exercise the standard setting power to provide that a conviction for specified offences is a breach of a licensing condition, or incompatible with eligibility to hold a licence. *(Page 101)*

Recommendation 39

The Secretary of State should have the power to designate specific licence conditions, breach of which will amount to a criminal offence. *(Page 102)*

CHAPTER 7 – NATIONAL STANDARDS FOR PRIVATE HIRE

Recommendation 40

Private hire services should only be subject to national standards. Licensing authorities should no longer have the power to impose local conditions. *(Page 104)*

Recommendation 41

We recommend that dispatchers should continue to be subject to fit and proper person requirements as part of national standards. *(Page 105)*

Recommendation 42

We recommend that dispatchers should be subject to a statutory duty to maintain records in such form as may be prescribed by the Secretary of State. *(Page 107)*

Recommendation 43

Signage requirements for private hire vehicles should form part of the national standards determined by the Secretary of State. The Secretary of State should impose requirements that aim to ensure that the public are able to distinguish easily between taxis and private hire vehicles. *(Page 112)*

Recommendation 44

We recommend that operator/dispatchers should no longer be restricted to working only with drivers and vehicles whose licences are issued by the same licensing authority as the dispatcher. *(Page 115)*

Recommendation 45

Dispatchers should have the ability to sub-contract bookings to any dispatcher in England and Wales. *(Page 117)*

CHAPTER 8 – LOCAL TAXI STANDARDS

Recommendation 46

We recommend that licensing authorities should retain the power to set local taxi standards over and above national standards. *(Page 120)*

Recommendation 47

Licensing authorities should be required to consult on additional licensing conditions for taxi drivers and vehicles. *(Page 121)*

CHAPTER 9 – TAXI FARE REGULATION

Recommendation 48

Licensing authorities should retain the ability to regulate taxi fares, in respect of any journey within the compellable distance. *(Page 125)*

Recommendation 49

A taxi driver should be allowed to charge more than the metered fare for journeys starting inside the licensing area and ending beyond the compellable distance only if this is agreed in advance. In the case of pre-booked journeys starting outside the compellable distance the price or an estimate should be given on request and, if so, recorded. *(Page 125)*

Recommendation 50

We recommend that licensing authorities should retain the power to regulate fares charged for pre-booked taxi journeys. However, there should be no power to regulate third party booking fees, provided these are agreed in advance. *(Page 130)*

CHAPTER 10 – ADMINISTRATION OF THE LICENSING SYSTEM

Recommendation 51

The principle of cost recovery should continue to apply in respect of taxi and private hire licensing fees. *(Page 134)*

Recommendation 52

Licensing authorities should be able to collect and use licensing fees from taxi and private hire licensing only for the following purposes:

- (1) administration of the licensing system (including but not limited to processing applications for granting or renewing licences and carrying out inspections and tests);
- (2) statutorily required reviews of fare levels, rank provision, accessibility and existing quantity restrictions at least every three years;
- (3) enforcement of the licensing system including but not limited to the control and supervision of taxi and private hire services (whether licensed or unlicensed) and activities associated with suspending or revoking licences; and
- (4) providing taxi ranks. *(Page 134)*

Recommendation 53

We recommend that the Secretary of State should set a private hire licensing fee which could not be varied locally. Taxi licensing fees should continue to be set locally, but at a level no lower than the national private hire fee. *(Page 135)*

Recommendation 54

We recommend that the Secretary of State should have the power to set up a system of pooling private hire licence fees nationally, for the purposes of redistributing these to reflect enforcement needs, in accordance with such a scheme as may be prescribed. *(Page 136)*

Recommendation 55

Licensing authorities should have the power to combine their taxi and private hire licensing areas. *(Page 138)*

Recommendation 56

We recommend that licensing authorities should be under a duty to publish their driver, vehicle and operator licensing data in such form as the Secretary of State may require. *(Page 140)*

Recommendation 57

Licensing authorities should have a more flexible power to introduce and remove taxi licensing zones. This power would permit removal or introduction of zones within a licensing district. The power should be subject to consultation and a statutory public interest test. *(Page 143)*

CHAPTER 11 – QUANTITY RESTRICTIONS

Recommendation 58

We recommend that licensing authorities should continue to have the power to limit the number of taxi vehicles licensed in their area. (*Page 159*)

Recommendation 59

The power of licensing authorities to impose quantity restrictions should be subject to a statutory public interest test. Further, the Secretary of State should have regulation-making powers prescribing how the statutory test should be applied. (*Page 162*)

Recommendation 60

Decisions to restrict taxi numbers should be reviewed at least every three years and be subject to local consultation in accordance with such procedures as may be prescribed in regulations made by the Secretary of State. (*Page 162*)

