

Transport Committee

The Committee undertook a one-meeting investigation into the Taxi and Private Hire Vehicle industry in London in January 2024. Although the Committee did not put out a formal Call for Evidence, the following organisations and individuals submitted evidence to the Committee after the meeting and agreed for it to be shared publicly. This evidence informed the Committee's Taxi and Private Hire Vehicle letter to the Mayor of London, which was published on 15 March 2024.

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London Cab Drivers Club (LCDC)

BACKGROUND

While the focus of this investigation is on taxi and Private Hire (PH) this response comes primarily from the point of view of the taxi driver.

Directly or indirectly, the root cause of any concerns or dissatisfactions will be shown to rest with the regulator, Transport for London and the Mayor.

This report provides background information for the Transport Committee meeting on the Taxi and Private Hire Vehicles (PHV) on 23 January 2024. This meeting will review the role of Taxis and PHV in London's transport network and the strategy governing the industry.

In 2024, there were 91,958 PHVs licensed in London, up from 49,900 in 2013. In 2005, there were 19,000 PH Drivers, in 2024 there are 106,554.

In comparison, the number of London taxis has fallen from 22,200 in 2013 to 14,740 in 2024. In 2005, there were 24,700.

Transport for London (TfL) is the licensing authority for London's taxi and private hire industries. TfL published a Taxi and Private Hire Action Plan in September 2016. Hardly any of the Plan has been implemented.

In 2009, TFL said they would review signage in PHV's. In 2024, there is hardly any official signage in a PH Vehicle.

In March 2019, the London Assembly Transport Scrutiny Committee published yet another Taxi and PH report - this one was called '**Raising the Bar**' in which Assembly Members made calls for Private Hire Standards to be raised.

Recommendation 1

If a decision is taken to remove the congestion charge exemption for private hire, TfL should commit to conducting a full and timely evaluation of the effect of the removal of the congestion charge exemption on levels of congestion within the Charging Zone, the knock-on effects for the areas immediately outside the zone, and the impact on operators, drivers and the wider public transport system.

Recommendation 2

We call on the Mayor and TfL to refresh the taxi action plan and set clear targets; for example, for the wider and accelerated provision of rapid charging infrastructure across London and the establishment of ranks at all Crossrail stations. TfL should also set out to this committee how it will address driver concerns about the lack of options when

purchasing new vehicles, and provide an update on its efforts to accredit the Knowledge of London.

Recommendation 3

The Mayor now needs to clarify whether he will continue to press for the powers to cap licence numbers. If he does, TfL will need to demonstrate that they have collected the evidence necessary to conduct a thorough public interest test. The Mayor and TfL should consider ‘smart alternatives’ to a numerical cap. This should include investigating how current and emerging technologies could be used to identify and mitigate the negative impacts of congestion and pollution at particular times or in particular locations.

Recommendation 4

TfL should work with stakeholders to determine whether there is unmet need for wheelchair accessible vehicles. If this is found, TfL should explore whether requiring larger operators to provide a minimum proportion of accessible vehicles within their fleets would resolve this issue.

Recommendation 5

TfL should consider how an accreditation scheme can contribute to raising standards and come forward with specific proposals for a Charter Mark scheme. TfL should also review the criteria for ‘fit and proper tests’ for private hire operators, in line with Government findings.

Recommendation 6

TfL should consider whether elements of the New York model could be applied in London, with a new type of high-volume operator licence based on the number of journeys an operator carries out, rather than simply the size of its fleet. In particular, TfL should consider how to review the current tiered licence fee structure to reflect proportional impact of the operator on enforcement and administration, rather than size of fleet. TfL should also consider whether introducing requirements on high volume operators to submit an analysis of their impact on congestion, and anonymised trip data, should be replicated in London.

Recommendation 7

We urge TfL to work with stakeholders to develop proposals for a framework for regulation of on-demand bus services that addresses the convergence of private hire and bus services.

Recommendation 8

We urge the Mayor to bring forward a more comprehensive analysis of the potential benefits and risks of ride sharing for drivers and passengers, with a view to developing appropriate regulation, backed by calls for new legislation as necessary.

Recommendation 9

We reiterate our calls for TfL to improve its engagement with drivers, operators and passengers for both the taxi and private hire trades, recognising that each group has distinct concerns and needs that must be effectively addressed through regulation.

This report has largely been ignored.

In Recommendation 2, the Committee called for the establishment of ranks at ALL Crossrail stations. There is no taxi rank at West Drayton Station.

Unaffordable Taxis

The Committee asked TfL to address driver concerns about the lack of options when purchasing new vehicles. The price of a new Electric taxi is now unaffordable at over £70,000 and the £7,500 grant to purchase one is ending soon. At a meeting in 2016, LTDA CEO Steve McNamara believed the grant was £19,500. He had earlier told TfL that he believed that taxi drivers would buy 9,000 taxis from LEVC in the first 3 years after he was told Drivers would save on fuel costs and the price would be comparable to the TX4 diesel model. It's been 6 years and that number is still some way off.

Only 700 taxis were sold last year - LTI (the previous manufacturer) used to sell 2,000 - 2,500/annum. The Government added 20% VAT to street chargers and the cost of electricity and the time to find a charge point and charge has made it largely unviable to do so.

It has been reported that LEVC lost £140M last year!

The Knowledge

TfL were also asked to provide an update on its efforts to accredit the Knowledge of London. Hardly anyone is doing the Knowledge since TfL introduced fees to sign on rather than take money from Licence fees. If TfL incorporated PH into the Knowledge of London learning process and returned to the previous method of financing it, then the public would benefit from better trained drivers and safer services.

Wheelchair Accessible Vehicles

The Committee suggested that the Mayor/TfL should consider whether elements of the New York model could be applied in London. However, in New York they do not have a requirement for all taxis to be Wheelchair Accessible and it is that extra requirement that makes the Electric Taxi far more expensive than the Private Hire Car. This also means higher taxi fares. It is inequitable to continue with a policy that all London taxis should be Wheelchair Accessible whilst hardly any Private Hire Vehicles are.

The Committee recommended that TfL should work with stakeholders to determine whether there is unmet need for wheelchair accessible vehicles. If this is found, TfL should explore whether requiring larger operators to provide a minimum proportion of accessible vehicles within their fleets would resolve this issue. That should be the case for both taxis and private hire.

The Department for Transport guidelines on Wheelchair Accessible Vehicles are for a proportion of taxis to be designated WC accessible not a blanket policy that sees London as the only place in the world where taxis are forced to carry the burden of cost alone, and which has been detrimental to the cost of taxi fares.

Steve Wright, a former TFL Board Member, who gave evidence on behalf of the Private Hire trade, has consistently lobbied against PH having to have WCAV's saying it would push fares up. He did this whilst he sat on the TFL Board that forced all taxi drivers to have WCA taxis that pushed taxi fares up. How can that be fair?

Vehicle Policy

In order to be a licensed London taxi vehicle the following conditions must be met: since 1 January 2018, all new black taxis presented for licensing for the first time must be zero emissions capable (ZEC), and vehicles already licensed by TfL must be less than 12 years old at time of re-licensing.

In order to be a licensed PHV, the following licensing requirements apply, from 1 January 2023: all PHVs (of any age) need to be zero emission capable when licensed for the first time, and vehicles already licensed by TfL must be no older than 10 years at time of re-licensing.

All London taxis currently licensed by TfL are wheelchair accessible, a condition since 2000.

PHVs that meet certain criteria can be designated as a wheelchair accessible vehicle (WAV). Currently only around 0.7 per cent of PHVs in London are wheelchair accessible. Those that are WCAV's tend to be School Mini Buses.

By 2030, all taxis and PHVs must be zero emission capable (ZEC).

As of January 2024, over half of London's black taxis are now zero-emission capable (8,176 vehicles). There has been an increase of 10 per cent of ZEC taxis in the last six months. However, it was reported to the Transport Committee that LEVC lost £140M last year.

Driver Policies

TfL last updated its Taxi and Private Hire driver and vehicle policies in December 2021.

The last Taxi Operation Performance Seminar (TOPS) was in February 2020. Just before the pandemic. TFL did not discuss the new driver policy with taxi trade representatives.

EV Charge points

As of December 2022, there were 11,000 charging points for electric vehicles across London, with 820 of those being fast or ultra rapid charging points.

In December 2016, TfL's Lilli Matson told Taxi trade representatives at a Licensing meeting, that they would be falling over charge points because TfL had lots of brownfield sites. None materialised and there are just seven (7) dedicated charge

points at Heathrow Airport - they often fail to work and were amongst the most expensive in London.

TfL's Electric Vehicle Delivery Plan has specified that 40,000-60,000 charging points will need to be built by 2030, with 10 per cent being rapid charging points.

In February 2020, TfL's Lucy Hayward Speight, of the now disbanded EV Taskforce, admitted to Taxi trade representatives, at a Taxi Operation Performance Seminar (TOPS) that the Electric Taxi was too expensive, agreed that the range was too short and said that the amount of charge points was woefully inadequate. However, she did say that by 2025, TFL would increase the number of EV Hubs by working with Private Partners. We've yet to see any evidence of that.

The EV Task force had no representation from the Taxi trade.

Since 1 April 2023, drivers have to pass an English Language Requirement test, and TfL has stated that it is 'essential for public safety' that all private hire drivers are able to speak in English at an 'appropriate' level.

In January 2024, Mayor Khan (who had said in 2016 that anyone who works in public service should speak English) suspended the enforcement of the SERU regulations which included English tests.

Partitions in PHV's

In addition, PH Drivers lobbied the Mayor saying they were fearful of being assaulted in their vehicles because they do not have partitions. During the pandemic, TFL said that PH Drivers could fit partitions in their vehicles. This was something that former Head of TPH, John Mason, had allowed from around 2010. However, very few in the PH trade bothered to fit partitions and it was often a common sight to see masked PH Drivers wrapped in cling film on the M4 driving to the Airport with their windows wide open during the Covid pandemic.

Taxi Shelters

There are only 13 Taxi Shelters (funded via a Trust, not TfL) remaining in London. Many are not fully open and some have taken to serving other people outside the taxi trade. The Pier Shelter on Chelsea Embankment has been closed for a decade; it was due to reopen as a Tourist attraction.

Assembly Members have questioned the lack of parking spaces and whether they contain proper toilet and handwashing facilities. The Taxi trade is in dire need of modern taxi facilities with adequate parking and charge points. In 2020, Lucy Hayward Speight said this would happen with private partners.

We're still waiting.

There aren't any private parties providing charging hubs for taxis: the Old Kent Road one which has ten bays, toilets and a café has now become PH.

Apps

There are a range of applications available including some which offer London Taxis as well as those for PHV. FreeNow recently increased its commission to 18% and Gett charge 20%. Bolt has very few taxi drivers. These are all PH Operators.

The Telephone Booking Fee used to be displayed on the Meter as an Extra and was paid to drivers. The Operators of Apps have lobbied TFL to remove that requirement and now charge the customers direct and keep the £2. They have recently asked TFL to increase the amount. TFL are currently considering the request.

TaxiApp and Unify are two newer entrants and are Taxi only.

In 2024, Uber is opening its service up to black cabs in London - again. Taxi drivers are refusing to sign up with people who tried to kill our trade and referred to us as 'A***holes'. A class action against Uber by taxi drivers should be starting later in 2024.

There are fewer people applying to become taxi drivers as well as an aging workforce. To become a taxi driver, drivers must undertake the Knowledge [of London test], which is a series of tests required to be completed before a taxi licence can be obtained.

TFL have failed to publish their financial reports which would show more accurate information based on the income from Knowledge fees.

In 2018 and in years prior, there were an average of 2,000 candidates a year on the Knowledge, there are currently around 700 candidates in 2023. TFL told Taxi trade representatives that there were 1,500 applications where the applicants had failed to stipulate whether they wished to study for the All London or Suburban Knowledge. TFL wrote back and called the Applicants and 1,499 said they wanted to apply to be Uber drivers.

A Brief History

Taking a brief view of recent history of these two trades, there were few problems of supply or price of the London taxi service prior to the 1950s. However, the quarter century following WWII, was marked by unprecedented economic growth, allied to the creation of the welfare state and a vastly more equitable distribution of wealth than had existed previously existed. For the first time, the working classes enjoyed disposable income and as a result the taxi service ceased to be the province of the wealthy and demand grew rapidly.

The licensing regime was not equipped to expand the taxi supply quickly enough to meet the burgeoning demand for the service, mainly due to the entry barrier to new drivers known as the "Knowledge of London (KOL)". This is the topographical requirement of taxi drivers. However, no demand will remain unmet in the medium term and this resulted in the "minicab" industry being created to exploit this excess demand. Passengers now had the option of using the taxi service or the unregulated minicab service.

There was a clear distinction between the two services. The relevance for passenger satisfaction was the recognition that the minicab represented a cheap, inferior and unregulated service as compared to the taxi service. Even more importantly, all actors understood that a minicab had to be pre-booked via an operator, either by telephone or by visiting the operator's high street office.

However, by the 1990s, many minicab drivers began touting on the realisation that enforcement was almost non-existent. By the end of the 90s, virtually every late night venue in central London had a regular group of touts outside their door, accosting patrons and often intimidating both patrons and taxi drivers attempting to serve those patrons.

The situation changed quite dramatically with the regulation of the PH service during 2001-03, by which time the number of serious sexual assaults by minicab drivers had reached around 400 convicted attacks per year. The Private Hire (PH) Act, 1998, driven by TFL, created a two-tier licensing regime for taxi and PH services. These regulations blurred the distinction between the two services, compounded by a continued lack of enforcement and TPH's assistance to subvert the regulations to allow PH to offer services that should have remained the preserve of the taxi service.

The current situation is that while passengers generally understand the physical difference between a taxi and Private Hire Vehicle (PHV), there is possibly little understanding of the difference between the two services. Passengers recognise there are price differences between the two services while not fully understanding the reasons for any disparity.

Although it is said that passengers understand the physical differences between a taxi and a PHV, this is not completely so and in part, this is the making of the regulator. The public now largely distinguish one service from the other by calling taxis "black cabs" and PH "minicabs". Although the PH Act (London), 1998 says that PH may not use the word "taxi" or "cab", singularly or in plural, on their own or as part of a word, the regulator advises PH operators on receipt of their licence that they may use the term "minicab". Clarity was not helped by the then largest PH operator, Addison Lee (AL), using an all-black fleet of taxi-like Multi- Person Vehicles (MPV). So, the AL minicab was essentially black while the black cab was, and still remains, a range of colours. Many passengers considered AL to be taxis of a lower order than "black cabs" but a higher standard than "minicabs".

This confusion of difference between the two services goes directly to the regulatory creation of a two-tier service. This is coupled to the regulator providing insufficient public information with regard to the distinction between services and a failure to enforce regulations. Indeed, the regulator has created illogical service distinctions and then compounded this by allowing PH to offer what should be regarded as traditional taxi services, without increasing the regulation of PH in line with the taxi service.

FARES & PAYMENTS

The question must be asked why 69% of passengers surveyed thought taxi fares too high? It must also be noted that this may not mean they do not offer value for money.

One possibility is the passengers' fares comparison is an unfair comparison due to TFL's creation of a two-tier taxi and PH regime, two services facing very different costs. Due to heavy regulation, the taxi service have passenger and wider safety issues internalised into the costs that largely dictate price to the passenger. Due to very light regulation, many of the costs internalised to the taxi service are externalised by the PH service.

The knowledge testing (KOL) of taxi drivers currently entails a mean of 48 months study for the All-London licence and 29 months for a suburban licence. This, in addition to the monetary costs involved. The knowledge testing of PH drivers requires a half day in a classroom, being examined on the ability to read a road atlas. This intellectual capital investment on the part of taxi drivers is imposed by the regulator and demands a premium over and above that of the PH driver price and creates a significant barrier to entry for prospective drivers.

This has implications for safety and safety costs. The PH driver, through lack of topographical knowledge, has to devote part of his/her concentration on following an atlas or GPS. This is not a passive activity and the degree of concentration lost to a driver on busy London streets will be significant. This also applies to driving qualifications. The taxi driver was required to obtain an advanced driver qualification, whereas the PH driver has not.

The combination of the two above aspects, *ceteris paribus*, will result in more accidents involving PHVs than taxis. Quantifying this is difficult as TFL attempts to do so were stymied by the Metropolitan Police Service (MPS) being unable or unwilling to supply the figures.

Thus, exempting PH drivers from the KOL and advanced driving testing reduces the costs of gaining a PH driver licence and removes entry barriers but the resulting reduction in safety will produce additional costs that are externalised and transferred to the general society via a greater number of accidents that involve the police, NHS, GP services, loss of work, etc.

The general society effectively subsidises PH costs and fares of PH, while taxi passengers face the full costs of the service.

THE VEHICLE

The taxi service faces much higher vehicle costs than the PH service. PH may use virtually any production model car or MPV as a PHV. So many additional conditions are placed on a taxi – wheel-chair accessibility, for example – that a Purpose-Built Vehicle (PBV) is required, which is currently supplied by a monopoly market with just one vehicle/supplier.

These additional vehicle costs imposed by the regulator on the taxi service only, results in the capital and running costs of a taxi being significantly higher than for a PHV. As an example, the current cost of a plug-in Hybrid Toyota Prius, the PH drivers' vehicle of choice, costs approximately £37,000, while the price of the TXe taxi is in excess of £70,000, virtually double the cost.

Legislation and regulation ensure that there are safety aspects built into the PBV taxi that would be externalised in a free market, or discarded in a market dictated largely by price. The PH market is guided largely by price with much lighter regulation. The travelling public, to an extent, are protected from themselves in regard of the taxi service. However, this increases market price.

Not only has the regulator created a two-tier regulatory system where the resulting skewed costs ensure that the taxi service is unable to compete on price with the PH service, the regulator compounds this by failing to inform the public sufficiently of this regulatory disparity and thereby explain the reason for any disparity in price between the services.

Another possible reason for passengers thinking taxi fares are too high is the popular misconception that taxi drivers hold a monopoly and are protectionist. There is a justified tendency to believe that such a monopoly produces inflated prices and supernormal profits for the monopolist, as is the case with the manufacturing supply of the taxi vehicle. However, the reality is that London's taxi service operates in a near perfectly competitive market, aside the fact that the regulator sets price rather than the market.

Taxi driving is non-exploitative of the labour involved as each driver operates his own business and can never have more than one driver, the owner of the business. This also ensures that no driver has enough market share to allow him/her to distort or lead the market, unlike the situation with the PH service. Price is not totally insusceptible to consumer demand as the metered price is a maximum price that can be charged, rather than an absolute price. It is not uncommon for taxi drivers to agree a price below that of the meter, although this usually will apply to longer fares. The PH service faces a market with the conditions of oligopoly. The large PH operators drive the marketplace within the service. There is opportunity for informal cartel pricing through market leadership by a few, large players such as Uber.

This creates an unequal arrangement between operators and drivers. The operator generally controls the driver and the larger the operator the more control they are able to exercise, to the point where the driver can hardly be regarded as self-employed, as recent legislation has confirmed. The driver is often required to work shifts dictated by the operator, lease a vehicle through the operator, along with the attendant insurance. The operator sets the price to the customer and also the price paid to the driver.

The main trade union of PH drivers is the GMB, who consistently complain of the working conditions and pay of PH drivers and not without good cause. The PH driver largely belongs to a vulnerable group as more than 80% of PH drivers are fairly recent immigrants into the UK. Consequently, drivers may work up to six, twelve hour shifts

per week and still not earn enough pay, after expenses, to allow them to live without in-work state benefits to supplement that income.

Subsequently, many operator's costs are being externalised from the market and transferred to the welfare state via in-work benefits.

Thus, any public perception of taxi fares being excessive may be informed by the misconception that the taxi service is a monopoly that allows the taxi service to charge more than PH.

If PH fares are genuinely lower than taxi fares, it is not that they represent greater value for money but rather because all costs of the taxi service are internalised and passed to the passenger, whereas many costs of the PH service are externalised as outlined above, safety, etc. Effectively, prices and PH operator profits are maintained by an effective subsidy from society at large and the oligopolistic market they operate within.

This may also be the reason for the stability of the taxi driver employment and instability of the PH driver. Also, why the taxi service is largely self-regulated, while PH drivers have scant regard for the regulations they are supposed to work under. Taxi driving is regarded as a "job for life", as the intellectual capital invested in obtaining a licence means a holder does not give up the licence lightly, while approximately 40% of PH drivers do not renew their licence. There is no capital investment in obtaining the licence and the operators' appropriation of drivers' labour return results in low pay for the driver. In short, the PH driver licence has no value to the holder.

Despite this, there is no shortage of new entrants to PH driving, in large part due to the absence of entry and exit barriers. The current 106,538 PH drivers have increased by approximately 25% in the last nine years.

These assertions challenge a view that taxi fares are too high, compared to PH fares? Of course, it does not necessarily signify that they are not too high. It does signify that the market mechanisms pertaining to the taxi service appear to be working efficiently. Conversely, PH operators have undue control of their driver – suppliers and customer price signifies that supply and demand in this market is likely to be in disequilibrium.

TAXI CONCERNS OVER ENFORCEMENT

It is doubtful, even were there a will to do so, that the taxi and private hire services could be properly regulated and enforced under current arrangements. Pre - TFL, the taxi service had been under the control of a dedicated regulator. Once PH was licensed during 2001-03, the same regulator became responsible for the two trades. The number of drivers being regulated has virtually quadrupled since 2001. Taxi drivers have traditionally required only light enforcement as the value of the licence ensures a large degree of self-enforcement. PH drivers, on the other hand, are not self-enforcing as the licence has no value. Additionally, many PH drivers are not aware of the regulations that they operate under. As stated elsewhere, many PH drivers believe themselves to

be taxi drivers. PH drivers represent approximately 75% of the combined driver numbers of both services.

This suggests the regulator has difficulties in regulating effectively and indeed so much so that taxi driver representatives have asked for the two services to each have their own regulator. It would appear that over the lifetime of TFL, stronger enforcement has been required at the same time the regulator's ability to provide proper enforcement is being eroded.

Enforcement and Compliance are paid for out of Licence fees. However, having employed 250 dedicated Compliance Officers, TFL are now using them for other purposes. Questions to the Mayor via Assembly Members regularly go unanswered or avoid the question. A good example of this are questions regarding the problems associated with 'Taxi Touting' at Heathrow, asked by Caroline Pidgeon.

