
Secretariat memorandum

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Agenda item 5

AT009

Drafted 2.9.09

Actions taken

1 Purpose of report

- 1.1. To record matters dealt with by the Chair, Deputy Chair, Chief Executive and/or the secretariat since the last meeting.

2 Recommendation

- 2.1. That the report is received for information.

3 Information

- 3.1. Taxi and Private Hire Vehicle Licensing Best Practice Guidance Department for Transport (DfT) Consultation

On 15 July 2009 the Streets and Surface Transport Policy Officer responded to the consultation, see Annexe for details.

4 Equalities and inclusion implications

- 4.1. In accordance with London TravelWatch's duties under the Disability Discrimination Act and other legislation, account is taken when responding to consultations on proposals from external bodies of their particular impact (if any) on the needs of people whose access to transport may be restricted by reason of disability or social exclusion.

5 Legal powers

- 5.1. Section 248 of the Greater London Authority Act 1999 places upon London TravelWatch (as the London Transport Users Committee) a duty to consider - and where it appears to the Committee to be desirable, to make recommendations with respect to - any matter affecting the functions of the Greater London Authority or Transport for London which relate to transport (other than of freight).

6 Financial implications

- 6.1. No specific financial implications for London TravelWatch arise from this report.

Our Ref: Taxis
Your Ref:

15 July 2009

Andy Neilson
Buses & Taxis Division
Department for Transport
3/13 Great Minster House
76 Marsham Street
London SW1P 4DR

Dear Mr Neilson

Taxi and Private Hire Vehicle licensing best practice guidance

London TravelWatch is the statutory watchdog representing transport users in London. Our remit includes Taxis and Private Hire Vehicles (PHVs) licensed by Transport for London (TfL).

Our comments below have been developed following work we have been doing reviewing how TfL vet taxi drivers in London.

The licensing regime is clearly very important as Taxi drivers, in particular, are unique insofar as they are licensed by a public body to ply for hire on London's streets. PHV operations are different, but there is crossover and one would hope similar standards of protection for the public are applied for both.

We acknowledge the work done by TfL to bring PHV operators and drivers into a regulated regime and their work combating illegal Taxi touting.

We have recently looked at the licensing and vetting procedures operated by TfL and offer the following as our contribution to this consultation:

i) TfL operate what your guidance describes as best practice regarding Criminal Records Bureau (CRB) checks, i.e. a CRB check is required every three years. In the intervening period, prior to the next licence application it is expected that drivers will self-report with sanctions applied for non-reporting. This clearly means that there can be offences committed in the intervening period, but the licensing authority may be unaware of such offences, though we understand from TfL that this is a rare occurrence.

Discussing this with the PCO we understand that the CRB are investigating the possibility of a system of checking against a list of names (London Taxi drivers, for example) which triggers a request from a notifiable authority if an offence is reported that matches the name. This is something we would support and very much hope the DfT is pressing the CRB to progress.

ii) Presently CRB checks for TfL, and we assume other licensing authorities, includes a check against the Protection of Children Act list (POCA), but not the Protection of Vulnerable

Annexe

Adults (POVA) lists. We believe TfL should be enabled to have its Taxi and PHV drivers checked against the POVA list.

iii) CRB checks for those residing in this country will necessarily cover a period of very many years, probably most of ones life. However, newly arrived, potential Taxi and PHV drivers and operators will necessarily have a shorter history in this country and so not be the subject of a long period of checkable history. In theory this issue is covered by checks for good character at the foreign national's consulate.

For Taxi drivers in London, because of the 'knowledge' taking at least three years and requiring a good command of English, this will in practice mean only a few foreign nationals will have a short history of CRB records against which checks can be made. However, PHV licences and Taxi licenses outside London can be applied for and gained with much less personal history checkable by the CRB process. This may be a loophole which you should consider. Perhaps no PHV licences should be issued unless there is a bonefide system in place that is equivalent to, say, a three year CRB check.

iv) Medical checks are suggested in paragraph 63 of the guidance "at the initial grant of a licence and thereafter for each renewal", but this seems at odds with another part of the guidance which talks of Group 2 standard check - paragraph 64. We understand that Group 2 medical standards are applied at initial license application and then not again until the driver is 50 years of age. This could mean a possible gap of more than 25 years if a driver commences at 25 years of age.

We believe much can happen to a driver through his life between 25 and 50 years and that medical checks for fitness to work at shorter intervals could be provide a useful additional check on a driver. This would examine fitness to drive, possible drug history and mental wellbeing. Would you please consider implementing a requirement for more frequent medical checks of Taxi and PHV drivers.

v) We believe passengers could fulfil a role in reporting inappropriate or illegal behaviour by drivers if there were clear information as to how to contact the licensing authority. In London we want to see a clear display in the Taxi or PHV telling customers how and to whom they should complain. This requirement could be applied generally.

vi) Finally, we want to be assured that the driver of either a Taxi or a PHV is who they should be. A clear photo ID and driver identity will help with this. We know that the PCO in London does regular checks of Taxi drivers to ensure that the driver actually driving is legitimate and that this system largely deters use of vehicles by unlicensed drivers. This practice should operate generally.

Yours sincerely

Vincent Stops
Streets and Surface Transport Policy Officer