Recommendation 61

In licensing areas where quantity restrictions already exist at the time of the introduction of our reforms, but not in other areas, vehicle licence holders should continue to be able to transfer their taxi licences at a premium. (*Page 166*)

CHAPTER 12 – ACCESSIBILITY

Recommendation 62

We recommend that taxi and private hire drivers be required to undergo disability awareness training of a standard set by the Secretary of State. (*Page 170*)

Recommendation 63

We recommend that the Secretary of State require information on how to complain about taxi and private hire vehicle services to be displayed in taxi and private hire vehicles. (*Page 171*)

Recommendation 64

We recommend that local licensing authorities should display complaint information in offices, libraries and on websites. (*Page 171*)

Recommendation 65

We recommend that licensing authorities conduct an accessibility review at three year intervals. (*Page 172*)

Recommendation 66

We recommend that the Secretary of State require holders of taxi and private hire driver licences and dispatcher licences to comply with the Equality Act 2010 as a condition of the licence. (*Page 175*)

Recommendation 67

We recommend that licensing authorities should reconsider rank design to ensure compliance with the Equality Act 2010. (*Page 177*)

Recommendation 68

We recommend that licensing conditions should provide that information about the licensing authority and local operators should be provided in alternative formats, as well as information about the types of vehicle available in their area. *(Page 177)*

Recommendation 69

We recommend that the Secretary of State should have the power to impose accessibility requirements on large operator/dispatchers. In particular, the power should permit the setting of quotas of accessible vehicles which must be available to such dispatchers. *(Page 179)*

CHAPTER 13 – ENFORCEMENT

Recommendation 70

We recommend that licensing officers who have been suitably trained and accredited should be given the power to stop licensed taxi and private hire vehicles in a public place for the purpose of checking compliance with licensing requirements. *(Page 183)*

Recommendation 71

The offence of toutting should be retained. It should continue to be an offence of broad application which extends to all persons, whether licensed or unlicensed. *(Page 187)*

Recommendation 72

We recommend that there should be a new defence to toutting, where the solicitation is in respect of a licensed taxi or private hire vehicle, if the soliciting occurs in a place which has been designated by that licensing authority for that purpose, and that conditions as may be specified by the licensing authority have been complied with. *(Page 187)*

Recommendation 73

We recommend that the Sentencing Council consider amending the Magistrate's Court Sentencing Guidelines in respect of taxi toutting to take into account the vulnerability of the persons solicited as a relevant factor in sentencing. *(Page 189)*

Recommendation 74

We recommend that licensing authorities should have the power to impound vehicles used in connection with toutting. *(Page 193)*

Recommendation 75

Fixed penalties should be among the sanctions available in respect of minor criminal offences under taxi and private hire legislation. *(Page 195)*

Recommendation 76

We recommend extending the power to suspend licences immediately on grounds of public safety to all licence types, in line with the current position in

London. (*Page 196*)

Recommendation 77

Licensing officers should be able to take non-criminal enforcement action against vehicles, drivers and operators, licensed outside their licensing area. (*Page 198*)

Recommendation 78

We recommend that powers to revoke a licence should be available only to the licensing authority which issued that licence. However, enforcement officers in another area should have the power to:

- (a) suspend a licence when they consider this to be necessary in the interests of public safety; and
- (b) make recommendations to the home licensing authority as to appropriate sanctions, to which the home authority must have regard. (*Page 200*)

CHAPTER 14 – HEARINGS AND APPEALS

Recommendation 79

The right to appeal against refusals to grant or renew taxi and private hire licences or to suspend or revoke them should be limited to the applicant or licence holder. (*Page 202*)

Recommendation 80

We recommend that the first stage in the appeal process in respect of refusals, suspensions or revocations of licences should be the right to require licensing authorities to reconsider the original decision. Appellants should have the right to bypass this stage and proceed direct to the magistrates' court. (*Page 206*)

Recommendation 81

We recommend that all taxi and private hire licensing appeals should be heard in the magistrates' court. (*Page 209*)

Recommendation 82

We recommend the retention of an onward right of appeal to the Crown Court. (*Page 210*)

Recommendation 83

We recommend that applicants for a vehicle licence for an opt-in vehicle should have a right of appeal to the Upper Tribunal if their application is refused on the basis of an objection by the Senior Traffic Commissioner. (*Page 210*)

Recommendation 84

We recommend that a County Court judicial review procedure along the lines provided under the Housing Act 1996 should be available to challenge taxi conditions set by licensing authorities. (*Page 212*)