Date: 23 February 2023

Question: Touting at Heathrow Airport

Regarding question 2018/5148, what progress has been made on the review on how to tackle unlicensed Private Hire Drivers touting at Heathrow Airport?

Answer

Date: Thursday 6 April 2023

Transport for London (TfL) continues to focus on the issue of illegal activity at Heathrow Airport as a priority. TfL's Operations Officers have been continually deployed at Heathrow, working on Operation Departure. This is a plain clothes/non-uniformed operation with the Police focused on detecting illegal touts as they exit Departures within the airport terminals.

Officers have undertaken over 40 operations in the last 12 months, which has resulted in 23 cases of illegal activity being detected and action taken. In addition to this, officers also undertake highly visible operations using TfL's Community Safety Accreditation Scheme (CSAS) powers to stop and inspect licensed Taxi and Private Hire drivers and vehicles at Heathrow. In the last four months, there have been 59 deployments at Heathrow, resulting in 855 Private Hire drivers and 876 Private Hire Vehicle checks, with an average 80 per cent compliance rate. It has also resulted in 128 taxi and 115 taxi driver checks, with an average 85 per cent compliance rate.

While the review referenced in Mayor's Question 2018/5148 was delayed due to the pandemic, discussions with the Heathrow Airport Authority regarding the feasibility of granting authorisation to enforce Heathrow byelaws to TfL Operations Officers have resumed.

Question: Touting at Heathrow Airport (2)

Heathrow Airport representatives in conversation with representatives of LCDC said they are happy to start a discussion with the taxi trade about funding a dedicated Tout squad. Will you support such an initiative?

Answer

Date: Tuesday 23 May 2023

Taxi and private hire compliance at Heathrow is a high priority for Transport for London (TfL) and receives regular attention from TfL's enforcement officers and the MPS Cab Enforcement Unit. TfL's enforcement officers work alongside the police to deter illegal activities at Heathrow and ensure that licensed drivers and vehicles comply with the law. Unlicensed touts are predominantly dealt with by the Police under the Criminal Justice and Public Order Act 1994

TfL is in discussion with Heathrow Airport to designate TfL enforcement officers with authority under the Heathrow Byelaws to further improve the safety of the public at Heathrow, including the power to request taxi and private hire drivers and/or vehicles suspected of an illegal activity to leave the airport and to prevent their re-entry.

TfL is not aware of the discussions between Heathrow Airport and the taxi trade about a proposal to introduce and fund a dedicated team. I would encourage Airport representatives and the trade to discuss the proposal with TfL and the MPS to ensure that collective efforts between the Airport, TfL, and the police are effective in deterring, detecting and disrupting illegal and non-compliant activity that puts passengers at risk and undermines the law-abiding taxi and private hire trades.

Date: 18 May 2023

Question: Touting at Heathrow Airport (1)

The answer to question 2023/0558 related to checks of illegal touting by licensed Taxi and Private Hire drivers and vehicles at Heathrow, but the question related to unlicensed Private Hire Drivers. Please confirm what actions have been taken related to unlicensed Private Hire Drivers.

Answer

Date: Tuesday 18 July 2023

Transport for London (TfL) continues to focus on the issue of illegal activity at Heathrow. TfL's Operations Officers in the Roads and Vehicles function are continually deployed at Heathrow working on Operation Departure, a plain clothes/non-uniformed operation in collaboration with the Police focused on detecting illegal touts as they exit departures within the airport terminals. The usual prosecution for a touting offence is also coupled with an offence of no insurance.

In addition to deployments at the terminals, TfL also conducts regular proactive high visibility patrols around the Heathrow roadways, stopping private hire vehicles for compliance checks as they travel to or from the terminals. These compliance checks include requiring evidence of a booking if passengers are on board. Please refer to my response to Mayor's Question 2023/1504 for additional measures TfL is taking to tackle Private Hire driver and vehicle offences at Heathrow.

Date: 22 June 2023

Question: Touting at Heathrow Airport

Would you consider ringfence funding for a dedicated Police Tout Squad at Heathrow from Taxi and PH Licence Fees to clear up this problem which is damaging to London's reputation with visitors and is seen by many as out of control?

Answer

Date: Tuesday 16 January 2024

Heathrow remains a high priority for Transport for London (TfL) and the Metropolitan Police Service, with continued focus on reducing the risk of illegal activity there. TfL's Operations Officers are continually deployed at Heathrow working on Operation Departure, a plain clothes operation in collaboration with the Police focused on detecting illegal touts as they exit departures within the airport terminals. The usual prosecution for a touting offence is also coupled with an offence of no insurance.

In addition to deployments at the terminals, there are regular proactive high-visibility patrols around the Heathrow roadways stopping private hire vehicles for compliance checks as they travel to or from the terminals. These compliance checks include requiring evidence of a booking if passengers are on board.

TfL is in discussion with Heathrow Airport to designate TfL enforcement officers with authority under the Heathrow Byelaws to further improve the safety of the public at Heathrow, including the power to request taxi and private hire drivers and/or vehicles suspected of an illegal activity to leave the airport and to prevent their re-entry.

Date: 16 November 2023

Question: Taxi and PH Compliance Officers (2)

How many dedicated Taxi and PH Compliance Officers operate at Heathrow?

Answer

Date: Tuesday 21 November 2023

Enforcement activity is intelligence-led, and Transport for London's (TfL's) Operations Officers have a regular presence at Heathrow Airport, the terminal forecourt and Feeder Park as well as the local roads around the airport. TfL works collaboratively with the Police and Heathrow Airport officials to deter and detect TPH-related issues in and around the airport.

In the last 12 months, TfL has completed 226 deployments at Heathrow.

Date: 21 December 2023

Question: Taxi and PH Compliance Officers (2)

Following your answer to question 2023/4204, how many of the officers mentioned are dedicated only to Taxi and Private Hire (TPH) compliance at Heathrow?

Answer

Date: Thursday 28 December 2023

Enforcement activity is intelligence-led, and Transport for London's (TfL's) Operations Officers have a regular presence at Heathrow Airport, the terminal forecourt and Feeder Park, as well as on the local roads around the airport. TfL works collaboratively with the Police and Heathrow Airport officials to deter and detect TPH-related issues in and around the airport.

In the last 12 months, TfL has completed 226 deployments at Heathrow.

Heathrow remains a high priority for TfL and it continues to focus on the issue of illegal activity there. TfL's Operations Officers in the Roads and Vehicles function are continually deployed at Heathrow working on Operation Departure, a plain clothes/non-uniformed operation in collaboration with the Police focused on detecting illegal touts as they exit departures within the airport terminals. The usual prosecution for a touting offence is also coupled with an offence of no insurance.

In addition to deployments at the terminals, TfL also conducts regular proactive high visibility patrols around the Heathrow roadways stopping private hire vehicles for compliance check as they travel to or from the terminals. These compliance checks include requiring evidence of a booking if passengers are on board. Please refer to 2023/1504 for additional measures TfL is taking to tackle Private Hire driver and vehicle offences at Heathrow.

Date: Tuesday 23 January 2024

Touting at Heathrow Airport

I have been made aware of Operation GADI which targeted taxi touts operating at Heathrow Airport. I understand it used Arabic speaking decoy officers posing as passengers arriving from abroad and that the operation over 2 days broke up

an organised crime gang and resulted in 6 arrests for taxi touting, 15 traffic offence reports ranging from no insurance, speeding tickets, ANPR evasion and other offences. Do you consider this operation a success and, if so, will you provide adequate funding (365 days/year) for a dedicated squad of police officers at Heathrow Airport to eradicate the touting problem?

Answer

Date: Tuesday 23 January 2024

Officers are drafting a response.

Literally years of asking the same questions in different ways have still not resulted in a dedicated Tout Squad at one of the World's busiest Airports despite requests to ring-fence one from Taxi & PH Licence fees.

Operation GADI

Operation 'Gadi' was a great success but within days the Touts were back in ALL the Terminals. The Police say that this is the tip of an iceberg of criminality carried out by Organised Crime Gangs. TFL are not even carrying out one deployment each day at one of the World's busiest Airports. The money to fund a dedicated Tout Squad should come from Taxi and PH licence fees but Officers are deployed elsewhere checking bus and train tickets.

PASSENGER NEEDS AND EXPECTATIONS

DISABLED ACCESS TO TAXI AND PH SERVICES

The GLA "Future Proof" report discovered that 14% of taxi passengers and 19% of PH customers are disabled. Yet, the regulator has ruled that taxis must be 100% accessible to all passengers. In the case of the taxi this includes wheel-chair accessibility (WAV), grab-handles, distinct colouring to help the partially-sighted, intercom friendly to the deaf, etc.

In all, these accessibility features raise the price of a new taxi considerably. However, despite a greater percentage of PH passengers being disabled than taxi passengers, the regulator does not stipulate any disabled-access features on PHVs at all, far less WAV. This is discriminatory. At the very least, it should be incumbent that any PH operator above a given size should provide a percentage of WAV vehicles at least equal to the percentage of disabled passengers using PHV's. It should also be noted that many contracts that transport temporarily and permanently disabled people, such as hospital and social service contracts, are awarded to PH services.

There is an argument that PH self-regulate in this area but this has been proven not to provide sufficient WAV vehicles. As has been stated, the taxi service has the better record on self-regulation and yet are compelled to use WAV, while PH with the worse record do so, or not, on a voluntary basis.

PASSENGER SATISFACTION

There is need for investigation of why passenger satisfaction level with the taxi service is falling? It appears anomalous that visitors to the UK consistently vote the London taxi service as the world's best. There is a strong likelihood that this is a result of a lack of information to passengers who will not readily understand the increased cost burden placed on the taxi trade, over and above that placed on PH by the regulator and thus fail to understand any perceived difference in price.

Another possible reason for falling satisfaction is the ability at times and places to secure a taxi for hire, while regulations make for a longer wait for a PHV than the passenger may like. There are also safety concerns with regard to a passenger waiting on the street for a taxi. It is unfortunate also that safety concerns increase late at night and this is the time when the number of available taxis reduces markedly. The reason for this reduction is two-fold. First, like any other group of workers, the majority of taxi drivers prefer to work social hours and as self-employed workers, they can choose not to work unsocial hours. PH drivers, on the other hand, are under the control of an operator, who can often dictate when the driver works and for how long.

It has been suggested that more taxi ranks outside of the central area may alleviate the above situation. The effectiveness of this is doubtful unless there is a proven demand for taxis at the site of the proposed rank.

Taxi availability varies both with regard to physical areas and time of day. Answering the question of how drivers can be encouraged to supply in these deficient areas and times of day is far from simple. While taxis are a highly-regulated service, the drivers are free agents. They are effectively 17,625 separate businesses, collectively providing a single service. Their businesses are unique as they do not have specific customers but rather they share a pool of customers, meaning that the driver has no specific commitment to an individual customer, can work when she chooses and to an extent, in the areas she chooses to work.

Encouraging taxi drivers into areas of poor supply sets a difficult problem. The taxi driver will gravitate towards the busiest areas i.e. the business area, the "West End" and "high-end" residential areas. South London has been mooted as a general area of low taxi supply. This area is badly supplied with public transport generally.

More generally, we can divide the metropolis into three concentric rings. The inner ring (approximately a three mile radius of Charing Cross) is well supplied by the taxi service. The outer ring (the suburbs) is supplied by suburban taxi drivers. The middle band is the area that is problematic. However, it would be erroneous to assume that the problem is one of low supply. It is at least as likely to be a problem of low demand. The taxi driver will follow demand. Therefore, if demand is increased, the supply will follow. As in any other market, supply and demand will gravitate towards equilibrium long-term. The reality is that there is not a supply gap in areas such as Brixton but there are less taxis because there are less customers.

The result will be that the customer that is made to wait for a taxi to become available will understandably determine that a supply failure exists within a given area. Despite that, there will always be a correlation between demand level and time taken to obtain

a taxi from street or rank. As a generalisation, the higher the demand, the shorter the time required to hire a taxi. There is a high probability that supply and demand are in equilibrium in these areas of low demand and supply.

TECHNOLOGICAL IMPACT

While the App presents opportunities for both drivers and passengers, it also produces threats to both services. The App itself is not problematic as in the case of use for genuine pre - booking it is nothing more than a useful tool for the customer to obtain a car or taxi. However, the App is being used for the purpose of “electronic hailing” which does not fit comfortably within the current regulatory system and as a result threatens the status quo of the established taxi and PH services.

The PH operator now faces the same problem from the App as the taxi service has faced from the PH service – competition that is more lightly regulated than their competition. While, the App operator and drivers face the same regulations as the traditional PH operator technically, PH operators are largely being driven out. Regulation of the rules of booking, driver verification, etc are greatly more difficult to ensure and enforce.

For the taxi service, the PH App concerns the way in which PHVs are booked and fares are calculated, in the main. To date, the regulator has recognised App bookings as traditional PH “pre- booked” fares, while they are patently not so as the PHV is hailed electronically. The taxi service has the right to accept hails, or instant booking requests, from the street or from ranks, whereas the PH driver and operator should be excluded from this type of passenger request, according to the spirit of the PH Act.

The taxi service and passengers are rightly protected in this way. The service was anticipated by the PH Act to be protected from unfair PH competition as a result of PH lower costs resulting from a lighter regulatory cost burden. Passengers are protected from under-qualified and tested, albeit licensed drivers. However, the App removes those protections as their vehicles are “electronically hailed” as has been recognised by previous GLA investigations by its use of the term “electronic hail”.

A physical hail is when an available taxi is sighted by a customer and a hand is raised and the driver responds. An electronic hail is where an available taxi or PHV is sighted on a screen and a telephone is “pinged” and the driver responds. There is no discernible difference between the two processes but rather only the method of the process. The “electronic hail” certainly destroys the concept of a PH driver not requiring extensive topographical knowledge due to having time to compute a route in advance. If not technically, the taxi driver has in practise lost the exclusive right to accept instant bookings via hailing, while having no protection against competition while continuing to be burdened by a skewed regulatory burden that increases taxi service costs against that of PH.

This fare calculation fits exactly the description of a “taximeter” as per the Private Hire Act (London) 1998. The taximeter is not a physical item of equipment but rather a method of fare calculation according to the Act.

In short, the PH App generally has removed the barrier to the PH service accepting instant, hailed bookings. The Uber App in particular, is effectively a complete taxi service rather than a PH service as the law and regulations intended.

THE MAYOR AND TFL

For expediency, both the Mayor and TFL are referred to here as “the regulator”.

Ultimately, the standards of the taxi and PH services rest on the performance of the regulator. Passenger satisfaction is foremost the result of good regulation and enforcement of the two services. Equally, the source of passenger dissatisfaction ultimately rests with the failure to balance regulation and enforcement to ensure passenger safety, with consumer demands and expectations.

All of the foregoing leads ultimately back to the regulator. However, some of the responsibility lies with the regulator pre-dating TFL. It was the previous regulator that allowed an unregulated PH service to develop for almost 40 years before regulation, while the rest of the country regulated PH up to 25 years earlier. It was lack of adequate enforcement by the previous regulator and the MPS that allowed touting to develop rapidly throughout the 1990s, virtually without hindrance until it reached almost epidemic proportions.

However, it is the current regulator that created a two-tier regulatory system for taxi and PH, from which many ills have grown. By regulating the taxi service heavily and the PH service lightly, the regulator has burdened the taxi service with much heavier costs than the PH service; costs that are ultimately borne by the passenger via the tariff cost-index.

Some regulatory differences are illogical. Once a passenger is aboard the vehicle, the taxi and PH driver carry out essentially the same service – transporting a passenger safely from A to B. It therefore appears to be illogical to require the taxi driver to pass an advanced driving test to carry out this duty safely, while not requiring it of the PH driver. Logically, it should either be a requirement of both services or it is an unnecessary cost on taxi passengers. Either way, the regulator is failing.

Currently, topographical testing (KOL) of taxi driver candidates represents a huge entry barrier and cost. The current average time of 48 months to complete the KOL, compared to less than half that time thirty years ago, is unjustifiable. At the same time, the justification for not requiring any topographical knowledge testing for PH drivers is no longer applicable. “Electronic hailing” PH Apps no longer give a driver time to establish a route in advance, in practise. Although GPS systems are doubtless useful navigation aids, their use is not passive if used to guide a driver throughout a route as opposed to a brief consultation at the start of a journey. Such use reduces the safety of passengers in the same way as the use of a mobile telephone would do.

The KOL represents a huge cost and barrier to entry for candidate taxi drivers. Either it is necessary or it isn't. If it isn't, it represents a substantial and un-necessary cost to taxi

passengers. If it is necessary, then logically the PH driver should be required to attain a higher topographical knowledge in the interest of safety and fair competition.

As stated above, vehicle costs of taxis are potentially almost twice the cost of PHVs, due to conditions placed on the former but not the latter. Again, these conditions appear to defy logic. Once aboard, there is no difference for the passenger insofar as getting safely from A to B, in a taxi or PHV. Yet, such travel is considered safe in a taxi, only with additional vehicle conditions over and above that of a PHV.

By simply removing one condition of a taxi – the turning circle requirement – a range of vehicles would be open for use as a taxi at a cost reduction of as much as 20%. However, there are safety aspects to be considered with regard to recognition by passengers but this could be overcome by making taxis conform to a single colour/colour pattern for new vehicles, while barring use of that colour from new PHVs.

Initially, there may have been justification for the light regulation of PH. It ensured a viable supply during the transition from an unlicensed to a licensed service. There were also clearly defined differences in what the services provided. However, such skewed regulation should have been a temporary, short-term solution, rather than permanent.

In the longer-term, there should have been a planned reduction of the regulative differences between the two services such as in the Surface Transport Strategy Proposals put forward by Jeroen Weimar, the Chief Operating Officer, in 2009 (see below).

TRANSPORT FOR LONDON SURFACE TRANSPORT PANEL

AGENDA ITEM 7

SUBJECT: PRIVATE HIRE STRATEGY PROPOSALS 2009 - 2014

DATE: 19 MAY 2009

1 PURPOSE

1.1 This paper sets out some broad options for TfL's role in the development of the private hire vehicle (PHV) industry in London. The paper aims to stimulate a debate on the appropriate positioning for TfL as both a licensing authority and as a broader transport authority for London and will feed into the development of the Mayor's Transport Strategy.

2 BACKGROUND

2.1 Private hire is an important part of London's wider transport system – providing an estimated 300,000 journeys a day. PHV usage is widely spread across London and serves a highly diverse customer base – including a significant level of provision for those requiring assistance to travel.

2.2 The Private Hire Vehicles (London) Act 1998 ('the PHV Act') is the basis for licensing London's PHV trade. Since 2001, TfL's Public Carriage Office (PCO) has implemented a licensing regime which now covers 2,500 private hire operators, 56,000 drivers and 49,000 vehicles.

2.3 The scope of PHV licensing is defined by the original legislation although TfL can introduce additional requirements. The key principles of the current PHV licensing regime include:

- (a) All journeys must be pre-booked through a licensed operator;
- (b) Private hire fares are not regulated;
- (c) The costs of licensing are covered by licence fees;
- (d) All drivers have to complete enhanced Criminal Records Bureau(CRB) checks and a medical check;
- (e) All vehicles are required to have two MoTs a year plus a licensing inspection; and
- (f) Licensed PHV in London includes minicabs, executive and chauffeur services.

3 ISSUES

Distinction between private hire and licensed taxi trade

3.1 The taxi and private hire trades operate in overlapping markets with significant competition, especially in the corporate account and late night travel sectors. The primary structural difference is that only licensed London taxis can ply for hire. All PHV journeys must be booked in advance via an operator centre.

3.2 The taxi trade is highly regulated extending to fare tariffs, detailed vehicle specifications and a requirement for all licensed Taxi drivers to complete the Knowledge – in itself requiring some three years of dedicated study. As such, taxi drivers have to commit significant time and capital outlay to enter the trade.

3.3 Entry into the PHV industry is comparatively easy. PHV drivers are required to meet similar medical and character checks, pass a brief route-finding test and can become licensed within three months. PHV drivers can work for any number of operators or establish a new operating business (requiring additional measures). The PHV trade can use a wide range of standard vehicles. Fares are not regulated.

3.4 Any changes to the operating conditions of the PHV industry need to be considered in the context of the impact on the taxi market. The financial returns in the taxi industry need to reflect the relatively high up front investment and higher operating costs in order to maintain a viable ply-for-hire taxi service.

Quality of customer service

3.5 Customer service standards and the handling of complaints are currently left to PHV operators. TfL has supported initiatives such as the “Cabwise” service that gives improved access to 24-hour licensed private hire operators.

3.6 Some PHV customers have sought to complain to the PCO about individual PHV journeys. TfL could extend its current complaints handling service for the taxi industry to PHV journeys. This would enable consistent handling and ensure the complaints history of individual operators and drivers can be reviewed. However this would extend the scope of TfL’s regulation over the PHV industry beyond dealing with complaints that concern an individual’s fitness to hold a PHV driver’s licence.

Access to road network space

3.7 TfL currently provides PHVs with a 100 per cent discount for the Congestion Charge and allows PHVs to pick up and drop off passengers on the red route and use Automatic Teller Machines at night time.

3.8 The PHV trade is lobbying for parity with licensed taxis for access to bus lanes – as they do in some other parts of the country. They argue that the PHV trade is part of London’s wider transport network and should be treated consistently with taxis and other public transport vehicles. The taxi trade argue that preferential access to bus lanes is consistent with the investment made in becoming a taxi driver.

3.9 TfL has not undertaken any detailed analysis on the impact of allowing up to 56,000 additional vehicles into London’s bus lanes. Any such analysis would need to be backed up by extensive pilot work to assess the impact on London’s traffic flow.

Environmental improvement

3.10 PHVs are a significant generator of transport emissions accounting for around 3-4 per cent of all transport emissions of CO₂, particulate matter and nitrogen oxide. Progress in reducing London’s transport emissions has been achieved through minimum emissions standards for HGVs, buses, coaches and taxis. TfL could establish minimum standards, or incentives, for reduced emissions from PHV vehicles or encourage alternative low emission technologies. Clearly, this could impose an additional cost on parts of the PHV industry and would need to be undertaken in an appropriate timescale.

Touting

3.11 Touting poses a serious risk to the safety of the travelling public. Until recently, TfL and the Metropolitan Police Service (MPS) focused on tackling unlicensed touts and sexual predators using touting to target lone women. Touting also undercuts the licensed taxi and PHV markets and presents a real economic threat to some in the industry.

3.12 There is a significant problem of otherwise licensed PHVs touting for work – especially in the West End and the general vicinity of night clubs. TfL has implemented ‘one strike and you’re out’ policy by which any licensed PHV driver convicted of touting loses their licence for at least a year. More steps are being taken to tackle flouting of PHV licensing provisions at key venues.

4 STRATEGIC OPTIONS

4.1 The PCO is responsible for regulating London’s PHV services to ensure that they comply with the PHV legislation. Generally, this means that TfL takes a “light touch” approach to licensing and regulating PHV services. Existing measures and interventions are primarily targeted at ensuring the safety of the travelling public by ensuring six monthly checks on vehicles, CRB checks on drivers and maintenance of booking records for all journeys.

4.2 TfL is already committed to the modernisation of taxi and PHV licensing systems during 2009/10. This will improve the quality of service to holders of licenses and the efficiency of the operation. TfL is also exploring options to improve PHV vehicle identifiers and more visible driver ID cards.

4.3 TfL has options with regard to further measures to regulate, support and develop the PHV industry. The rest of this paper sets out three broad approaches which TfL can take to progress its work with the PHV industry.

Option 1: Ensuring a licensed PHV service operates in London

4.4 TfL could focus on ensuring that basic licensing standards are in place and are being adhered to. The PHV industry would be left to develop the industry and TfL would not interfere with the PHV operator – customer relationship. This option would include:

- (a) No change to existing vehicle, operator and driver standards;
- (b) Maintaining current compliance activities on vehicles and operators;
- (c) Allow the PHV trade to develop new services such as “one phone number” systems compliant with the PHV Act; and
- (d) Rationalisation of vehicle signage to ensure basic PHV licence identification.

Option 2: encouraging the PHV industry to raise standards

4.5 TfL could gradually introduce higher minimum standards and encourage the PHV industry to improve customer service. This could mean some higher costs for the PHV industry to meet higher standards and contribute to customer service improvements. This option could include:

- (a) Improve public information and access to licensed PHV services;
- (b) Establish a customer charter enabling passengers to commend or complain to the PCO about service quality which would be followed up with PHV operators;

- (c) Target compliance activity at raising standards of PHV industry and dealing with those operating outside the licensing regime;
- (d) Review vehicle signage requirements to balance commercial interests with requirement for some recognition of PHV status;
- (e) Facilitate the introduction of a one number call system for PHV services;
- (f) Facilitate automatic driver licence checking; and
- (g) Introduce minimum vehicle age or emissions standards for PHVs overtime.

Option 3: significant raising of PHV standards coupled with targeted investment

4.6 TfL could pursue a more direct strategy of raising the standard of PHV services. This could extend to taking a more regulatory approach to aspects of the PHV industry such as vehicle design, accessibility standards, customer service provision and the level of enforcement activity. Under this scenario, the overall cost of the regulatory regime option could include:

- (a) Introduce more stringent driver checks and requirements;
- (b) Automatic driver licence checking through out the life of the licence;
- (c) Require vehicles to meet certain design standards (eg accessibility);
- (d) Require vehicles to meet minimum emissions standards;
- (e) Requirement for all operators to use record-keeping systems which interface with PCO systems;
- (f) Establish a single pan-London “one number” service; and
- (g) Introduce consistent payment technology to all PHVs.

Incentivising the industry

4.7 Under any of the options above, TfL is keen to provide more effective incentives to the PHV industry to raise standards and improve customer service. One consideration is to establish a PHV operator recognition scheme which would incentivise PHV operators to improve their standards. Simply put, the higher the standard of performance (for example in terms of customer service, access to booking, accessible vehicles and vehicle emissions) the more benefits an operator could receive from TfL.

This could be developed into a scheme along the lines of the current Freight Operator Recognition Scheme whereby operators can reach Bronze, Silver or Gold standards. TfL could encourage operators to reach progressively higher levels of performance through incentives such as:

- (a) Road space privileges;

- (b) Working with borough partners to identify areas for PHV waiting;
- (c) Facilitating operator driver check services;
- (d) Preferential public listings according to operator status; and
- (e) Variable vehicle identification.

4.8 There is no provision in TfL's budget and plan to devote any significant project management or financial resources to these proposals. Any costs incurred would need to be met where possible, by an appropriate increase in PHV licence fees or by less spend in other TfL activities.

5 CRIME AND DISORDER IMPLICATIONS

5.1 The proposed strategic options look to reduce illegal activity around the private hire trade. They will also help ensure that there is better information sharing between the licensing authority, PHV trade and the police.

6 EQUALITY AND INCLUSION IMPLICATIONS

6.1 It is important that the strategy looks to ensure that the future of PHV services does not negatively impact on the accessibility of the service and looks to improve the service for those people who rely on PHVs as their primary form of transport.

7 CONCLUSION AND NEXT STEPS

7.1 TfL's primary role is to maintain and improve standards of public safety through regulation. There is scope for further encouraging the PHV industry to raise customer service standards and address issues such as vehicle emissions and compliance with regulations. A detailed examination of individual proposals against what the PHV Act will allow will take place in due course.

8 RECOMMENDATION

8.1 The Panel is asked to DISCUSS this report and PROVIDE GUIDANCE on the development of TfL's policy in this area.

Jeroen Weimar, Chief Operating Officer, Enforcement and Compliance, Surface Transport put these proposals forward but the recommendation was never followed up and the proposals were cancelled by John Mason and Helen Chapman.

Skewed Regulations - too much unfair competition

These skewed regulations are responsible for making the taxi service price uncompetitive against the PH service. This can be seen by the foregoing in relation to

the “taxi radio circuits”. Originally, the “circuits” began in the 1950s, prior to the birth of the “minicab”. They provided what are now considered PH services i.e. vehicles pre-booked by telephone and more latterly, internet-based.

Allowing licensed PH operators to compete directly with taxi “circuits” completely devastated the latter. Due to the heavily skewed regulations, the taxi “circuits” have been unable to compete with PH on price, with the result that only a small rump remains of what was a £150 million business twenty years ago.

The corollary of all this is that by accident or design, the regulator is killing off the London taxi service. Currently, the GLA provides a gold standard taxi service at no cost to the public purse. The licensing system is self-financing. Yet, the regulator has put this service on the path to destruction. These skewed costs and trading conditions, manufactured by the regulator, has decimated the demand for pre-booked taxi services during the last decade. While the taxi “circuits” have seen their collective turnover halved and their profits reduced to almost nil, the largest PH Operator, AL, have tripled turnover and increased gross profit ten-fold in the same period. This is due not to consumer choice but regulatory intervention.

A market division has been reached where the “pre-booked” market is largely served by PH and the “on-demand” market served by the taxi service is being encroached upon due to PH Apps. TFL are now opening the “on demand” market to PH. The niceties of the wording of law can be argued but the reality is that App “electronic hailing” is now part of the “on demand” market; the traditional taxi market. If the regulator continues to impose a skewed cost regime while allowing PH into this taxi preserve, aided by inadequate enforcement, the taxi “on demand” share of the market will go the same way as the “pre-booked” market. It must be understood that this is not free market forces at work but regulatory conditions that subvert market forces by applying safety costs unevenly to the two sides of market supply, taxi and PH.

One is tempted to consider that those over-seeing the regulation of the taxi and PH services have insufficient understanding of the effects of this regulation as a result of a career overseeing subsidised public transport services. It appears improbable that the regulator is deliberately trying to destroy the taxi service. There would be no logic in wilfully destroying the world’s standard-setting taxi service or reduce it to an irrelevant tourist attraction, so such a motive must be dismissed. The regulator continues to load additional costs onto the taxi service but not the PH service, while allowing open competition between these services. It almost appears that the regulator has no understanding of competitive market pressures. London’s taxi service is in serious decline.

If this is to be stemmed the regulator must either protect the taxi service from the unfair market conditions that the regulator has created or equalise the costs of the two services. If the former path is chosen, it is essential that the regulator raises public awareness in the differing standards of the two services and the reasons for such differences. Above all, there must be adequate enforcement of the regulations. If the regulator’s poor performance in the area of enforcement does not improve, perhaps

the possibility of privatising and contracting out this part of the regulator's duties should be considered.

In 2016, Grant Davis (Chair of LCDC) wrote to the former Mayor, Boris Johnson, telling him:

"London is the only City in the world that has a 100% wheelchair accessible fleet of Taxis. If the Licensed Taxi market is not afforded sensible levels of protection, the Capital will lose this important service. A London Taxi driver bears the cost of providing this service and only recovers the expense when picking up fares. If the market is saturated and unregulated then the fleet will diminish and new vehicles will not appear."

The Jacobs Report 2014

TfL were told as much in an ULEZ report (Ultra Low Emission Zone Integrated Impact Assessment-Economic and Business Impact Assessment) commissioned from Jacobs, in October 2014 that said:

"Taxi drivers with older vehicles can: invest in new vehicles, including second hand that meet the age limit but availability of the latter is expected to be virtually nil; or withdraw from the market. Virtually all taxi drivers are self-employed and would therefore have to bear the cost of a new vehicle themselves while at the same time seeing the value of their present taxi diminishing. With a new zero emission vehicle costing approximately £40,000*, and a high proportion of drivers over the age of 50, there is a risk, even with mitigation, of an exit of drivers and vehicles from the market."

- An Electric London Taxi does not cost £40,000. It costs in the region of £70,000 and with finance the true cost is nearer £100,000.

The report continued:

"With the growing use of mobile apps to pre-book PHVs, the pressure on taxis is to continue, although nearly half of all taxi trips start from being hailed on-street. Outside central London, the suburban taxi market, where earnings tend to be lower and competition from PHVs higher, could see the biggest decline in taxi availability, if drivers decide that the ability to make a reasonable return on a substantial investment declines."

That was published in 2014 - 10 years ago.

Bearing in mind that TfL Executives report that the cost of providing Dial-a-Ride type services are extremely costly and complaints from the Disabled about Private Hire are high, can London afford to lose the London Taxi and the wheelchair accessible fleet?

The GLA Transport Committee recommended that 25% of the Private Hire fleet should be wheelchair accessible-that's about 25,000 vehicles that need to be converted. At this moment in time less than 1% are fully accessible.

RICKSHAWS

There are many reasons why rickshaws should not be allowed to operate in London and no good reason why they should be allowed.

There is a fairly commonly held view that rickshaws are environmentally friendly. This is a myth. Although mainly pedal-powered, most have a battery that powers essential and decorative lighting, along with a noise-polluting music system. Additionally, many of these rickshaws are clandestinely and illegally equipped with a battery to assist the illegal powering of the vehicle itself, rather than relying solely on pedal-power and transforming the rickshaw into a “motor vehicle”. While pedal-powered rickshaws may not be directly polluting, they cause secondary pollution as they are of a size that they cannot easily be passed by other road traffic, unlike bicycles. Traffic travelling at the pace of a rickshaw is far more polluting than travelling at normal roads speeds.

The rickshaw poses several safety problems. The most direct involves the vehicle itself. ROSPA were commissioned to test these vehicles for safety and were forced to abandon the project as they could not allow their inspectors to be driven at speeds above 5mph, due to safety concerns.

There is a growing lack of respect for other road and pavement users rules and laws by rickshaw riders. Some common examples are two rickshaws travelling side by side along the highway, mounting pavements, travelling the wrong way along one way streets, ignoring traffic lights and stop signals. Road races are not uncommon where a group of passengers are divided into two rickshaws. Inebriated rickshaw passengers can often be seen hanging from the sides of the vehicle, arms akimbo.

Rickshaws are associated with less developed countries of the global south. Within these countries, rickshaw-driving is considered a lowly occupation. In a wealthy country of the global north, such as the UK, it is utterly degrading to use a human being in the same way as a beast of burden. To use the human energy of one person in order to transport other persons has no place in a modern, enlightened society.

Currently, rickshaws operate outside of the law as transport providers. The published Law Commission review of taxi and PH licensing has concluded that rickshaws operate as taxis. The point was made that not being motorised does not preclude rickshaws being classed as taxis. Therefore, they should either be licensed as taxis or banned. If they are to be licensed, consistency demands that they have a topographical knowledge of the area they are licensed for, some type of driving test and the vehicles subjected to a rigorous safety standard.

The Sadiq Khan Cab Share Interview

The Mayor is now Sadiq Khan and he's about to stand for a third term.

However, before Mr Khan was originally elected, he did a interview with the BBC's Norman Smith, for the 'Victoria Derbyshire Show' which highlighted current affairs issues like the Mayoral Election in the Capital.

<https://www.bbc.co.uk/programmes/p03pyzil>

At that time, Mr Khan was the MP for Tooting

Norman Smith: 'So what are you - an Uber Man or a Black Cab Man?'

Sadiq Khan: "I'm both Uber and a Black Cab man."

Norman Smith: 'Do you go along with some of the ideas to curb Uber, for example, for them to wait five minutes? I'm mean specifically with Uber, there's a view amongst Black Cabbies they have an unfair advantage, so do you think, if you were Mayor, you would like to do something to curb the advantages that Uber have?'

Sadiq Khan: "I'm not sure if waiting for five minutes works. The important things to make sure we level the playing field. So, for example, just think about what you gotta go through as a Black Cab driver before you can drive a Black Cab. You know. The vehicle's are so expensive; they're all disabled friendly; the criminal checks; the knowledge you gotta do...rather than levelling down your high standards, let's level up the private high vehicle standards...so, for example, basic knowledge, speaking English, doing security checks..."

Norman Smith: 'So how does that work - will they have English tests or something?'

Sadiq Khan: "Yes, we'll need to do something..."

Norman Smith: "What English tests for cab drivers?"

Sadiq Khan: "We'll need to test...basic English should be requirement, if you're a public servant."

Norman Smith: '...and if they don't get that, they wouldn't be able to operate as a cab driver?'

Sadiq Khan: "They can't. In my view, if you're in any public facing job, you should be able to speak basic English!"

At Mayor's Question Time, on the 21st December 2023, Caroline Pidgeon asked Sadiq Khan: **"What future do you see for black taxis in London?"**

Sadiq Khan (Mayor of London): 'Thanks for your question. The taxi trade has a rich history in London, and I am confident it will continue to play an important role in the city's future. London taxis and their drivers are the envy of the world, with their instantly

recognisable vehicles and their drivers' unparalleled ability to navigate our complex city. We are rightly proud of the black taxis heritage, but this is also a trade that innovates. Black cabs are early adopters of zero emission capable technology. Over half of all taxis are now zero emission capable, helping to clean up the air in the capital. Along with Transport for London (TfL), I have provided £50 million of funding to encourage continued uptake.

As I set out in my Transport Strategy, taxis provide an accessible door-to-door service for Londoners and visitors alike. They have vital role to play in London's transport mix, catering for some of those trips that cannot be taken on foot, by cycle, or using public transport. That is why we have done so much to support the trade in London. On top of the £50 million zero emission cable transition fund, we have given black cabs access to 95 per cent of bus lanes on TfL roads, which now operate 24/7, exempted them from the congestion charge and the ULEZ, increased the number of taxi ranks in London by around 100 to a total of over 600, and added taxi information, such as nearby ranks, to the TfL journey planner.

I am proud that the entire fleet are designated wheelchair accessible vehicles and have a range of accessibility features. All taxis accept card and contactless payment. Following recent conversations my Deputy Mayor and TfL have had with taxi stakeholders, I have asked TfL to work with the industry to create a new vision for taxis that will clearly set out the role taxis will play in London's future. I am aware that there has been a reduction in people applying to become taxi drivers, which was exacerbated during the pandemic. In collaboration with taxi driver representatives, TfL has been making changes to the Knowledge of London to modernise and speed up the training process without diluting the gold standard attained by London's taxi drivers. Even before these changes have been introduced, we have seen an increase in the number of people applying to become taxi drivers this year. I understand that following a very challenging time during the pandemic, demand for taxi services is now on the rise again.

Caroline Pidgeon MBE AM: Lovely, thank you very much. As you mention in your press release of 6 December [2023], you celebrate that over 50 per cent of black taxis are now zero emission capable, and at face value that is really good news. But the cost of these new taxis is over £70,000 with finance offered at a staggering 9 per cent interest rate, making them cost nearer £100,000. With only one vehicle that is currently licenced, there is no competition. Therefore, these new back taxis are increasingly becoming unaffordable. If you add to that the plug-in vehicle grant from central Government, which has provided £7,500 towards a new taxi, is about to end next year, what are you doing to make new taxis affordable for black taxi drivers and fleet owners in the capital? Are you considering adding your own grant into this?

Sadiq Khan (Mayor of London): Thanks for your question and thanks for your assiduous championing of this really important industry. As part of the work around the new vision we want to create for this industry, we are looking at what more we can do. You mentioned the fact that only one manufacturer is making new taxis, there used to be three. For

understandable reasons, the number of vehicles sold is limited, so you can understand why no new manufacturer would invest. It is the same challenge we have with double-decker buses, there is a limited market and so it is difficult to get new people in there. But we are looking at what more we can do to reduce costs. You mentioned the consequence of finance, even if you are saving fuel bills, that is a big monthly outgoing in relation to your payments. Therefore, the Commissioner, the Deputy Mayor, are seized of this and they are working with industry representatives to see what they can do and, by the way, manufacturers, and that includes those who retrofit as well.

Caroline Pidgeon MBE AM: Good. That is really important. Also looking at that plug-in vehicle grant, which is only guaranteed until the end of March. That really helps try to plug some of this financial gap. I am really pleased you have mentioned you are looking at a new vision and I met with the Deputy Mayor and others recently, but your last plan was 2016, and that was aimed at driving up standards, boosting the quality of service and protecting the future of our iconic black cabs. A lot has happened in those seven years and you read it, it feels like a historic document to be honest. Are we going to expect from this vision a new detailed action plan?

Sadiq Khan (Mayor of London): Yes. Also, not just the pandemic, but we have looked around the globe and, if you look around the globe, I am afraid a lot of the global cities are seeing a reduction in taxi usage and we can both hypothesise why that is. Therefore, it is learning from those cities that have not seen a reduction. New York, San Francisco, Singapore, Dubai, and other cities, have all seen a big decline in taxi trips. We are going to learn what happened there to see if we can avoid those. The app is an issue with private hire vehicles. But also see, where you have not seen a reduction, see what we can do to try and increase this. But you are right, we have either got to make it attractive or you are going to see the progress we have made in last year with an increase go down very, very quickly. The good news, by the way, is we have seen a big increase in Black, Asian and minority ethnic (BAME) drivers doing the Knowledge, which if you remember back...

Caroline Pidgeon MBE AM: Which is really good, yes.

Sadiq Khan (Mayor of London): ...when we first began this journey few years ago we were not seeing that. Therefore, there are some areas for hope, but you are right, unless we support this in industry, the worry is going to be it will go the way of the telephone box.

Caroline Pidgeon MBE AM: Yes, thank you. Obviously, demand is up, we hear that, but number of drivers are down, increasing cost pressures, people are sort of debating can the black cab industry survive. Will you, as part of this new vision, look to host a roundtable with the taxi industry, including the various taxi apps and fleet owners, to help shape this new vision, this new strategy and action plan to help our iconic black taxi service continue to serve London?

Sadiq Khan (Mayor of London): That will have to be - forgive the pun - in the cab in relation to the work we do in relation to the new vision. We will also be speaking to the manufacturers, speaking to those in finance, speak to colleagues across the globe, speak to those different ages. You will be aware also of the big challenge we have is a number of our black cab drivers are getting older and the worry is, when they retire, who is going to replace them? Therefore, it is really important we do not have a big exodus in relation to them retiring as well.

Caroline Pidgeon MBE AM: Lovely, thank you very much. I look forward to being part of that work as well, thank you.

The London Cab Drivers Club said all this before in our previous submission in 2019

“Where Now, Guv?”

INTRODUCTION

The London Cab Drivers Club (LCDC) is of the opinion that the very existence of the London taxi service as a viable part of London’s public transport system, is in jeopardy.

At best, its future role is uncertain. This situation was recognized by the GLA Transport Committee in 2014 with the publication of the Future proof report in 2014.

The main problem then, and remains, technological innovation that allows private Hire (PH) to compete ever more closely with the taxi service, while skewed regulation places acutely higher regulatory costs on the taxi service over and above that of the PH service.

Transport Committee and Mayoral Action Plans have assisted the continuance of the taxi service but these changes are insufficient to maintain the taxi service in its current form.

There is a common misconception that taxi and PH services openly compete in a free market, a view shared by former Mayor Johnson, and that the taxi service must learn to compete for consumer choice. The reality is that these services do not operate in a free market, but rather a regulated market. Before regulation, taxi services across the world were both chaotic, inefficient and to the detriment of the consumer. This is the very reason for regulation, which is introduced precisely because a free market is failing.

To use the words of the TFL surface Transport panel (STP), “the taxi trade is highly regulated”, while “generally...TFL takes a light touch approach to the licensing and regulating (of) PH services”.

This “light-touch” was never intended as a long-term strategy. Former Mayor, Ken Livingstone, envisaged that PH drivers would eventually qualify as taxi drivers. The purpose of “light-touch” regulation was to prevent a supply failure when regulation was first put in place if driver requirements were set too high. There was an intention to review and replace “light-touch” regulation with a more robust regime in the longer term.

In practice, “light-touch” regulation has been maintained rather than replaced and this failure shares responsibility for the current situation of an over-supply of PH drivers that results in parking and congestion problems and an inability to earn a decent living without recourse to sometimes dangerously long hours of work and the claiming of in-work benefits as a result.

For a decade following full implementation of PH licensing, this approach was manageable as the two services were ring-fenced into two separate markets of taxis able to ply for hire while Private Hire journeys, according to both the STP and Simon Bugey, architect of the PH Act 1998, are “booked in advance” via an operator centre.

The commonsense meaning of “booked in advance” suggests a reasonable interval of time between the booking and arrival of a PHV and was Mr Bugey’s stated intention when drafting the PH Act. However, the actual wording of the PH Act 1998 uses the term “pre-booked” rather than “advance booked”. This term allows a view to be taken that there is no time element involved in a pre-booking but rather simply meaning a third party between customer and driver.

This distinction is the cause of many of the troubles of the taxi service today. It blurs the distinction and separation of the two markets. It has enabled “disrupters”, by use of technology, to bring PHVs into the on-demand market that had previously been the sole preserve of the taxi service.

The taxi service has now to compete with a huge supply influx into this market and has to do so with higher regulatory costs that are approximately double those imposed on the PH service. While the two services remain differentiated in terms of quality, price will always be the most important factor in any single market and the taxi service will be unable to compete long-term while the regulatory framework remains so skewed.

The LCDC understands and accepts that the travelling public must be the primary concern of the GLA and TFL. As such, there is no desire to reduce consumer choice or value. However, if the taxi service is to remain a viable option for London’s travelling public, change is required in six key inter-linked areas, as follows.

PLYING FOR HIRE

CROSS BORDER HIRING

CLOSER REGULATION OF THE TWO SERVICES

KNOWLEDGE OF LONDON (KOL)

BETTER ENFORCEMENT AND COMPLIANCE

REGULAR IMPACT ASSESSMENTS

1: PLYING FOR HIRE

We understand that the Mayor, TFL and the Transport committee are committed to lobbying central government for a specific interpretation for the meaning of “plying for hire”, along with other aspects of the law, such as limiting PH driver numbers. It would be helpful to be informed of any actions and progress to this end as time is short for the survival of the taxi trade.

FARE CALCULATION

The LCDC believe it should be possible to make some interim changes that are needed immediately. We now have a third tier added to the two – tier system. By use of technology, “App disrupters” are avoiding the spirit of, and possibly breaking the law by obtaining a PH operator licence in order to offer a pseudo-taxi service. The service is becoming generally known as ride-hailing.

Ride-hailing is a taxi service with the exception that customer hailing and driver acceptance is performed electronically but just as immediately as hailing a taxi on the street and fares are calculated by the same method.

Lord Justice Ouseley¹ found that a Smartphone used for fare calculation cannot legally be called a taximeter but when summing up, commented that the law possibly requires change. Nevertheless, the fare is calculated by adding cost per unit of time/distance to a hiring charge in exactly the same way as a taximeter. This almost certainly leads to over-charging the customer, to some degree. A taxi driver must pass the Knowledge of London (KOL) in order to ensure that when hailed, he/she is able to take the customer to a destination by optimal route.

PH drivers, since before and after the introduction of GPS, have something of a reputation for taking a less than optimal route. If the fare is pre-determined, the financial burden of taking such a route falls on the driver rather than the customer. If the fare is determined by time and distance, then the financial burden of taking a less than optimal route falls on the customer.

This method of charging by “disrupter Apps” renders it almost impossible to offer accurate estimates of fares in advance, as required by their operator licensing conditions, as route (distance travelled) and traffic conditions (stationary time) are unknown quantities at the time of a booking being made. Rather, they merely offer a lower to upper range estimate that cannot be termed as “accurate”.

The situation is exacerbated by the Uber practice known as “surge pricing”. This can at times, dramatically increase fare levels. The level of financial penalty above, placed on the customer due to a lack of driver topographical knowledge, is compounded by surge pricing.

Surge pricing also adversely affects fare estimation. Customers that use regular routes may have a reasonable expectation of a fare level that is subsequently increased, possibly by 200 – 300%.

Surge pricing is used by the operator to assist supply-demand management. However, with the technology at these operators' disposal, it should not be beyond their ability to organize fleets to match general flows of supply and demand, rather than penalize and confuse passengers and encourage drivers to artificially create surge conditions.

The corollary of the above is that customers may often feel confused, abused and disappointed by the fare calculations of ride-hailing operators.

VEHICLES

All taxis must be accessible to the disabled and the LCDC support this measure. The need for 100% accessibility is required to give the disabled, equal opportunity of instantly hiring a taxi. This would otherwise be discriminatory. As a result, all London taxis are not only wheelchair accessible, but also offer the disabled other features such as a "low step", hearing loop for passengers with hearing problems, visual aids on door and grab handles, etc.

The 2014 Future Proof (FP) report recommended that PH operators' fleets be 25% accessible by 2015 but this remains at less than 1%². The reason for this failure is not a matter of finance but rather a lack of will. There are several Wheelchair Accessible vehicles (WAV) that have been in use by PH up and down the country for more than a decade. The vehicle of choice for Uber drivers is the Toyota Prius and one of the most popular Multi People Vehicles (MPV) for use as a PHV in London is the Vauxall Zafira.

A typical example of a WAV PHV is the Peugeot Partner and at a price new of £18,695, is 14% less than the Zafira and 22% less than the Prius³. Thus, it is patently clear that operators will not increase their accessible fleet voluntarily.

While a 25% WAV contingent of the fleet is a reasonable figure for a traditional PH operator, who will have the ability to know in advance where and when these vehicles are required, this proportion is not adequate for a "ride-hailing" service.

It is illogical to require street hailed taxis to be 100% WAV to avoid discrimination against, and allow access to the disabled and at the same time only require the instantly but electronically hailed PHV to only be >1% accessible to avoid such discrimination. Both should be subject to the same proportions. Currently, a disabled customer has a 1:800 chance of hiring an Uber "ride" as compared to an able bodied customer. This is inherently unfair to the disabled customer, whom should have equal opportunity. Anything less is discriminatory and only a 100% WAV fleet can ensure equal opportunity to the disabled.

DRIVERS

There are problems with the driving standards of PH drivers using apps. General driving standards are much poorer for PH drivers than recreational drivers, far less those of the taxi driver. Some, but all of the associated problems could be improved by the requirement of an advanced driving test.

However, additional training is required by the ride-hail driver due to the method of contact with passengers. A recent paper from two USA universities⁴ has concluded that the introduction of "ride-sharing" to a city increases fatal car accidents by 3.5%.

At any time of day and night in Central London, these drivers can be seen to pick-up and set down on pedestrian crossings or in positions where they obstruct or completely bring traffic to a standstill. It is common in heavy traffic for such drivers to deliberately stop the flow of traffic rather than pull to the side to pick up or set down and then have to get back into the traffic.

This lack of respect for the law and other road users is no doubt partly responsible for another recent American study⁵ that found that more than half of Uber and Lyft rides would otherwise have been made on foot, bicycle or public transport. Schaller found that for every vehicle mile reduced by these two ride hailing services, 2.8 miles were added.

Ride-hail passengers have some culpability in this. The customer often waits for their vehicle in inappropriate places. It is common to see passengers waiting at the crossing point of pedestrian crossings, at tariff lights, street corners and at points in a road where other traffic is unable to pass a stopped vehicle.

The driver will not visually identify his/her passenger until only a few metres from the passenger and reacts by stopping immediately without thought to any problems this may cause to other road users.

It is necessary to train and educate ride-hail drivers as to where it is and is not appropriate to pick up and set down as many of them are clearly unable to understand this. They and the operators have a duty in turn to educate customers and make clear that PHVs will not pick up and set down on inappropriate road space.

¹ TfL v Uber; 16 October 2015.

² As at 24 September 2018, there were 87,576 licensed PHVs, of which 552 were wheelchair accessible.

³ Vehicle prices as at 1 October 2018.

⁴ Ubernomics; John Barrios, Chicago University; Yael Hochberg and Hanyi Yi, Rice University.

⁵ Bruce Schaller, Transport consultant.

REQUIRED ACTION

ACTION 1: FARES

The currently requirement on PH operators to supply an exact of accurate estimate of a fare should be applied rigidly. Offering a range between two points, unless very narrow, cannot be regarded as an accurate estimate and the practice should be outlawed.

Similarly, “surge pricing” is both confusing and not in the interest of the passenger and should be banned.

ACTION 2: PHVs

There are a wide range of vehicles available and currently being used around the UK as taxis and PHVs that are wheel-chair accessible (WAV). Traditional PH operations should compulsorily make 25% of fleets WAV. For operators such as Uber, that offer ride-hailing

services as opposed to simply placing an advance booking by app, the requirement should be a 100% WAV fleet.

ACTION 3: DRIVERS

Ride-hail drivers should be required to pass an advanced driving test and receive training on where and how to pick up and set down passengers.

Drivers of PHVs equipped for ride-hailing services should be licensed separately to both taxi and PH drivers. There should be a requirement to obtain a significantly higher degree of topographical knowledge as a licensing requirement, over and above that required for traditional advance booked operations. Perhaps, a level that meets the written test taxi drivers have to pass as an interim stage of the KOL.

This could produce additional benefits. The Mayor's Action Plan looks to increasing vocational training of the PH driver. If TFL succeed in their attempt to gain vocational accreditation for the KOL this would certainly achieve that. Possibly the attainment of a ride-hailing licence could allow the holder to enter the KOL examination process at an interim stage. This would also bolster an ageing taxi driver population and encourage new entrants to the KOL, which is in desperate need of new applicants.

2: CROSS BORDER HIRING

As the Mayor's Action Plan contends, it cannot be correct for a driver or operator to obtain a licence in one licensing area with the intention of operating exclusively or predominantly in another licensing area. However, The Deregulation Act, 2015 unfortunately allows this.

Current cross border hiring makes it extremely difficult for licensing authorities to operate their enforcement and compliance policies as they only have authority over drivers licensed in their own area.

This can have extremely dangerous consequences for the public far beyond that applying to passengers. The recent Jay¹ and Casey² reviews pointed to the cases of sexual abuse in Rotherham as examples of the danger and failings of cross border hiring.

Uber have exacerbated the problems as cross border hiring is a fundamental part of their operating procedure and they have often used the Deregulation Act to circumvent local licensing conditions. For example, when Uber were refused a licence by the Sheffield licensing authority, they encouraged Sheffield drivers to obtain TfL PH licenses and then incentivised drivers to accept fares within the Sheffield authority.

A converse example was where recently two Southend licensed PH drivers were refused licenses as they were not deemed to be fit and proper persons. The intention was to prevent these drivers from operating in Southend. However, they obtained licenses from TfL, subscribed to the Uber platform and continued working wholly in Southend.

TfL are currently attempting to obtain a ruling that hiring must begin and/or end within a licensing authority and this must be applauded. Passenger safety and the ability of a licensing authority to control taxi and PH drivers, vehicles and operators in their area should take precedence over free trade and market forces.

¹ Independent Inquiry Into Child Sexual Exploitation in Rotherham (1997-2013); Alexis Jay, OBE.

² The Casey Review; A Review Into Opportunities and Integration; Dame Louise Casey.

ACTION 4

The Mayor and TFL should continue and redouble efforts to apply lobby pressure on government to address this problem and also to regularly inform the taxi trade of any such lobbying that takes place.

3: CLOSER REGULATION OF THE TWO SERVICES

VEHICLES

TFL and The Mayor must acknowledge that regulation equals cost. Each new regulation carries a cost burden. Currently, regulation is too skewed and results in an unfair cost burden on the taxi service against its competitor, the PH service, within the same marketplace.

Despite the light regulation of PHVs, the regulator has continued to increase the regulatory requirements of a taxi. The necessity of the regulations applied to the taxi is not disputed, only the logic that two services within the same marketplace and regulated by the same authority, can be subject to such disparate regulation.

The price of the current taxi, the TXe (the only model available for licensing as a taxi), has a price of £63,099 gross. Currently there are grants available from central government/TfL of £7,500 for a limited period. To put the increase in the capital cost of a new taxi in perspective, it can be viewed in relation to the minimum taxi fare as follows:

In 1998, the cost of a new, top of the range Fairway was £26,250; the minimum fare was £2.20. Thus, it required 11,932 minimum fares to recoup the capital cost of a taxi. In 2018, the cost a new, basic TXe is £55,599 (net of available grants); the minimum fare is £3.00. Thus, it requires 18,533 minimum fares to recoup the capital cost. Irrespective of inflation, the regulator has effectively increased the cost of a vehicle, in terms of minimum fares to recoup capital by 55%.

These factors contribute highly to the current shrinking taxi fleet. The fleet has recently fallen below 23,000 taxis, as recently stated by Mayor Khan.

The decision to make all new taxis conform to lower emission limits from 1 January 2018 was taken before it was known if a suitable vehicle would be available as there were none in the marketplace. TFL considered there would be five suitable vehicles available on the due date. Ten months after that date, there is only one vehicle that meets the ZEC requirement. As a result, taxi drivers are hostage to a monopoly supplier.

PHVs are not to be compelled to adhere to similar emission limits until 2023, some five years later, even though there was a range of compliant vehicles available for use as PHVs at the time the decision on taxis was taken.

While the LCDC accept the need for the ZEC, it appears unreasonable under the circumstances for the taxis to have to comply five years earlier than PHVs and before the vehicles and infrastructure is available and completed.

The cost disparity between taxi and PHVs as a result of this skewed application is huge. As noted in section 1 (Plying for Hire), the current price of a Prius in use as a PHV is £24,000. The cost of a TXe ZEC taxi is currently £55,599 after grants are deducted. This still places the cost of a taxi at 230% of the cost of a PHV.

In addition to the purchase price, loan interest, etc, will be proportionally higher for the taxi driver. The total cost of purchasing the new TXe taxi on a lease/buy deal will cost the driver £67,830 over a five year lease/purchase arrangement, after deduction net of £7,500 in grants (£75,330 total cost).

Currently, these prices include free servicing for three years. However, the price is about to increase by 2% (£1262) and the free servicing is to be discontinued. Additionally, suppliers are refusing to accept part-exchange of old models. This will likely force second – hand prices lower.

As outlined above (1: plying for Hire), it is difficult to reconcile the disparities between licensing conditions for taxis and PHVs and in particular with regard to disabled access and the use of metered fares. The differing vehicle licensing requirements should be very much closer to parity than they currently are

INSURANCE

With regard to insurance, a taxi must have permanent Hire and/or Reward (H&R) insurance at all times and must display an insurance certificate within the vehicle. The current requirement of a PHV is that the driver has H&R insurance when “working”, according to Helen Chapman of TfL¹. Drivers of both taxis and PHVs are able to use their vehicles for domestic and pleasure purposes. Thus, it appears anomalous that taxis should have continuous H&R while PHVs only while operating as PHVs. Not only that, but “on-off” insurance is open to abuse. The H&R insurance on a PHV should be at all times, as with taxis.

There are numerous incidents of PH drivers not having appropriate H&R insurance. Only very recently (October 18), a PH driver was convicted at Basildon courts for this offence. For this reason, a fleet H&R insurance scheme would appear to be more appropriate. However, there are legal difficulties in arranging such policies. Nevertheless, operators could be compelled to hold “Contingent Liability” insurance. Such an insurance policy would cover passengers and third parties in the event of a driver failing to hold proper insurance cover in the event of a claim. In this way, passengers would be covered by insurance despite H&R insurance not covering a vehicle at any time.

There are similar licensing requirement disparities with regard to drivers. These are discussed below in “4: KOL”.

¹ Helen Chapman giving evidence at the GLA Transport Committee meeting, 13 November 2018.

ACTION 5

PHVs should be covered by H&R insurance at all times.

ACTION 6

PH operators should hold a fleet Contingent Liability Policy as a licensing condition.

ACTION 7

Prior to implementation of any new regulations placed on taxis that are not similarly placed on PHVs, a study be undertaken to determine the additional cost to the taxi service. Once such cost is determined, to evaluate the competitive effect on the taxi service.

Any such study should be disseminated publicly and put to public consultation.

4: KNOWLEDGE OF LONDON (KOL)

The demographic of the taxi driver demonstrates an ageing population. Almost a quarter of licence holders are 60+ years old. The driver population is reducing month on month and has been doing so for a considerable length of time, albeit at a slow rate. Nevertheless, over several years, the taxi driver population has reduced by more than 6% over the last seven years.

At the same time, new applicants to the KOL have shrunk at an alarming rate and at their lowest level in more than a generation, according to Mayor Khan. Figures for the whole of the last twelve months are lower than some single months prior to the introduction of App technology. On a recent LCDC visit to the new TfL examination centre (19 November 2018), there were examiners sitting in empty offices and no applicants in the waiting area at 11.45am, traditionally a very busy time of day.

One of the largest “knowledge Schools” has recently closed its doors and two more have been forced to amalgamate through lack of student numbers.

In short, without change there will be a reduction of drivers in the medium term that may result in an under supply if there is no change.

These problems have been taken on board by TFL and The Mayor but so far any proposed remedies are nothing more than treating the secondary effects of the main problem. This is a question of simple economics. There is no current value in undertaking the training to pass the KOL examinations.

A PH driver will be working within three months as a pseudo taxi driver operating a ride hailing service. The KOL student will not be driving a taxi until three years later. Even if the taxi driver is able to earn 20% more than the PH ride hail driver, it will take eighteen years before catching up to the total earnings of the PH driver. Before this, there are claims that taxis will be driverless.

In short, there are no logical, economic grounds for a prospective applicant to choose the KOL over a PH licence.

The topographical knowledge of the London taxi driver is both well-known and well-respected but this only represents a small part of the value of the KOL qualification. The KOL creates a steady and reliable workforce to serve the travelling public.

The licence cannot be sold or traded and thus it's only value is to the driver holding it. Its value lies in the monetary and intellectual capital invested by the driver and the opportunity it affords to make a living by plying for hire. This has the effect of making the taxi driver regulation compliant with very little need for enforcement due to the high value placed on the licence by the driver. This value also means that drivers entering the trade do so in the expectation of a life-long career and engenders pride in the job.

By comparison, a PH driver will more often than not view the job as a transitory occupation. Almost half of drivers do not renew a first licence. It is not coincidental that a PH driver licence is virtually valueless. Similarly to the taxi driver, the PH licence cannot be sold or traded. As few resources are spent in obtaining the licence and virtually no entry barriers exist, the holder places very little value on the licence. This is a likely explanation for the proportionately greater regulation transgressions by PH drivers and greater enforcement costs.

The original "light-touch" regulation of PH drivers was never intended to be permanent. The service had been operating unlicensed for nearly four decades prior to licensing. There had been a concern that an under-supply may have resulted if the initial licensing requirements were too onerous in 2003.

This "light-touch" was intended at a transition position. Mayor Livingstone, who oversaw the introduction of PH licensing, had the opinion that in the longer term, that drivers would view a PH licence as a stepping stone to becoming a licensed taxi driver.

Both services transport the public. Despite the differing hiring arrangements, taxi and PH drivers transport the public in the same manner; by use of a vehicle to get from one geographical point to another, on the same roads and in the same traffic. It is therefore unreasonable to allow the two services to operate with differing passenger safety levels. A driving test and less reliability on an attention-capturing GPS device would draw the two sets of drivers closer. It is illogical to require different passenger safety standards from two different sets of drivers that transport the same public, on the same roads and under the same traffic conditions.

RIDE HAILING

Ride hailing is the biggest cause of the decline in KOL applicants. The problem is not App technology per se but rather the way it is being used by "disputers" such as Uber to circumvent licensing regulations. Traditional PH operators use Apps for order-taking and this is to be welcomed as a useful facility for passengers. However, Uber and others such as My Taxi and Gett are using this technology as a means of effectively plying for hire. In the case of My taxi and Gett, this is perfectly legitimate as they are using bona fide taxis.

Uber are operating a pseudo taxi service with a PH operator licence. The passenger hails a taxi by looking for a hire light, either on the street or a rank. Once an available taxi is

identified, the passenger raises their hand to make a hiring. The fare is then calculated by three elements; a fixed hiring charge and a combination of distance travelled and time elapsed.

Uber operate the same system of hiring. Instead of a seeking a hire light, the passenger identifies available vehicles on a smart phone screen. If satisfied that there is a vehicle within a suitable distance the passenger hails the PHV by tapping the phone instead of raising a hand. In each case, the driver response immediately rather than being pre-booked in a traditional sense intended by legislation. The fare is calculated in the same way as a taxi fare, rather than a fixed price, remotely rather than by use of a taximeter.

Of the above, perhaps the biggest impact on bona fide taxi service is the display of on-screen vehicle location available to the passenger. While this may be convenient for passengers, it effectively makes a PH service “on-demand” rather than “pre-booked”. In short, it is effectively plying for hire in practice. The Jacob’s report¹ identifies the huge adverse impact this “on screen” location has on the taxi service.

ACTION 8

Increase the cost of obtaining a PH licence via greater qualification requirements in order to bring it closer to the requirement to become a taxi driver. Possibly, allow such advanced training and qualification to entry into the KOL at an intermediate stage (Action 2 above).

ACTION 9

Increase the efficiency of the testing procedure to reduce the time required to pass the KOL without any reduction in quality of training and testing.

ACTION 10

Ideally, end the practice of ride-hailing. If this is not possible immediately, create a third tier of licensing that requires a ride-hail driver to achieve a quality and testing of training to a level much closer to that required of a taxi driver than a standard PH licence.

5: IMPROVED ENFORCEMENT AND COMPLIANCE

Everybody acknowledges the topographical knowledge a London taxi driver possesses as a result of passing the KOL. Not so many understand that this is merely part of the value of the KOL to the travelling public. Across the world, taxi driving is viewed largely as a transitory occupation. Not so in London.

This because a London taxi driver invests a large amount of human and monetary capital to become a taxi driver. However, the licence she obtains has no monetary value because it cannot be sold or rented to another. Thus, the only value the licence has is to the driver that obtained it. This has the result of a long term commitment to the taxi trade on the part of the driver and a pride in the work.

This also produces self-regulation as the taxi driver licence is too valuable to lose. It is not coincidental that the PH trade requires greater enforcement resources to ensure compliance than the taxi trade.

A cost effective and more efficient use of resources could be to create a greater value to a PH driver licence. This would limit the number of drivers applying to become PH drivers by making the KOL more attractive to applicants and deterring other completely.

The alternative could be to commit increasingly more resources to enforcement and compliance while increasing driver numbers, allied to a lack of commitment to the trade, produces less effective outcomes.

ACTION 11

Increase the training and qualification as per 4 (KOL) required to obtain a PH driver licence to a point where the licence is of sufficient value to the holder to view the work as a long-term occupation and respect licensing terms as a result of the cost of loss of licence.

6: REGULAR IMPACT ASSESSMENTS

Any changes to the PH trade will obviously impact on the taxi trade, either positively or negatively. Yet, since TFL took over the licensing system they have conducted three PH reviews but have not commissioned an impact assessment of the effects on the taxi trade on any occasion.

Such assessments should be carried out routinely before any change to licensing conditions or operating system changes. Equally, although The Mayor/TFL do not currently have power to limit licence numbers, a regular impact assessment should be conducted to evaluate the effects of changes in total licenses and probable effects of future increases or reductions in the number of licence holders .

ACTION 12

Regular impact assessment to complement any change in licensing conditions of significant supply changes.

Safety, Equality and Regulatory Understanding requirement. SERU

In January, 2024, Mayor Sadiq Khan announced that TFL were pausing the enforcement of the Safety, equality and regulatory understanding requirement (SERU) for Private Hire Drivers. It was the latest step in backtracking from his Taxi & Private Hire Plan, (announced in 2016) that has failed miserably.

SERU requirement

The safety, equality and regulatory understanding (SERU) requirement came into force on 1 October 2021. It applies to both new applicants and those applying to renew their PHV driver licence.

This SERU requirement includes:

- a) Drivers' obligations under the PHV (London) Act 1998 including the associated regulations and relevant obligations including under the Equality Act 2010;
- b) Policies and guidance issued by Transport for London (TfL) or other persons which are relevant to London PHV drivers;
- c) The particular needs of passengers that arise because a passenger has (or may have) a protected characteristic under the Equality Act 2010;
- d) Protecting children and adults at risk from harm and abuse;
- e) Passenger and driver safety;
- f) Road and vehicle safety.

Driving Tests

In 2016, the Deputy Mayor for Transport, Valerie Shawcross, announced that, by 2017, all Private Hire Drivers would have to take an additional driving test. However, that never happened. Instead, TFL stopped the testing of all drivers - Private Hire and Taxi. So much for Vision Zero; more like Zero Vision.

Transport for London publishes a list of wheelchair accessible private hire vehicles (PHVs) here: <http://content.tfl.gov.uk/designated-vehicles-02.03.2020.pdf>

The list (as of 02/03/20) contains 586 wheelchair accessible (WCA) PHVs, that equates to 0.6 per cent of the overall PHV fleet. The vast majority of WCA PHV's are School Minibuses. Hardly any PHV's are WCAV's

The entire fleet of almost 18,000 taxis are wheelchair accessible.

GMB Union London & Southern Regions Professional Drivers

Evidence Submitted

Introduction GMB are a national general trade union, with over 600,000 members who are either users or workers within the transport sector across the UK.

This response comes from GMB London and Southern Regions where we are the largest trade union for Taxi and Private Hire and from a transport perspective many members who are comprised of many different industries including those who drive buses and ambulances or who work in road freight and distribution.

Overall, GMB recognises the important role Taxi and Private Hire drivers fulfil. We believe many have chosen to ignore the relevance of including Taxi but especially Private hire when planning policies or implementing decisions. Further commentary in this iniquity will be included within our conclusion in this document.

Challenges Faced by Taxi, Private Hire and Minicab Drivers in London: A Report From GMB.

Introduction:

Taxi, Private hire and minicab drivers play a crucial role in transporting Londoners, yet they face numerous challenges that impact their livelihoods and well-being. This report highlights key issues affecting these drivers, urging policymakers and stakeholders to address them for a fairer and more sustainable industry. GMB is the largest union representing all disciplines.

Infrastructure Shortages:

- Limited access to charging infrastructure: Night drivers face difficulties finding charging points, often forced to pay higher daytime rates. This disincentivises electric vehicle adoption and leads to inequality, hindering sustainability goals.
- Inadequate toilet and charging facilities: General lack of dedicated amenities creates unnecessary hardship and health issues for drivers throughout their shifts.

Driver Protection and Security:

- Assaults and abuse: Drivers are vulnerable to verbal and physical attacks, often stemming from prejudice based on race or gender, with little support or recourse. Improved reporting mechanisms and stricter penalties are needed.
- Lack of holiday, minimum national living wage & running cost and pension provisions: Many operators fail to offer these essential benefits, leaving drivers financially insecure and lacking adequate retirement planning.

Public Perception and Regulatory Issues:

- Public unawareness of driver challenges: Passengers often misunderstand the pressures and complexities drivers face, potentially contributing to conflict. Public awareness campaigns can foster empathy.
- Impact of penalty points: Six points or a PHV 105 (serious offence) can significantly impact livelihoods due to license suspensions and reduced earning potential. Fairer procedures and support systems are crucial.
- A High prevalence of false reports: False claims for free rides exploit drivers and erode trust. Robust reporting systems and deterrents are essential.
- TfL has proposed plans to introduce a new "Certificate of Good Character" requirement, aligning with Home Office guidelines. However, there are concerns that such measures could disproportionately affect drivers from Black, Asian, and global majority backgrounds. This raises important discussions on ensuring safety and trust in public transportation, while also addressing and mitigating any potential biases or inequalities that could arise from the implementation of these new requirements.

CCTV:

CCTV can be helpful to private hire and taxi drivers in several ways, offering benefits for both their safety and well-being, as well as for resolving disputes and improving passenger experience. Here are some key points:

Increased Safety:

- Deterrence: The presence of CCTV can deter potential attackers or abusive passengers, knowing their actions are being recorded. This can create a safer working environment for drivers, especially those working late nights or in unfamiliar areas.
- Evidence collection: In case of incidents like assaults, harassment, or false accusations, CCTV footage can provide crucial evidence to support drivers' claims and potentially assist law enforcement investigations. This can help ensure accountability and protect drivers from unfair accusations.

Improved Dispute Resolution:

- Clarifying incidents: Video recordings can help clarify events in case of disputes with passengers over fares, damage, or misconduct. This can be useful for both drivers and passengers, promoting fair resolution and reducing misunderstandings.
- Protecting against false claims: As mentioned, CCTV can help defend drivers against false accusations of misconduct or attempts to avoid paying fares. This can save them time, money, and stress associated with unfair claims. It's essential for Transport for London and operators to take strong action against riders when there's clear proof of wrongdoing, to ensure rules are enforced and our members are shielded from unfair treatment.

Additional Benefits:

- Passenger reassurance: Some passengers may feel more comfortable knowing their journey is being recorded, potentially reducing anxiety, and fostering a more positive experience.
- Insurance benefits: Some insurance companies may offer discounts or lower premiums to drivers who utilise CCTV in their vehicles.

However, it's important to consider:

- Privacy concerns: Data protection regulations need to be strictly followed regarding recording, storing, and accessing footage. Transparency and clear communication with passengers about CCTV usage are crucial. Change are needed on legislation.
- Potential misuse: In rare cases, there may be concerns about potential misuse of footage by drivers or operators. Proper safeguards and ethical guidelines are essential.
- Cameras are not a panacea: While CCTV offers benefits, it is not a complete solution to all issues faced by drivers. Addressing broader aspects like passenger behaviour, safety training including conflict resolution, and fair working conditions remains important.

Overall, CCTV can be a valuable tool for improving the safety, security, and overall experience for both private hire and taxi drivers, as long as its use is responsible, ethical, and respects passenger privacy.

Vehicle Accessibility and Affordability:

- Limited electric vehicle options: Large, affordable electric vehicles suitable for 6+ passengers and luggage are scarce, hindering fleet electrification and accessibility.
- Prohibitive cost of London taxis: The high purchase price and limited earning potential of black cabs discourage drivers, impacting their availability and passenger choice.
- Concerns over rent-to-buy schemes: Opaque and potentially predatory schemes exploit drivers financially. Stronger regulations and financial education are needed.

Buying a TXE taxi in London boasts a high cost with a potentially low return on investment, making it a gamble for aspiring drivers. Here's the breakdown:

High Costs:

- Price tag: The TXE itself is expensive, costing significantly more than most private hire vehicles at approximately £100,000 plus expenses such as insurance cleaning and fuelling.
- Limited earning potential: While fares are regulated, passenger demand for black cabs isn't as high as private hire options, potentially limiting income.
- Operational expenses: Fuel, maintenance, and insurance for the TXE can be higher than smaller vehicles.
- Competition: The market is saturated with private hire alternatives, making it tougher to compete and secure fares.

Low Return on Investment:

- Slow ROI: Due to the high initial cost and potentially lower earnings, recouping the investment takes a long time.
- Residual value: The resale value of TXEs may not be as high as other vehicles, further impacting investment return.
- Unpredictable income: Driver income can fluctuate depending on shifts, passenger demand, and other factors.

Additional factors:

- Rent-to-buy schemes: Some providers offer these, but be cautious of potentially predatory terms and hidden costs.
- Regulations and licensing: Navigating licensing requirements and regulations adds complexity and potential costs.

Conclusion:

Buying a TXE taxi in London can be a concern due to the high costs, and current earning potential.

Recommendations:

- Expand charging infrastructure and public amenities for drivers, and consider offering grants to active drivers for home charger installations if feasible.
- Mandate holiday, minimum national living wage & running cost and pension provisions for all operators.
- Raise public awareness of driver challenges.
- Review penalty point systems and offer support to drivers facing sanctions.
- Implement non - mandatory CCTV with clear data privacy guidelines.
- Invest in developing affordable and spacious electric vehicles for the industry.
- Regulate rent-to-buy schemes and provide financial education for drivers.
- Promote and incentivise responsible passenger behaviour.
- TfL's proposed new "Certificate of Good Character" must be implemented fairly, ensuring it doesn't unfairly target drivers from Black, Asian, and global majority backgrounds. It's crucial to implement policies that are balanced and avoid causing unnecessary challenges for drivers, thereby safeguarding trust and inclusivity within London's transportation services.
- Expand access for private hire vehicles to use bus lanes and gates outside Central London, aiming to speed up their journeys and enhance the overall service quality. This change could lead to quicker travel times and more efficient routes, benefiting both drivers and their passengers.
- Actively campaign and encourage more women to join this industry, aiming to create a more inclusive and diverse work environment.
- Private hire drivers are a crucial part of London's economy, and do vital work helping Londoners get around every day. The SERU test requires a thorough review, proper assessment, and a search for a replacement that is well-balanced.

Conclusion:

Addressing these challenges is essential to attract and retain drivers, fostering a fairer and more sustainable private hire and minicab industry in London. Collaborative efforts from policymakers, operators, and the public are necessary to create a system that respects and supports the essential role drivers play in the city's transportation network.

Congestion charge

The impact of the congestion charge on private hire and minicab drivers and passengers has been multifaceted and complex, with both positive and negative consequences. Here's a breakdown of the key effects:

Increased costs and decreased earnings for drivers:

Removal of exemption: Removing the exemption for Private Hire vehicles in 2019 and increasing the charge in 2020 significantly burdened drivers, especially those not operating solely within the zone. With margins often tight, the added cost impacted earnings and reduced profitability.

Limited ability to pass on charges: Unlike black cabs, private hire drivers have limited ability to pass on the charge to passengers due to competition and pricing algorithms. This squeezed their income further.

Scarcity and lost opportunities: Due to the increased cost, some drivers opted to avoid the zone altogether, leading to fewer available vehicles and potentially longer wait times for passengers. This reduced earning opportunities for drivers and caused inconvenience for passengers.

Changes in passenger behaviour and demand:

Price sensitivity: Passengers became more price-sensitive and drivers often decline journeys that are not cost effective.

Environmental impact: Reduced traffic could lead to lower emissions and a more sustainable transport system in the long run.

Equality concerns: However, the policy's fairness has been challenged, with critics arguing it disproportionately affects lower-income drivers and passengers compared to black cabs, which remain exempt. Additionally, the impact on wheelchair-accessible private hire vehicles also raises concerns where some areas are inaccessible or subject to fines including LTNs.

Current situation and ongoing developments:

The policy remains in place with the £15 daily charge, although exemptions exist for zeroemission and wheelchair-accessible vehicles.

Legal challenges against the removal of the exemption are ongoing, highlighting the continued debate around its fairness and effectiveness.

Alternative solutions and incentives for both drivers and passengers are being explored to encourage sustainable transport choices without disproportionately impacting specific groups.

GMB suggested a small journey levy which would have alleviated this issue for all.

Conclusion:

The congestion charge has had a significant impact on private hire and minicab drivers and passengers, with mainly negative consequences. While it has arguably achieved its goal of reducing congestion this does not seem to translate in to speed of journeys in some parts of the capital, the economic burden on drivers, potential impact on accessibility, and ongoing legal challenges highlight the complexity of the issue and the need for further evaluation and potential adjustments to the policy.

Unfair and Unsafe: The Regulation Gap Between Taxi Apps and Private Hire Apps

The contrasting regulations applied to taxi apps and private hire apps like Uber raise concerns about fairness, safety, and public well-being. Here's the crux of the issue:

Uneven Playing Field:

- Private hire apps: Subject to stricter regulations covering aspects like vehicle standards, driver licensing, and fare structures. This can be seen as ensuring a safer and more standardised service.
- Taxi apps: Often operate under looser regulations or none at all. This perceived leniency is viewed as giving them an unfair advantage in terms of cost and flexibility.

Safety Concern:

- Accountability: Concerns exist about potential difficulties in holding drivers accountable for misconduct or accidents due to unclear responsibility structures in some unregulated private hire app systems.

Unfair Competition:

- Cost advantage: Less stringent regulations may allow apps to offer lower fares, potentially undercutting taxi apps and traditional cabs that adhere to stricter standards. This raises concerns about unfair competition and the financial sustainability of regulated services. Such lower fares also affect private hire drivers by making it tough for them to earn enough to handle their running & living expenses, putting their financial stability at risk in a competitive industry.
- Levelling the playing field: Proponents of stricter regulations argue for creating a fairer playing field by holding all passenger transport services to similar safety and service standards, regardless of the app they use.

Public Perception:

- Confusion and uncertainty: Passengers might be unaware of the different regulations governing each type of app, leading to confusion about safety and quality standards.
- Demand for transparency: Calls exist for clearer information about the regulations governing different apps, empowering passengers to make informed choices based on their priorities regarding safety, cost, and service quality.

Moving Forward:

- Policy discussions: Ongoing debates explore options for addressing the regulation gap, potentially involving stricter standards for private hire apps or streamlining regulations for taxi apps while maintaining safety.
- Technological solutions: Some propose utilizing technology to enhance safety and accountability across all platforms, regardless of specific regulations.

Conclusion:

The contrasting regulations between taxi and private hire apps highlight a complex issue with safety, fairness, and competition implications. Finding a balance between fostering innovation and ensuring passenger safety remains a key challenge requiring ongoing dialogue and potential policy adjustments.

Additional Notes:

- This report is based on available research and anecdotal evidence. Further data collection and analysis are needed to fully understand the scope and impact of these issues.
- The report focuses on London, but similar challenges may exist in other cities with large private hire and minicab sectors.

This report was prepared by GMB London and Southern Region.

National Union of Rail, Maritime and Transport Workers

Evidence Submitted

Taxis and private hire vehicles in London

London Assembly Transport Committee inquiry

RMT evidence

Taxis form an essential part of a multi-modal public transport eco-system.

- In cities like London, they can play a vital role in providing comprehensive public transport options that reduce the need for private ownership of motor vehicles. London has the highest absolute and proportionate population of non-car owners in England and Wales. According to the last census data, this population had grown to 46% of all households in London, a record low. Non-car ownership is highest among the lowest income households.¹
- Taxis also represent a vital resource for disabled and elderly Londoners. 100% of London's iconic black cabs are fully accessible, providing a vital service to carry people with mobility impairments to and from their doors. Taxis are also an increasingly zero emission fleet. By the end of 2023, TfL hopes to have nearly 8,000 zero emission-capable plug-in taxis operating across London, about half the taxi fleet.
- Licenced taxi drivers plying for hire provide a high-quality and safe public transportation service for vulnerable passengers. Operating using very high levels of knowledge, training and skill, licenced taxi drivers are highly regulated, being subject to enhanced DBS checks. It is also required that applicants pass the Driving Standards Agency (DSA) taxi driving assessment. In London, drivers are fully licensed and regulated by Transport for London (TfL) and the Metropolitan Police.

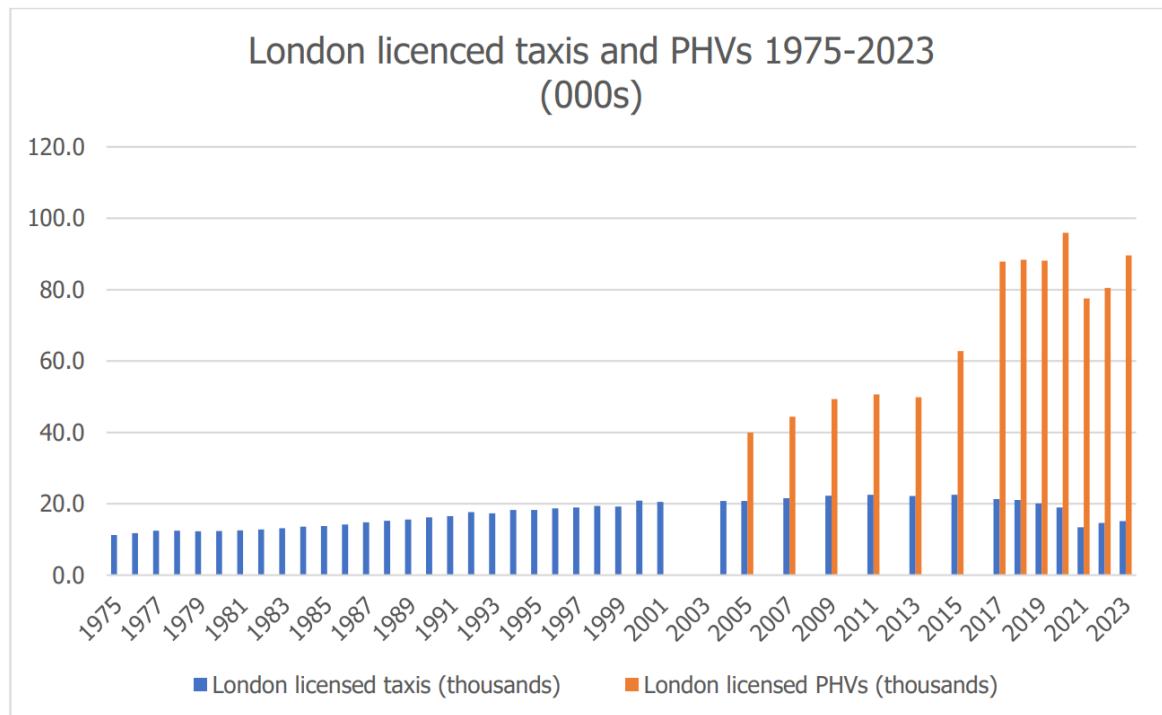
Taxis and PHVs:

Recent decades have seen the taxi trade come under an extraordinary level of economic attack from an explosion in the licencing of private hire vehicles (PHVs). The number of Licenced taxis operating in London peaked in the year 2011 at just over 22,000 and has fallen to 15,000 in 2023. Since 2005, the number of licenced taxis has grown from 68,000 to 75,500, an increase of just over 7%. By comparison, the number of licenced Private Hire

¹<https://www.ons.gov.uk/peoplepopulationandcommunity/housing/bulletins/housingenglandandwales/census2021#:~:text=As%20in%20previous%20censuses%2C%20Census,%25%2C%209.9%20million%20in%202011> ; <https://www.london.gov.uk/who-we-are/what-london-assembly-does/questions-mayor/find-an-answer/car-ownership-london>

Vehicles (PHVs) stood at 40,000 by 2005 and has more than doubled since, standing at just under 90,000 in 2023.²

Government policy to deregulate the PHV trade has combined with the emergence of investment capital-backed platform apps like Uber to flood urban markets with competition.



Uber's business model is described as 'disruptive' but is more accurately described as destructive, aggressively seeking to build a monopoly in the trade. As transport analyst Hubert Horan has shown, Uber's business model doesn't involve bringing any operating efficiencies into the industry and it still has to deal with the same industry challenges as its competitors. The costs of running cars are as high with Uber as anywhere else, nor has it created new markets among passengers. As a result, it has run significant operating losses since it was set up. Uber has failed to expand into key target markets in Russia, China and Southeast Asia and its losses have only been reduced by pressing down on drivers' wages. Uber's model notoriously involves taking on supposedly self-employed drivers who have to finance their own vehicle and who have to carry all running costs themselves. Once locked into vehicle financial obligations, the drivers find it difficult to leave, even as pay falls.³ The reason for Uber's growth has not been economic efficiency or technological advantage but its ability to grab market share by holding fares down artificially using investors' capital, advanced on the expectation that Uber will achieve a monopolistic position similar to Amazon and Facebook.

² <https://assets.publishing.service.gov.uk/media/64ac54d2e1aab2001303acb6/taxi0101.ods>

³ Hubert Horan, 'Uber's Path of Destruction', American Affairs, Summer 2019, pp. 108-133.

In addition, apps like Uber's are blurring the distinction between plying for hire, which lies at the heart of the licenced taxi trade's high-quality offer, and private hire bookings. Vehicles are being hailed in real time using smartphones combining with satellite offices, effectively colonising key elements of the existing definition of plying for hire.

For taxi drivers, this economic blizzard constitutes a dominant context that means they exist in a state of extreme precariousness, their margins sensitive to any other changes or infringements.

Covid-19

The pandemic added further precariousness to the lives of taxi drivers. During the lockdown and the further restrictions on travel demand collapsed with some estimates suggesting that only 10% of drivers were working at times. Even before Covid-19, drivers had to work long shifts to get enough business, under competition from the swelling numbers of PHVs. With the slump in demand this became even more acute for those still working. Taxi drivers also suffered from the lack of clarity, over expectations on customers around face masks. Drivers operating alone and working long shifts to try to get enough business were understandably reluctant to confront passengers over face masks and were wary of driving away scarce business. The particular mode of operation in the trade, coupled with the dire need for business made drivers reluctant to challenge customers even with the sanction of law behind them.

In July 2021, RMT called for a package of emergency support from government, the Mayor and Council leaders as Department for Transport statistics showed a catastrophic 29% drop in the number of Licensed vehicles plying for hire on London's roads. The drop brought licenced taxi numbers to their lowest level since 1983. While there has been a small recovery, there are still 5,000 fewer licenced taxis on the road than there were in 2011.

Limitations on road access

Streetspace and access to roads is vital to the trade. It's crucial that taxi drivers are able to offer their customers the fastest and most direct journey possible to remain competitive. Yet too often they have to fight for access to roads. While TfL does work with the trade over this issue, the implementation of Low Traffic Neighbourhoods by Councils was too often rushed and failed to take account of our members needs. In June 2021, RMT wrote to Councils in London asking them to amend their schemes to exempt taxis, citing the high Court's identification of our members' 'legitimate expectation' that they should be treated differently from general traffic.

Licencing Requirements

Our members support stringent licencing requirements as these – alongside 'the Knowledge' - support the trade's high-quality offer and differentiate it from the PHV trade. However, TfL's licencing policy has not been without controversy and contains some clear

injustices for taxi drivers. For example, an existing taxi license holder who is convicted of an endorsable major driving offence faces, in most cases, revocation of their license. This includes offences such as using a hand-held device or mobile phone which carries a six-point penalty. In effect a taxi driver can lose their livelihood for having six points on their license. However, TfL expects a lower driving standard from its fleet of bus drivers. Each of the operators who contract with TfL to provide bus services is currently recruiting bus drivers with ‘no more than six points’ on their license. A conviction of the same offence therefore carries a different penalty.

Furthermore, TfL’s disciplinary process is harsher than that set out in the Department for Transport’s Statutory and Best Practice Guidance, published in July 2022. This recommends that Licensing Authorities ‘operate with a Regulatory Committee or Board that is convened at periodic intervals to determine licensing matters, with individual cases being considered by a panel of elected and suitably trained councillors drawn from a larger Regulatory Committee or Board.’ This ‘ensures the appropriate level of separation between decision makers and those that investigate complaints against licensees, and is the most effective method in allowing the discharge of the functions in accordance with the general principles referred to in 5.4’. The principles referred to in 5.4 of the guidance state that in licensing decisions:

- the rules of natural justice should be observed.
- decisions must be reasonable and proportionate.
- where a hearing is required it should be fairly conducted and allow for appropriate consideration of all relevant factors.
- decision makers must avoid bias (or even the appearance of bias) and predetermination.

By contrast, TfL’s policy has no oversight by elected officers. Instead power to make initial decisions, to chair and conduct hearings and to decide on their outcomes all lying with TfL Licensing Officials. A taxi driver can have their license suspended or revoked by TfL officers without a hearing in advance of the decision. They can only speak for themselves at an appeal hearing chaired by a TfL officer with no authority to amend or rescind the original outcome but only to submit a report without recommendations. Unlike PHV drivers, taxi drivers have no right of appeal to a higher court, a legal loophole that needs closing.

Future workforce

The taxi driving workforce is older on average than that of PHVs. 62% of the London taxi workforce is over 55 compared with 17% of PHV drivers. In part this is because the costs of the Knowledge can be prohibitive for young people and the option of PHV driving is cheaper and diverts potential recruits away from the taxi trade. There is a risk of a further decline in the taxi workforce through a failure to ensure a pipeline of new entrants. We need consideration of grants to enable young people to undertake training on the Knowledge.⁴

⁴ <https://content.tfl.gov.uk/tph-demographic-stats-dec-2023.pdf>

What other changes do we need?

The economic precariousness of the taxi trade and the slender margins on which it operates means that all financial measures now in place must continue. If London is to have a highquality, green and fully accessible taxi fleet as part of a multi-modal public transport system, it will be vital for the Mayor and government to continue financially supporting the transition to electric vehicles. Similarly the favourable tax treatment for Wheelchair Accessible Vehicles makes a significant difference to the viability of the trade, while supporting the social objectives of transport provision.

Limitations on road access and inequities in the Licencing System can be resolved through TfL and Councils working closely with RMT and other trade bodies to ensure that the trade's needs are properly represented and expressed. Too often this does not happen, although there is good practice at TfL and the Mayor has convened meetings with representatives of the trade in the past to ensure closer consultation.

The trade needs agreement with TfL and the Mayor over the use of data from apps like Freenow and Gett. TfL is starting to use data from these apps to inform its consultation with the trade and the public over tariffs for journey distances. There is concern among drivers about the use of this unregulated data to inform the Cost Index and its unintended consequences on the Knowledge of London. RMT would call for discussions with TfL over an agreement on the use of data from these and other unregulated apps.

However, there are areas where legislation would be helpful and some where it is critically important.

Plying for hire:

The RMT believes that a robust definition of plying for hire in statute is long overdue, and that the ability to maintain and sustain a two tier system, where the London taxi trade is of a gold standard depends on this. The "Knowledge of London" and the right to ply for hire are intrinsically linked. Given the economic and technological pressures on the distinction between booking and plying for hire, it is vital that the hard-earned right to ply for hire should be protected in law.

We believe that this definition must:

- a. confirm the distinction between the working practices of the licensed taxi and private hire trades;
- b. remove confusion between the two types of vehicle by ensuring they are distinct and easily identifiable;
- c. clearly define the boundary between legislation and local licensing policy;
- d. simplify enforcement of the new regulations; and
- e. confirm that only licensed taxis can ply-for-hire.

Additionally any such definition should be accompanied in law by clarifications relating to the various issues previously experienced such as:

- i. inviting and attracting customers for immediate hire while driving around;
- ii. the use of taxi ranks to pick up customers;
- iii. stopping on a street to attract customers;
- iv. the display of a vehicle for hire; and
- v. use of technology whatever its form (eg e-hailing vs e-booking).

Plying for hire allows a taxi to be publicly hired. The Hindley Report (1939) stated:

“An essential feature of a scheme of control for private hire vehicles would be to ensure that the vehicles do not infringe on the cabs privilege of plying for hire...Accordingly we recommend that, whether or not legislation for the control of private hire vehicles is introduced there should be legislation to define the term plying for hire used in Acts relating to the control of hackney carriages”

If there is conflict between statute and common law, it is the Act of parliament which will prevail and must be followed by the courts.

United Cabbies Group

Evidence Submitted

Dear Keith

Written Evidence Submission for Transport Committee - Taxi and Private Hire Vehicles

Thank you for recognising not every stakeholder was invited to the recent meeting and as Chair for asking us to submit written evidence to ensure the committee can hear from as many taxi trade organisations as possible. I welcome the opportunity to share the views of our members, so their voices are clearly heard.

It has been almost a decade since my predecessor spoke on behalf of UCG members to Caroline Pidgeon and Val Shawcross as part of the Future Proof review in 2014, this was followed by the Taxi and Private Hire Action Plan in 2016, the Task and Finish Group and Raising the Bar both of which submitted reports in 2019.

Our members confidence in this new investigation having any meaningful change for the working taxi driver is low. Our members have seen no significant actions from the previous investigations followed through to implementation over the last decade and instead believe TfL have operated a “managed decline” approach to policy relating to the London Taxi trade. We would go as far as saying some of the actions which would have been positive for the taxi trade have been kicked into the very long grass - this needs to change and quickly. We believe there are some immediate changes and quick wins if implemented will make a difference to our members, but it needs a genuine will to do so and for TfL to move at pace.

The general feedback from our members with regard to TfL as our regulator and responsible for administering the licensing functions is one of distrust and the general view after members listened to the recent GLA session is TfL’s delusion is astounding. It was of major concern there seemed to be no recognition of the issues with LEVC and the vehicle we are mandated to drive for example when issues have continuously been raised.

In our view TfL have systematically over the past 10 years eroded and run down our rights and expectations whilst increasing PHV numbers, gifting them the right of plying for hire that is not theirs to give – it is a sole right earned by London Taxi Drivers in return for self-funding their completion of the Knowledge of London which is an investment in their future.

The issues we now see are a culmination of that “managed decline” model by TfL, coupled with a cherry-picking approach to regulation and public safety when it suits. TfL often refer to Covid as the reason for the decline but in essence the pandemic accelerated poor policy decisions already made, and coupled with a pick and mix approach to the regulations in favour of outside commercial interests it has inflicted harm on a regulated trade.

Please find below the views we wish to express within the scope of your investigation:

To examine the role of Taxis and Private Hire Vehicles (PHV) in London's transport network:

Sadiq Khan, Mayor of London, said recently: "I continue to work closely with Transport for London (TfL) and the taxi trade to ensure the trade has a bright future and continues to fit into the overall transport strategy for London. This is particularly important given the accessible service taxis provide".

Yet the removal of Black Cabs as part of the public transport offering from the Mayor's Transport Strategy in his first term means the Boroughs now also treat a publicly hired taxi the same as a resident's car. TfL are a key stakeholder in Borough schemes and often as was referenced in the session fund considerable parts of the active travel schemes as well as directly managing around 5% of the road network.

We earn an All-London license and a key change which could be implemented overnight would be to ensure the current restrictions to roads where buses are permitted but not taxis are revisited and a global exemption that applies for bus lanes is put into place on the TRLN including Bishopsgate and in LTN's. This would benefit the passengers we provide our service to.

Sustran early guidance was clear whilst encouraging a take up for those who can walk or cycle some people will still need to travel by motorised vehicle due to their circumstances, so Black Cabs are already part of the solution and aid the overall reduction of car ownership in London.

Moreover, the street hailing market and the pre-booked market are not identical in terms of their respective road usage needs and priorities. As Caroline Calderato from TfL has explained before the reality of the markets in which taxis and PHVs operate is more complicated and both are subject to fundamentally different regulatory regimes:

- (a) The standards imposed on Taxis are more far-reaching in several respects than those imposed on PHVs. For example, the vehicles must meet the Conditions of Fitness and the drivers must pass the 'Knowledge of London' examination and the Driving Standards Agency's advanced driving assessment. Taxis are also compellable (up to a prescribed distance/time) and may not charge more than the metered fare (which is regulated by TfL).
- (b) Taxis are allowed to take passengers in certain circumstances in which PHVs are not. Specifically, taxis may take customers who hail them from the street (ie ply for hire) and customers at taxi ranks. PHVs, by contrast, are limited to prebooked journeys.

This two-tier system is justified by the "very different characteristics" of the pre-booked market and the market for hailing and picking up at ranks. It is the latter market which accounts for the majority of the journeys made by Taxis in London.

The requirement to be able to hail safely and conveniently is of particular significance for disabled persons, who may find it more difficult than non-disabled persons to spot taxis and to attract their attention. It is also of particular relevance given the stringent accessibility

requirements to which taxis are subject – including the requirement to be able to accommodate a standard-sized wheelchair. By contrast, PHVs, which are not permitted to operate in the street hailing market, are not subject to the same accessibility requirements.

An ongoing concern is despite the following being added to the borough guidance issued by TfL in October 2021 only the City of London seems to be able to distinguish between a taxi/black cab and a phv/private car and has been able to do any monitoring:

6.9 Taxis

Taxis have a distinct legal status and should be considered within monitoring plans. Where a monitoring plan is collecting road user data, TfL recommends that a fully classified approach is taken in order to be able to understand the benefits and impacts of a scheme on taxi journeys, as well as other classes of traffic including private hire journeys if possible (see 3.3.2 All vehicle traffic counts). Where taxis are likely to be impacted, flow and classified turning count data that distinguishes taxis from other vehicles will show the scale of these impacts. Public surveys should seek to understand the outcomes of a scheme on taxi passengers, and particularly older and disabled people.

As Black Cab drivers, we provide a fully accessible door to door service to the public, which is available 24 hours a day and for 365 days a year when other transport fails or ceases to operate. In all the circumstances that are particular to our trade by virtue of the burdensome restrictions and obligations that are imposed upon us by our statutory regulator, TfL, and in light of all TfL's and the Mayor's previous policies and pronouncements, we have a legitimate expectation to be able to undertake our publicly hired service on London's roads without restrictions more onerous than those applied to London buses.

Whilst we recognise that proportionate changes need to be made to the road network to support the shift to active travel, it is not accepted that Black Cabs need to be or should be excluded from key roads. To do so will put many people who need to travel, especially those with protected characteristics such as the elderly or people with disabilities, at a distinct disadvantage, as most of those people do not have the option to walk or cycle.

Feedback from passengers especially those reliant on taxis for hospital appointments, disabled relatives etc are pro Black Cab inclusion. Carers who do not drive use Black Cabs as do parents with babies, pregnant women and those who may identify as vulnerable and safer travel at night is seriously hampered by a lack of access. Licensed Taxis should be part of the solution and want to be. Transport is not a binary issue and the restrictions proposed have a cumulative effect on our ability to transport the travelling public by the quickest and cost-effective route as we work to a TfL regulated meter which is subject to public consultation.

The following is from Task and Finish Group Report 2019:

As an introduction to this chapter, from the following quote from the evidence received from the Disabled Persons' Transport Advisory Committee (DPTAC) sets the scene appropriately: 'For those who cannot use public transport, either due to the nature of their conditions or because they live in areas with a poor public transport service, taxis can be the key element allowing them to live independently.' Submission from DPTAC, November 2017. One in five passengers told us that they used taxi in locations and at times when other public transport modes were not available.

Taxis are used by the poorest in our society as well as the richest, by people who are unable to afford to own a private car, and by those who are unable to access the public transport network.

Disability campaigners told us that large parts of the public transport network are still unusable for many older and disabled Londoners. London is the only major global city which requires all of its licensed taxis to be 100 per cent wheelchair accessible.

For example, for legal purposes private hire vehicles have to be considered as part of general traffic and separately to taxis. This is not being seen in practice by our members and needs to be changed. This is a quick win that can demonstrate where Black Cabs fit in the public transport offer as has always been the case, and immediately benefit passengers.

TfL's strategy for the sector in future:

I think it would be fair to say despite the Taxi and PHV Action Plan in 2016 (see attached) we have not seen a proactive strategy for the sector and a small number of recommendations implemented. It is often reactionary and involves a number of cans being kicked down the road eg SERU, not bringing back the Advanced Driving Assessment and so on.

From our members perspective most would agree there is a significant breakdown in trust and confidence of TfL based on their cherry-picking approach to regulation and public safety when it suits. As a regulator it remains slow to act and take issues raised by the trade seriously.

An example of this is one element of the action plan progressed forward was the implementation of credit cards. No actual review of the 2016 policy had been done and technology has significantly moved on in this marketplace since then and our members were genuinely having issues not being able to take payment due to signal issues and a range of other factors outside of their control. TfL were at first reluctant to review and felt it was acceptable for a driver not to be paid and to even sanction in some circumstances.

It took over 3 months of raising the issue and extensive evidence from our members before finally we were able to take someone out to see the issues on the street, first hand and speak with drivers. The review is still ongoing, a number of the issues still exist for our members; the reluctance to be proactive in taking matters raised forward at pace is indicative of the systemic issues that exist.

The Future Proof Report written in December 2014 made the following comments:

Almost a decade later, TfL is facing similar, if not worse, criticism for its failure to communicate effectively with the industries and seems to have inherited the problems of its predecessor.

“Zero out of ten for communications.” – Taxi Driver, Green Badge

Drivers are, however, largely unsympathetic to TfL’s plight, arguing that better planning and a more proactive approach to dealing with arising issues may have prevented problems from escalating into a crisis.

We received many comments from people within the industries who felt that, at a senior level, TfL was simply not listening to their concerns, and that senior managers were too far removed from the day-to-day operations of the trades to make informed decisions about future policy. The Mayor and TfL urgently need to address the widespread view that they are out of touch with the needs of the industries.

“They either fail to understand the problem, can’t be bothered to deal with the problem or...have simply buried their heads in the sand and hoped it will go away.” – United Cabbies Group.

Since then, we are on our fourth Transport Commissioner but most of the TPH decision makers are the same incumbents and driver numbers and vehicles are at an all-time low. The difference being the cost of going to work is at an all-time high and is impacting on new entrants and retention of existing drivers.

All of those comments remain pertinent to our members today. Nothing has changed and we are being managed into a regulated one-tier by policy manipulation. TfL have been quoted as saying tech has blurred the lines. Yet as the regulator it is their remit to make sure this does not happen. In our members view they have chosen not to. Why not? TfL have refused a PH operator’s license not once but twice and then gone neutral in the court hearing; that is unprecedented in our view and by the same regulator who now question a taxi drivers fit and proper status for a motoring offence.

To examine the impact of environmental standards for Taxi and PHV, both in terms of emissions and financial costs for drivers:

In our view the transition time to move to ZEC despite members embracing this change and significant investment by owner drivers and fleet proprietors coupled with lack of infrastructure in hindsight was too soon. The iconic vehicle we drive, the Knowledge of London and our right to ply for hire are intrinsically linked.

There needs to be confidence in our future to invest in the purchase of a TXE which stands at around £100K on finance. If PHV are buying a licence to imitate what we earned the right to do this has consequences and ones TfL are fully aware of.

The TXE has been embraced by drivers and passengers alike but there are again many issues, raised with TfL over a period of time, all documented where they have been slow or not acted. The “For Hire” light being a fundamental one as it is a key requirement for the travelling public to see if the taxi is for hire or occupied. It appeared in the GLA session this was news to TfL. As evidenced attached, drivers were resorting to laminated signs to place on their dashboard following frustration by passengers wrongly thinking drivers were available and ignoring them. For TfL to be unaware of an issue as the regulator responsible for signing off the Conditions of Fitness is poor. The Conditions of Fitness says the following:

25 “Taxi” sign

A “Taxi” sign approved by LTPH, clearly visible both by day and night when the taxi is available for hire, must be fitted.”

We have included some examples from our members to illustrate the ongoing issues which need resolution:

“This new vehicle cost me £65K plus finance inclusive of the plug-in grant and the ERAD (electric drive motor) keeps failing on these vehicles since it was launched in 2018. Despite this the vehicle is still being sold by LEVC with no upgraded components. This is not the only issue but one of the main problems. Drivers are very anxious about this, and it is a big dilemma. The extended warranty after 5 years has risen from £1800 to just under £6000 in less than a year because of this part failure. Also, when purchasing this vehicle, it was originally a 3-year warranty with an option to extend to 5 years for £599 for full cover. Now this week the goalposts shift, and the full warranty is only for 3 years on a new vehicle and to extend for an extra 2 years this increased to £1500 with a £250 excess. This shows to me and many other owner drivers the little faith LEVC have in the TXE. The cost with interest and a balloon payment has now hit £100K. The £7.5K grant is due to end soon which will further increase costs to already overstretched drivers. LEVC as the only provider do not listen to our concerns. The bottom line is as a working taxi driver for the money we have invested in the transition to ZEC we deserve a proper warranty and reliable service resolving the issues.” All London GB driver

The following clip from a member who is also a fleet provider renting cabs articulates very clearly the current range of issues that need resolution and a more proactive level of engagement with TfL and LEVC:

https://youtu.be/iDUhZQtbTDU?si=5R_BnZNnVRLy3Ymr

Our final example is from a newly qualified Taxi driver who wanted to purchase his own vehicle after initially renting. He wrote to his MP and the DfT to ask why the successful

scheme implemented in Scotland could not be implemented in London along with TfL making a case for zero VAT as the TXE is a wheelchair accessible vehicle:

<https://energysavingtrust.org.uk/grants-and-loans/switched-on-taxis-loan/>

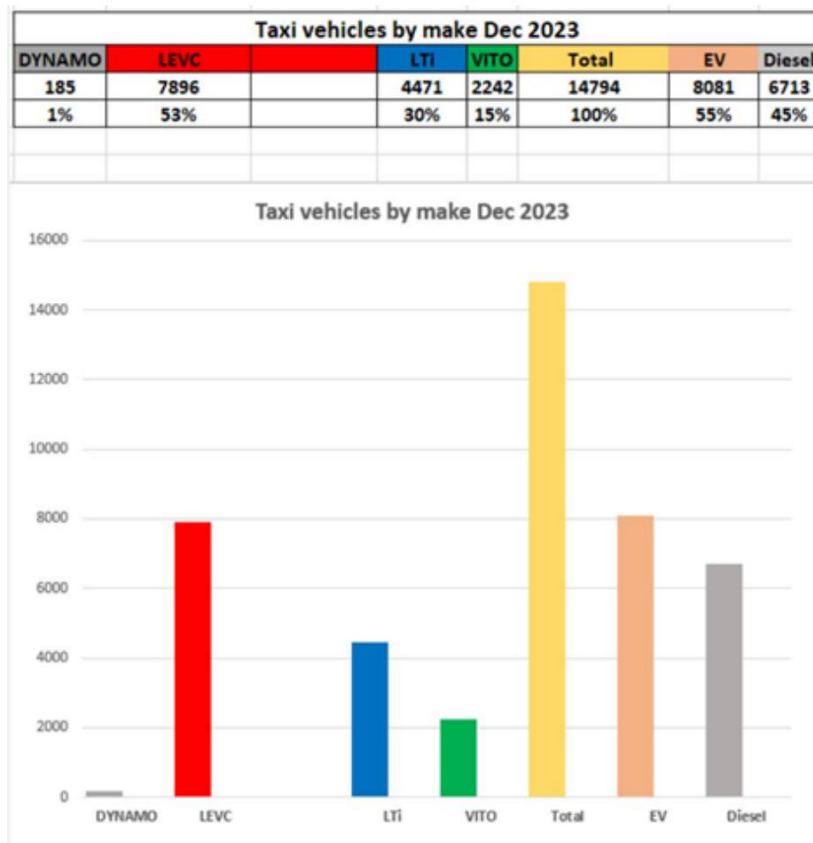
Reducing the cost for our members is key; our membership voted overwhelmingly to drive a purpose-built taxi that was easily recognisable to the travelling public and keep the turning circle, but the key feedback shared was the need to reduce the cost and improve reliability of that vehicle.

Much discussion took place at the GLA session on the concerns about the removal of the £7,500 Plug in Grant which is funded by the DfT and TfL. If TfL are sincere, they want the grant to remain they have this within their gift to commit to their contribution which is £3,500 irrespective of what the DfT do; TfL could increase it to reflect market forces. This would be a quick win to give confidence to drivers who want to or need to purchase a TXE because their existing vehicle hits the 12-year age limit and prefers to own rather than rent. We are concerned this could be another can being kicked down the road as purdah rules will soon come into play ahead of the forthcoming Mayoral election.

The reduction of the Age Limit to 12 years for Euro 5 taxis (the Euro 6 taxis remain at 15 years) remains a major bone of contention as TfL have not progressed a similar retro fit option as they did for Euro 5 buses. Some of these drivers purchased their vehicles in good faith and made business decisions based on a 15-year age limit.

We are now seeing drivers leave the trade when their vehicle hits that age limit who do want to work, some albeit less hours in part to the driver age demographic or because they do not want to commit to £100K credit without confidence in the future or because there is unlikely to be sufficient time for them to take up a retrofit option before the last cab plate expires.

With over half the fleet now ZEC and a large number of vehicles that are non-ZEC being Euro 6 (which is the same as the ULEZ zone) TfL should urgently consider suspending the Age Limit for a period of 12-18 months until the issues with LEVC can be resolved, a solution is found on the Plug in Grant and reducing overall costs and most importantly to aid the retention of drivers to ensure there are sufficient taxis to meet passenger demand.



Whether there are sufficient charging points to meet demand.

No there has since 2018 and the move to ZEC been insufficient provision of E-Taxi dedicated charging points which is an issue for our members unable to home charge. Again, this issue has been raised many times in the past few years with TfL again slow to respond or act and then say they cannot find a solution to the abuse of E-Taxi only charges (some of which are at Cab Shelters) by PHV and the general public.

A 2017 Guardian article before the 1 January 2018 when only a ZEC taxi could be purchased in London as new refers to how few chargers were planned:

An initial 75 fast chargers are due to be operational by the end of the year. While some of the sites will be exclusively for black cabs, the network will also be open to the increasing number of owners of Teslas, Nissan Leafs, and electric BMWs in London.

Ben Plowden, TfL's director of surface strategy and planning, said: "An extensive, rapid charging network is fundamental in helping drivers make the shift from fossil fuels to electric."

Moving forward to August 2021 it was confirmed there are 82 rapid charging points that are taxi dedicated across London. The December 2023 figures above show there are 8081 ZEC

taxis and whilst a number can home charge, 82 is insufficient and that is if they are not occupied by PHV or other users which is not enforced.

TfL said in 2021 “We are working closely with key user groups (including taxis/ hackney carriages) to understand their EV requirements to ensure the infrastructure is in place across London to accelerate and support the switch to electric”.

One initial solution that could be explored quickly is if there is provision to turn the Great Suffolk Street facilities which are used by taxi drivers and previously had diesel pumps into a dedicated E-Taxi charging hub. This should be explored as a priority.

To investigate the workforce challenges affecting Taxi and PHV drivers and to review the impacts of licensing requirements:

The trade has recruitment and retention issues which can be held attributable in our view to TfL policy decisions although Knowledge of London numbers are beginning to improve. Driver retention is a major concern in part due to the costs and age limit policy and more recently drivers in a range of age groups are now concerned and considering if they retain their license due to how TfL are applying the introduction of the DfT National Standards by way of the updated TPH Driver Policy. If another business had the retention issues, we face serious questions would be asked and action taken. Again, it is another example of a managed decline approach then realising a crisis is looming and TfL taking knee jerk action that may not be in our trade’s best interests.

The trade recognises more than the regulator the need for new blood in the medium to long term but having confidence in a future is fundamental. Again, I refer back to some key points from the Future Proof report produced in December 2014:

There are a number of potential reasons why taxi driver numbers have stagnated over the last decade. These may include a general sense that becoming a taxi driver no longer provides a sustainable living income, or that there are easier options available for people who do not have resources or the inclination to embark on such a long programme of training.

There is also uncertainty over the future of the trade, and a perception that the benefits conferred upon taxi drivers do not outweigh the higher costs, in time and money, that training for the Knowledge requires. TfL needs to be sure that there remains a sufficient incentive for drivers to undertake the Knowledge and a recognition of the investment that taxi drivers make to complete their training.

TfL should review the administration of the process to take advantage of opportunities to reduce unnecessary delays in the process, to ensure that the supply of licensed taxi drivers does not dry up in the longer term.

At the same time, the explosion in private hire driver numbers in the last decade has led many to question whether the entry requirements to this market are artificially low. The number of licensed private hire drivers rose by more than 3,000 between the end of May 2014 and the middle of September 2014.

The private hire trade acknowledges that the lower requirement of topographical knowledge for their trade is due to the fact that private hire vehicles are only licensed for pre-booked journeys. This is designed to allow the drivers to look up and plan the best route. Taxi drivers, by virtue of the more extensive Knowledge, are able to accept immediate hirings. These distinctions are defined in current regulations. Representatives from both trades have questioned whether the use of smartphone apps to allow passengers to electronically 'hail' a private hire vehicle crosses the line between pre-booking and immediate hiring. This allows the companies in question to reap the benefits of the lighter regulatory burden on private hire while also exploiting the benefits of the immediate hire market. This has been described as a 'pick and mix approach to regulation'.

I will deal with the Knowledge of London which is undertaken by a wide range of individuals because the training required has no bias as regards sex, race, religion, or class. There is no barrier to entry just the sheer hard work, determination and endeavour required by any individual to become a London Licensed Taxi Driver. Individuals self-fund their studies with no recourse to benefits and this remains the only entry point to the London Licensed Taxi trade since the Knowledge of London was established in 1865.

We hold the view we retain the standards of the Knowledge of London and a process where we continue to earn our badge, not buy it. Our view is if you earn your badge, you value it. You do not accidentally become a Black Cab driver you make a proactive decision to undertake the Knowledge and you should get a return on that investment for that undertaking. The elephant in the room impacting the numbers over the past 8 years pursuing the Knowledge is that return on investment and associated rights and privileges at the end of the process when someone can buy those rights and imitate what we trained to do aided and abetted by the regulator blurring the distinction has diminished those wishing to pursue the Taxi Driver route although that is now beginning to change with an uptake of interest in doing the Knowledge by existing PHV drivers.

In 2014 the report said TfL should review the administration of the process to take advantage of opportunities to reduce unnecessary delays in the process, to ensure that the supply of licensed taxi drivers does not dry up in the longer term. It would be fair to say whilst we had no objection to the review, we want to retain our heritage and standards, but it needs to be a fair process to enable students to progress to achieve their badge and not one where one school has described a "snakes and ladder model" which is not in line with any other apprenticeship.

We do not want to see a system where new drivers are not at the same standard or the key emphasis is on speed and reducing the radius of learning as this will impact on

compellability of passenger journeys as well as our reputation and confuse the public who have an expectation we know where they want to go and how to get there by the shortest route without recourse to checking a route via technology.

We have met twice with TfL as part of the review and the review still remains incomplete and slides/briefing notes yet to be provided many months on despite chasing. We took the time to visit Knowledge Schools and speak with Knowledge members and new drivers to undertake a thorough review of their experience.

The key take from that is they wanted a fairer process so if they attended an appearance and had put their work in, they had a reasonable expectation of scoring and moving forward. Not one of that group wanted the process to be made easier or quicker, they wanted the removal of regressive processes that moved them backwards not forwards. They wanted to remove the aspect where the decision to not score them even if they put the work in was predetermined before they attended the oral appearance. It was questionable as to why the number of appearances had massively increased and the suburban runs had been tripled to delay the process further.

Some of that practice has now been rectified but there remains uncertainty as to what the new model will look like and how that impacts on existing students. TfL poor communication and engagement with the trade remains a massive barrier to managing a way through the current workforce challenges.

When the student has achieved the required standard the delays to ensuring they receive their first license has increased so it can be many months now until they attend their Badge Day and can actually go to work in a taxi; this needs to be improved.

The second aspect which relates to the impact of licensing requirements is the abject failing of TfL in communicating to existing licensees when they updated the TPH Driver Policy in December 2021 to comply with the introduction of the DfT national standards. This was not news for those of us representing members as we had been involved in responding to consultations and attended feedback sessions but for the average working driver our view would be TfL showed total contempt for existing licensees in how they communicated the policy and consequences.

The DfT Taxi and Private Hire Vehicle Licensing Best Practice Guidance for Licensing Authorities in England shared in March 2022 is explicit in that it says:

“the implementation schedule of any changes that affect current licence holders must be transparent and communicated promptly and clearly and licensing authorities should ensure that licensees are aware of the policies to which they must adhere, are properly informed of what is expected of them, and the repercussions for failing to do so”.

An extract from one of my many emails from early 2023 and what TfL referred to as a clarification meeting due to the communication disaster is below:

“The original TFL Taxi and PHV Driver Policy first appeared on the TFL website on 21 December 2021, following the emergency meeting we waited until March for the briefing note, so are you now going to communicate what you refer to as your “correction of so-called misinformation” to all licensees to clarify by way of a TPH notice?

If you could expand further as it appears you are relying on us to send to our stakeholders ergo members when the embargo is lifted but not all drivers are in a trade org so how will TPH be fulfilling the DfT requirement to communicate to all licensees - will this be by way of a TPH Notice or letter to licensees?

To date not one existing licensee was emailed individually by TfL to share the policy, not all drivers are in a trade org and no TPH Notice was issued which is an easy way of sharing information. We asked for a comparable short video similar to the one produced for SERU for PHV drivers as a quick way to communicate the information. Twice we have been told we take your feedback on board. TfL have since then relied on a link on a weekly roads update, for those drivers who subscribe or tweets, again for those who engage with social media. The document is in excess of 110 pages and only in November 2023 was a TPH Notice for some additional changes shared. How can it be that a new policy for drivers which has potential implications for their livelihood not be communicated in a timely way?

Now we are seeing yet another significant implication of poor decision making by TfL in respect of the Reconsideration Hearing or appeal process. To set the context in our legislation a Taxi Driver has recourse to challenge by way of appeal to any proposed sanction, so stage 1 is this hearing and stage 2 is Magistrates Court. PHV Drivers in their Act get the same 2 opportunities so stage 1 is to Magistrates Court and then recourse to Crown Court.

However, since 2021 when TfL first proposed due to the retirement of what I will refer to as “lay members” from the Reconsideration Committee decided not to replace them leaving instead the process to be managed in-house by the TfL CPOS team; all trade organisations strongly objected to this in early 2021. The objection was based on grave concerns of CPOS taking over under the rules of natural justice as these lay members had a semblance of independence from TfL. CPOS work for TfL, and it raises an important question as to how you can fairly and reasonably judge your own case based on a decision originally made by TfL.

It was said to TfL at the time it remains vitally important for our member drivers when appearing at a Reconsideration Hearing they feel they are being judged independently and fairly. Liaison with CPOS and the respective trade organisation representing would take place without the Chair’s involvement and previously the lay members would take turns as Chair to hear the appeal on the day, afresh and consider the relevant information on the

day and make a recommendation. This no longer happens and now results in a Taxi Driver having a 2-stage appeal process but only one stage is heard independently ie by a Magistrate whereas a PHV driver gets 2 opportunities to be heard and both times by independent parties. We are now seeing the consequences of this in the current decision making where in our view a fair assessment of the fit and proper test is lacking. This in turn is making recourse to the Magistrates Court a requirement where before this was not always the case.

This lack of independence and approach of TfL marking its own homework as referred to in the GLA session needs to be reviewed and changed asap. There are clear workable models which exist in the Employment Tribunal System and General Medical Council to name but a few, TfL need to recruit and train those lay members which we can provide further information of those models upon request that would resolve this issue which is disproportionately impacting taxi driver members.

Finally, a key requirement in the Taxi and Private Hire Action plan was to reintroduce the Taxi Driver Driving Assessment which ended on 1 January 2017 and extend this to PHV drivers. Any Taxi Driver issued a license after the removal of this requirement has condition 18 on their license to undertake when re-introduced. There are providers TfL can engage and if they wish to ensure high standards this should be implemented asap.

I make the following points in reference to the Labour Group asking for views on whether reform of the legislative framework is required in order to address the following issues:

Plying for Hire definition,

The Licensed London Taxi trade welcomes competition. We are not as some portray us a cartel. We believe with the onset of new technology private hire (PH) have seen a loophole within legislation and are exploiting that loophole to the detriment of the licensed London Taxi Trade.

To maintain the 2-tier system, we believe stringent measures need to be enforced. The Knowledge of London (KOL) and plying for hire are intrinsically linked. Why spend years of your life studying the KOL to gain a privilege that is not defined or protected in law? We believe there is urgent need of a clear distinction between the working practices of the licensed Taxi's and the PH trades.

A. Confirm only licensed Taxis can ply for hire.

B. Additionally, any such definition should be accompanied in law by clarifications relating to the various issues previously experienced such as:

- i. inviting and attracting customers for immediate hire while driving around;
- ii. the use of taxi ranks to pick up customers;
- iii. stopping on a street to attract customers;
- iv. the display of a vehicle for hire; and
- v. use of technology whatever its form (eg e-hailing vs e-booking).

Plying for hire allows a taxi to be publicly hired.

C. Remove confusion between the two types of vehicles by ensuring they are distinct and easily identifiable

D. Clearly define the boundary between legislation and local licensing policy. In closing we would like to refer to The Hindley Report (1939) It stated:

“An essential feature of a scheme of control for private hire vehicles would be to ensure that the vehicles do not infringe on the cabs privilege of plying for hire...Accordingly we recommend that, whether or not legislation for the control of private hire vehicles is introduced there should be legislation to define the term plying for hire used in Acts relating to the control of hackney carriages”.

If there is conflict between statute and common law, it is the Act of Parliament which will prevail and must be followed by the courts. Policy and enforcement must reflect this. TfL day to day actions must also reflect this.

Let us focus on the primary issue, which we feel is most important, that being the ability to e-hail PHVs enmasse throughout London, acting like a Taxi does in being hailed, hence the term ehail, as it mimics the process of a traditional hail thus creating unfair competition at a much lower subsidised rate.

In fact, it is possible to see both the vehicle in the street and icon representing it on the map simultaneously. No need for the lengthy surveillance as described in *Met v Ali*, the app answers everything in the mind of the public. Of course, at this point a potential customer has a choice either to hail, using in this case their thumb, or not too. It is up to this point that ALL ehailing apps share the same modus operandi that is the vehicles ply for hire, be it Black cab or PHV.

Clearly that is the essence of ehailing and the reason for the huge growth in the last few years of PH drivers since Uber and others utilised this method of working. TfL are aware that by allowing private hire to ply for hire via an app will make the two-tier system no longer viable.

Any move to confuse the distinction between the two services would be catastrophic to the London market. If anything, there is a need in London to reinforce the distinction between the two different services. Allowing existing PHVs to ply for hire would remove the universal standard. It would render the investment taxi drivers have made in purchasing taxis and learning the Knowledge worthless. Furthermore, lower standards would in all probability result in the market becoming flooded”.

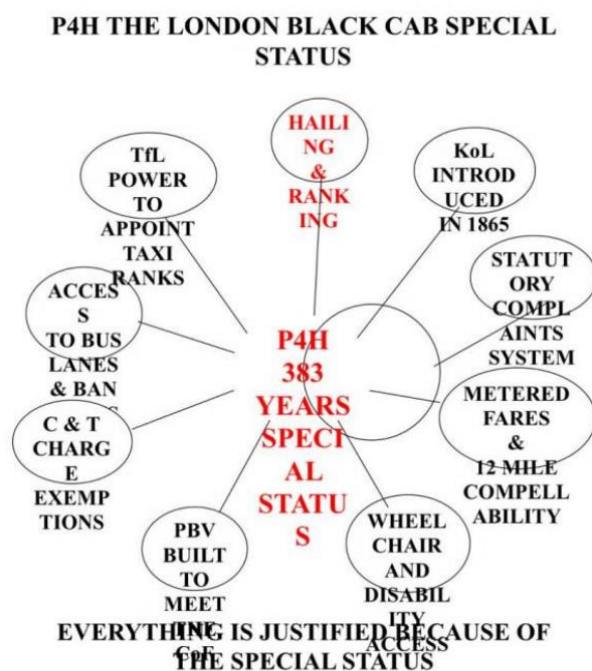
In the Taxi and Private Hire Action Plan 2016 the following commitment was made:

A statutory definition of plying for hire and pre-booked services – as the law stands, plying for hire is difficult to prove and requires significant enforcement resources.

While we will continue to enforce to the full extent of our ability, along with the Mayor we are firmly of the view that a statutory definition of plying for hire and prebooked services will remove ambiguity and clearly define the difference between taxi and private hire services, maintaining the two-tier system.

London has the oldest regulated taxi service in the world this also makes the licensed taxi trade the oldest regulated public transport system in the world. Plying for hire is the method by which London Hackney Carriage drivers operate to earn a living once they are qualified and licensed by TfL in a vehicle that is also mandated and licensed by TfL. To qualify to be licensed to ply for hire requires successfully completing the Knowledge of London.

Plying for Hire modus originated in London and is the bedrock upon which the London Hackney Carriage trade is built. Everything connected to this trade is reliant on it from vehicle manufacturers, fleet owners, meter suppliers, taxi garages and many more. The money that drivers earn not only provides them their living but also enables the businesses connected with it to be able to invest and be viable in what is a niche regulated market. Everything from derived policy and privileges connected to the London Hackney Carriage can be attributed to the plying for hire status as depicted in the diagram below:



"By virtue of their legal status, only Black Cabs can ply for hire; they are subject to the rule of 'compellability'; they must be recognisable and capable of conveying persons in wheelchairs, and their drivers must set the fares for their services by means of a taxi meter and have a particularly thorough knowledge of the city of London.

It follows that Black Cabs and minicabs are in factual and legal situations which are sufficiently distinct to permit the view that they are not comparable"....CJEU 2015

CoF = CONDITIONS OF FITNESS C & T = CONGESTION AND TOXIC CHARGES CJEU = COURT OF JUSTICE OF THE EUROPEAN UNION
KoL = KNOWLEDGE OF LONDON PBV = PURPOSE BUILT VEHICLE
THE HACKNEY CARRIAGE

Around 13 years ago in 2011 Hailo launched its app introducing technology to Londoners which effectively allowed them to electronically hail a London Hackney Carriage hence the term ehauling. This proved highly successful, and the trade was assured that this was considered to be a modern form of hailing and thus the preserve of the London Taxi trade.

However, the trade was unaware that Uber had been granted a licence in 2012 to operate in London by TfL using the ehail model and this became evident some 18 months later when it launched its app to the capital. As a result, the Private Hire numbers began to soar because instead of having to do the Knowledge and drive a Black Cab with TfL regulated fares, a person could obtain a PHV driver license in a matter of a few weeks and once licensed could be ehailed anywhere in any make of vehicle of his/her choice without being restricted to regulated fares.

In 2015 TfL acknowledged this had created a blurring in what was previously a clear two-tier system of TPH operation. TfL also has no way of controlling PH growth in London. In response the RMT produced a briefing paper raising a number of concerns while focusing on the issues caused by the blurring as a result of PH using this technology and how it was replicating the modus operandi of the London Black Cab, this paper was supported and endorsed by Unite the LTDA and the LCDC and can be downloaded via this link:

<https://www.rmt.org.uk/news/publications/plying-for-hire-taxis-briefing/>

At the centre of Private Hire operation is the reliance on the use of technology; without it the PH industry could not function, however when the 1998 PHV Act was passed Hansard made very clear that it would remain illegal for PHV's to be hailed in the street and that the Act was drafted broadly to allow for developing technology and for regulations to be made by TfL accordingly by giving such powers to the regulator within the Act to do so.

However, nine years on in 2024 there is still a major problem which we can only describe as the elephant in the room when confronting the issue of the differential of the two-tier system. It appears there is great reluctance to accept (in spite of the blurring) that PHV ehailing or ride hailing is at the root of the London Black Cab decline and reflected in the TPH numbers over this period.

When pressed on this either directly or via FOI TfL is keen to point out that a lack of definitions of TPH working practices is cited as the issue in addressing the blurring. Some are keen to state that the London Hackney Carriage Acts are Victorian and archaic written at a time when horses pulled carriages in the capital however that should not be an issue and serves only to deflect from addressing the real deficiencies and lacunas in these Acts.

The majority of clauses contained in these Acts are as relevant today as they were in the 1800's because what they are dealing with is undesirable human behaviour which hasn't changed, things such as misbehaving, refusing a hiring, overcharging to name a few. We do not believe in repealing these Acts or the term ply for hire however nowhere in any of the

TPH Acts are working practices such as hailing, ranking or prebooking defined or codified by whatever means now that technology has evolved.

We believe these simple actions require defining because apps offer immediate hiring and from a driver and customer perspective there is no difference from someone using their thumb or raising their hand. Imagine renovating an old Victorian property which has cracks and is looking less desirable due to subsidence; only a very naive person would buy it and attempt to decorate it with a view to sell it for a profit without first underpinning the foundations. To be investable and reach full potential it would need underpinning same is now true for the London Taxi trade.

Currently as a result of the blurring we have a situation where PH are arguing for parity with Black Cabs especially for privileges (eg . Eventech v TfL) and some in the Taxi trade appear to be arguing for parity or a level playing field with Private Hire (eg charging more or doing away with the turning circle). This is because we are perceived to be working in the same way when ehailed.

Legislation is required in order to achieve an outcome which in turn guides policy and instructs enforcement. So, London is at a crossroads; a time to define or decline because once you lose something it's usually impossible to get it back. What we can't accept is the driver subsidising the safety net of hackney carriage provision in London without the associated rights and protected working practices we earned when we undertook the Knowledge of London.

To have a viable and thriving future for our member drivers we need to ask do we want a two-tier system or one? If a two-tier remains the preferred option and is reference as being so in all the previous reviews and action plans what is the desired make up of that model. What is the target in numbers required and why is TfL as the regulator making policy decisions or not acting where it should be ensure that happens in practice?

If a one tier is desired (we know that's the preferred option of some eg Institute of Licensing) what would that need to be? A for hire light and meter fitted to every vehicle and/or every driver completing the Knowledge?

Taxi specific apps are not able to be licensed under legislation but are having a say in the future of the London Taxi trade from the Knowledge to the Tariff and how has this been allowed when the regulator has no power to act against them?

Cross-border hiring,

Action needs to be taken to stop this practice asap. The cross-border hire debacle has been flagged to TfL for at least 5 years without any serious action from TfL. Tackling this is a priority, as it safeguards the travelling public. If this behaviour was from an individual, then their licence would have already been revoked.

There is selective enforcement of regulations and breaches of the triple lock in London happens with impunity as operators know they can do as they please as TfL have no appetite to do anything meaningful about this very real and ever-growing problem. We raised the matter for 18 months all documented and available on request having first been told “nothing to see here – the driver was probably visiting relatives”. A failing to regulate effectively is a massive problem to the heavily regulated taxi industry that relies on TfL’s enforcement to remain viable.

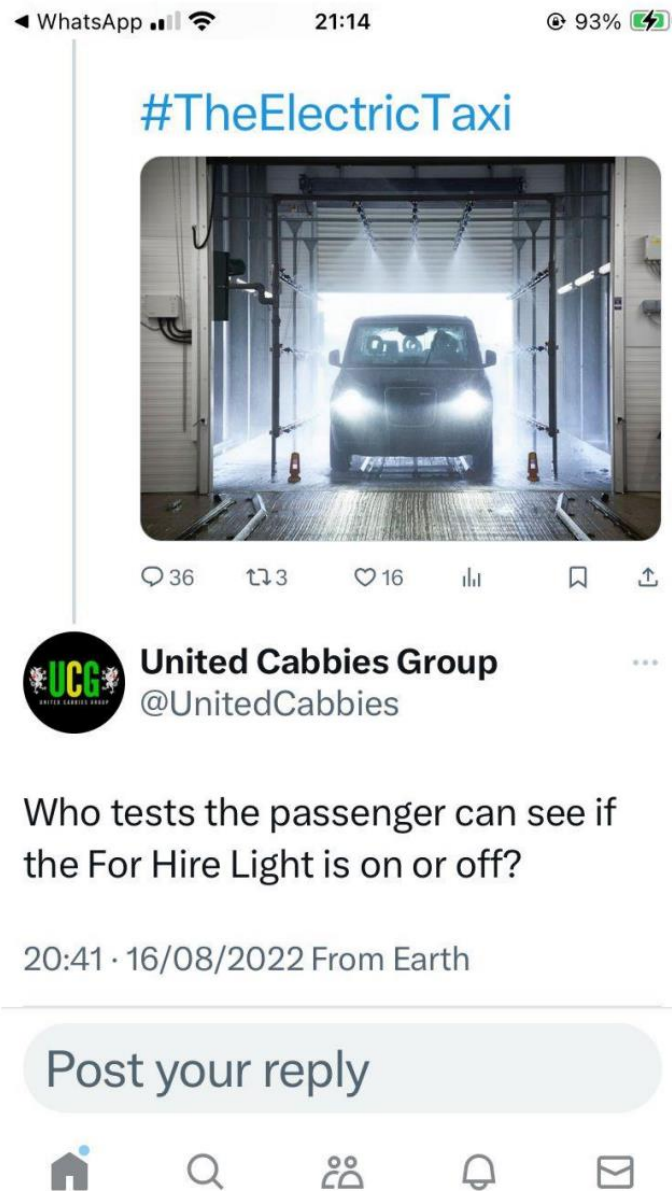
The Wolverhampton problem as it is often described is an issue; Wolverhampton City Council is 142 miles from London and around a 3-hour drive – why are drivers who clearly live in the TfL licensing area going to this licensing authority and not TfL – what do they have to hide and where are they working day in day out?

How this practice demonstrates the action of a fit and proper operator and how is this not a breach of the 1998 PHV Act for TfL to pursue is a mystery. Why is it deemed acceptable for an operator to circumnavigate a TFL topographical test and English language test which PHV licensed by TfL have kicked the can down the road for years? This is clearly at odds with what the DfT are trying to achieve with the National Standards and the TFL mantra around public safety.

Appendix 1 to United Cabbies Group evidence

LEVC – Taxi For Hire Light:

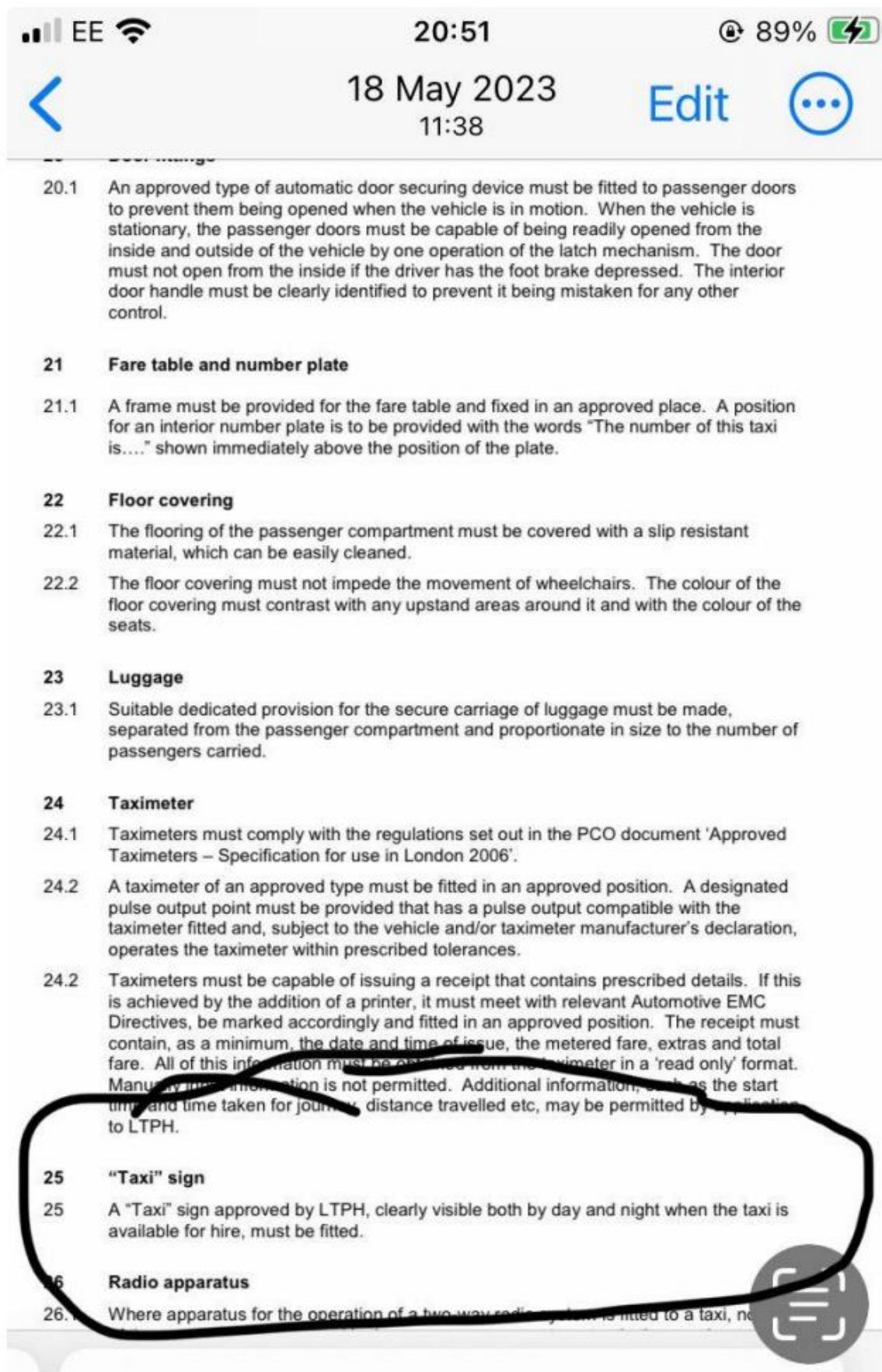
LEVC – Taxi For Hire Light:



X

X





PEAK PERFORMANCE: E1 Taxis and Ascotts announce arrival of new LEVC TX light 'peak'

Two of London's leading LEVC dealerships have announced the arrival of a new black cab roof-light 'peak' aiming to improve public visibility.

Both London approved LEVC dealerships, E1 Taxis and Ascotts, shared updates today with the industry, displaying the new visor fixed above the orange for-hire light. Separate photos taken outside the respective dealerships showed a long black visor placed to shield natural light away from the taxi light.

Feedback from drivers of the electric TX black cab, and those trying to hail the taxi, has long suggested difficulty seeing whether the roof light placed on the popular electric taxi is switched on or off. On a bright summer's day the issue is particularly prevalent with people trying to wave down taxis already in use.

Following early feedback from drivers and licensing authorities, some work was undertaken to improve the visibility of the light. According to the Coventry based taxi manufacturers, the 'TAXI' text was made bolder.

As part of the licensing approval process, a London licensed taxi is required to meet the licensing authority's [Conditions of Fitness](#).

In London this includes Condition 25 that states: 'A "Taxi" sign approved by LTPH, is clearly visible both by day and night when the taxi is available for hire, must be fitted.'

An Ascotts Group spokesperson said: "LEVC have launched a new accessory to enhance the visibility of the TX for hire light.

"The new TX roof light 'peak' is a visor which sits above the hire sign to shield light away. "Now in stock at Ascotts with fitting to start from Monday 22/05/23"

Electric taxis 'cause offence' with hire lights that confuse

By Catherine Lough

TAXI hire lights on electric cars are "rubbish" because they appear to be available for hire in bright sunlight, an industry chief has warned, with some cab drivers fearing they make them look discriminatory.

The hire lights fitted on TXE electric vehicles, which now make up more than two thirds of the black cab fleet, have been criticised for a hire light which looks like it is "on" in bright light, giving the impression that drivers are ignoring waiting customers.

Some drivers have expressed concern that passengers could think they are being deliberately ignored by drivers on the grounds of disability or race.

Steve McNamara, general secretary of the Licensed Taxi Drivers' Association, said that TXE cars were "rubbish", adding: "The hire light's the major design fault on the vehicle."

He said the light was at too low an angle, whereas on previous models the light was at 90 degrees to the front, facing forward.

"This is 45 degrees. When you've got any sunshine at all the light reflects it and people think they're for hire when they're not." He added that in the sum-

mer, potential customers would "put their hand up and then they get annoyed – you feel like you're being shunned, rejected... you take it personally, it's an affront. And, of course, it's not, they'd love to stop for you, that's what he or she does for a living".

Cab driver James Whiting said: "The problem for the driver is that people don't know whether you are for hire or not. It's not the brightness, it's more the reflectiveness of the material, so when the sun gets on to it or any bright light it looks like the light is on. People come up to the cab when there's someone in the cab – sometimes they realise someone's there, sometimes not."

"If you've got any disability groups or race issues, if someone's waving at you, like a guy in a wheelchair, they say they are being ignored."

Some cab drivers have even taken matters into their own hands, through placing stickers stating they are not for hire on their dashboards.

Alex Nan, chief executive of LEVC, the electric vehicles' manufacturer, said: "The hire light on LEVCs TX has been approved by the relevant licensing authorities, and therefore deemed fit for purpose by those who regulate it."

TfL has been contacted for comment.

I emailed you in Sept 2019 to raise concerns about the inefficiency of the TXE roof mounted TAXI light.

TfL was aware of the problem and working with LEVC for a resolution.

As we know COVID then intervened.and stopped many things and the problem remains today.

During the day the public can't distinguish whether the vehicle is Available or Hired because of the design fault.

This causes problems for the public who may think a driver is ignoring their hail also BAME potential passengers may feel they are being discriminated against which, as you will know, is not the case.

LEVC seem to adopt the position that 'The cab passed TfL's Conditions of Fitness and so the problem can't exist',

The problem certainly does exist and it's worrying that LEVC seek to deny it.

I would appreciate your help to find a resolution.

Happy to discuss via telephone call if more convenient with you.

Work is 'IN PROGRESS' to improve electric LEVC TX taxi roof-light reveals TfL

Updated: Nov 22, 2021

Work is 'in progress' to improve the LEVC TX taxi roof-light after initial assessments in 2017 found no issues with the lamp's design or performance.

Feedback from drivers and those trying to hail a black cab have suggested difficulty seeing whether the roof light placed on the popular LEVC TX electric taxi is switched on or off. On a bright summer's day the issue is particularly prevalent with people trying to wave down taxis already in use.

Following early feedback from drivers and licensing authorities, some work was undertaken to improve the visibility of the light. According to the Coventry based taxi manufacturers, the 'TAXI' text was made bolder.

As part of the licensing approval process a London licensed taxi is required to meet the licensing authorities' [Conditions of Fitness](#).

In London this includes Condition 25 that states: 'A "Taxi" sign approved by LTPH, is clearly visible both by day and night when the taxi is available for hire, must be fitted.'

LEVC have continued to listen to feedback for future taxi model designs, however according to a Freedom of Information (FOI) request, improvements could now be made sooner.

A TfL official [responded to a FOI](#) saying: "The 'Taxi' sign installed to the model TXe taxi by the London Electric Vehicle Company (LEVC) was approved by Transport for London (TfL) for use in 2017.

"TfL carried out visual inspections of the "Taxi" sign in daylight conditions in London and during daylight at the LEVC factory premises. No issues regarding the lamp were found. Night time inspections of the "taxi" sign also identified no issues.

"We are aware that there have been some complaints raised regarding the TXe model "Taxi" sign in bright sunlight. TfL has engaged with LEVC and we understand that work is in progress to make some improvements to the "Taxi" sign."

Appendix 2 to United Cabbies Group evidence

Link to document: [Taxi and Private Hire Action Plan 2016 \(tfl.gov.uk\)](https://tfl.gov.uk/taxi-and-private-hire-action-plan-2016)

Appendix 3 to United Cabbies Group evidence



Taxis – Protecting the industry and passengers

Need for statutory definition of “Plying for Hire”

BACKGROUND

1. Taxis provide a fairly priced service that complements other forms of public transport.
2. Taxi drivers’ background, character, health and advanced driving ability is professionally and independently verified.
3. Taxi cabs are subject to high accessibility standards (for wheelchair and other disabled users).
4. Taxis enable people to make connections - including to other transport modes - especially out of hours (benefiting the night-time economy) and more rural areas (eg semi-rural areas only served by infrequent buses).
5. Due to the historically high level of criminality associated with unlicensed drivers, states across the world have regulated to protect passengers.
6. This important legislation and case law, which had developed from years of experience, must be effectively enforced – it is not in London, but is in Birmingham. Regulators must be properly resourced to carry out their taxi regulating functions, if necessary by a levy on the night-time economy.
7. One notable imperfection in the legal framework is a lack of clarity and consistency over the meaning of the key term “plying for hire”. This must be given a new clear statutory definition.
8. Technology firms backed by investment capital are proliferating mobile phone “apps” that do not have sufficient in-built safeguards to prevent potentially dangerous people from posing as taxi drivers and preying on vulnerable users such as inebriated young women.

9. Plenty of other cities across the EU and globally have successfully prevented the deregulation of the taxi sector (including backdoor regulation by not prosecuting mobile phone app operators).

10. The desire of the UK government for light touch regulatory regimes and to attract foreign investment should not trump decades of painfully-acquired experience in how to most appropriately protect taxi passengers and ensure the sustainability of the sector.

TAXIS' CONTRIBUTION

Safety

The safety and reliability of every licensed taxi driver is guaranteed. Nationally all licensed taxi drivers are required to undergo extensive criminal record checks from the Disclosure and Barring service (DBS) as well as medical checks from GPs. It is also required that applicants pass the Driving Standards Agency (DSA) taxi driving assessment. In London, drivers are fully licensed and regulated by Transport for London (TfL) and the Metropolitan Police.

All vehicles must satisfy conditions of fitness set by the local authority, although nationally stipulations vary from one licensing authority to another, they remain in part focused on two main factors, that of identification and roadworthiness. London requires additional conditions of fitness including age limit, manoeuvrability and exhaust emission standards. In addition, the taxi vehicle has seatbelts for all passengers, a partition window and motion sensitive door locking system for privacy and protection, roof and floor lighting, grab handles and a strong and robust build quality making it one of the safest vehicles on the road - as such the iconic London cab is a purpose built vehicle.

Social Inclusion

According to the Law Commission, taxi and private hire services are “essential for many passengers with disabilities and residents of rural communities, and play an important social role in enhancing the public transport system and facilitating social inclusion”. The importance of the taxi industry for social inclusion is evident from its accessibility levels. An estimated 58% of all taxis in England and Wales were wheelchair accessible (either purpose built or converted) at March 2013 – around 45,000 vehicles in total. All of the 22,500 London taxis are wheelchair accessible, and outside London the more urban areas have a higher proportion of accessible taxis. In total, 176 of the authorities which responded to the Law Commission review, had a requirement for accessible vehicles in all or part of their taxi fleet. A much smaller proportion of private hire vehicles (PHV)s, which are often saloon cars, are wheelchair accessible. The Law Commission estimated this proportion to be only around 3% in 2013.

Working Environment

Taxi drivers work in a stressful and sometimes dangerous environment, dealing with aggressive road users, cyclists and pedestrians. Working in the immediate hire market means that they also face risks arising from carrying money in the taxi, entering higher risk geographical areas or trouble spots, working late at night or early in the morning where alcohol or substance use is involved with drunken passengers. Drivers face diverse situations

whereby in some instances the assistance of the emergency services are to be called upon as unlike other public transport services such as buses, taxis are not equipped with a panic button that is in direct contact with a control centre. Taxi drivers have been victims of armed robberies, involving weapons such as knives, guns, CS gas spray and syringes. It is vital that safeguards against the possible abuses of the travelling public by taxi drivers, and of taxi drivers are upheld. Also, that people driving taxis are professionals familiar with how to safely diffuse difficult situations.

Taxi contribution to the economy

Taxis provide a safe, regulated and efficient publicly hired service. They make a substantial contribution to the UK economy. According to government statistics, in August 2013 there were an estimated 78,000 taxis licensed in England and Wales with 22,500 licensed in London alone. A report by the London Chamber of Commerce in 2007 found that the London taxi industry contributed to the UK economy over £150 million on diesel & lubricants, £25 million on spares and accessories, £10 million on tyres, £12 million on insurance and £5 million on batteries, not to mention the millions spent on advertising in and on taxis. It was also estimated that UK residents nationwide spent over £2 billion annually on taxis.

The taxi industry's contribution to the economy is significant and does not receive any public subsidy and as such is entirely self-financing. The significance of this is evident when compared to other forms of public transport such as the railway industry where passengers spent £7.7bn on rail journeys in 2012-13, while at the same time the railway industry received direct rail support of £3.7bn (figures from the Office of Rail Regulation).

PLYING FOR HIRE

The Two Tier System – Taxis and private hire vehicles

In response to the Law Commission regarding the two tier system the Government responded by confirming that the defining characteristic of a Taxi is that it takes immediate hirings whereas PHVs must be booked through an operator.

TfL responded by stating: "The clear distinction between Taxis and PHVs should be retained, which includes the requirement for PHVs to be pre-booked through a licensed operator at all times, regardless of the means of communication. In London, taxis can be hailed on the street, booked in advance or hired from a designated taxi rank. Ranks are the only place where a taxi can be hired while stationary and cannot be used by PHVs. Ranks are located in places where demand is greatest including mainline railway stations, hotels, and major shopping areas. Any move to confuse the distinction between the two services would be catastrophic to the London market. If anything, there is a need in London to reinforce the distinction between the two different services. Allowing existing PHVs to ply for hire would remove the universal standard. It would render the investment taxi drivers have made in purchasing taxis and learning the Knowledge worthless. Furthermore, lower standards would in all probability result in the market becoming flooded".

The *Modus Operandi* of a London Taxicab

The London Taxi drivers' *raison d'être* is to "ply for hire", which is exercised through the Taxicab having earned the right to do so by completing the Knowledge of London process. The *modus operandi* of a London taxi plying for hire consists of either being hired via a street hail or at a cab rank. These methods are proven, simple and direct, and have been used in London for nearly 400 years. The first taxi rank was installed in the Strand in 1636 and the "Knowledge" system was started in 1884. We believe that Plying for Hire and the Knowledge are intrinsically linked - devalue one and you devalue the other.

This system has been instrumental in establishing our iconic Black Taxicab status, recognised as the Gold standard the world over, and used by others as a benchmark in the taxi industry. The ability to maintain this standard depends on a number of factors, including protecting the right to plying for hire by way of policy making and enforcement. As there is no statutory definition of the activity of plying for hire it has become the subject of a considerable amount of case law with cases stretching as far back as 1871 in relation to exploring and upholding the meaning of the term contained within the various Acts. Most recent cases include *Hunt v Morgan* 1947, *Cogley v Sherwood* 1959, *Eldridge v BAA* 1970, and *Eastbourne v Sterling* 2000, to name but a few.

Legislation containing the term 'Plying for Hire' was first introduced in the London Hackney Carriage Act 1831 under section 4: Definition of a Hackney Carriage: "And be it enacted that every carriage with two or more wheels which shall be used for the purpose of standing or plying for hire in any public street or road at any place within the distance of 5 miles of the General Post Office in the City of London". Elsewhere in England and Wales the term plying for hire can be found in The Town and Police Clauses Act 1847.

Following the taxicab crisis in 1961 the opinion given at a meeting with the Home office in 1962 was that... *"Plying for hire involved three elements, exhibition, soliciting and availability and that the difficulty of proving that an unlicensed vehicle was operating illegally could be eliminated completely by legislative amendment of the law relating to plying for hire by abolishing the element of solicitation from the necessary ingredients of the offence"*.

The Criminal Justice and Public Order Act 1994 s197 created a separate offence of "touting for hire" making it illegal to solicit prospective passengers.

The latest stage of reform being the London Private Hire Vehicles Act 1998 which had its basis formed by the 1970 Maxwell Stamp Report that stated the following:

In return for the exclusive right to "ply for hire", London taxis are subject to a special licensing system in respect of both the vehicle and the driver that does not apply to the ordinary motorist or to the private hire trade. Also taxi drivers must comply with certain statutory restrictions as to where and how they may drive or park their vehicles in the streets, over and above those which apply to the ordinary motorist and the private hire trade.

These statutory restrictions were all originally related in one way or another to the entitlement to ply for hire, being, for the most part, safeguards against the possible abuses of the travelling public by taxi drivers, and of taxi drivers by their passengers, that are inherent in a situation where it is reckoned that any member of the public, however defenceless, should be able to pick any one of a large fleet of identical vehicles in the street to take him/her to the destination of his/her choice, without being harmed, lost or cheated in the process.

The reason for the distinction between the two types of vehicle is that taxis are allowed to ply for hire and private hire cars are not, and it has always been held that a degree of control is necessary in the interests of the travelling public when a vehicle can be hailed in the street, which does not hold for vehicles that have to be ordered in advance.

One further comment on plying for hire in the context of the definition of a hackney carriage is that it is the vehicle itself which is described as plying for hire. Although the situation of the vehicle must depend on human agency, for the purpose of the definition the character of that agency is irrelevant.

The uncertainty surrounding this definition has prevented any agreement on the line to be drawn between fair and unfair competition, and continuing friction between the licensed trade and some private hire car firms has been the result.

Excerpts from RESEARCH PAPER 98/14 20 JANUARY 1998
Private Hire Vehicles (London) Bill 1997/98 Bill 10

The trade is continually evolving and technological change has had marked effects. For example, the increasing use of radio booking systems and the *growing use of portable telephones may lead to the erosion of the hailing of cabs in the street.*

Minicabs must be pre-booked: it is illegal for them to ply for hire. *'Plying for hire' means that the vehicle is available for immediate hiring.*

In granting a taxi driver's license the district council is required to satisfy itself that the applicant is a "fit and proper" person. *This expression is not defined in statute* and its interpretation is for each council to decide.

Sir George Young and the government have both made clear they have no intention of changing the position on plying for hire. In London, as elsewhere, that will remain the exclusive right of the taxi trade; it will continue to be illegal for minicabs, or any other vehicles, to ply for hire. Nor will the position on fares be changed. Minicab fares will continue to be a matter of agreement between the passenger and the operator, and can be fixed at the start of the journey, irrespective of the route taken; taxi fares will, as at present, be on a set published scale, charged according to the meter.

The legislation does not specify the regulatory system in detail: it leaves considerable discretion to the regulatory authority to decide on the details of the system.

THREATS TO THE TRADE

Despite the significant contribution to the economy, the enhancement of social inclusion, difficult working conditions and the provision of a self-funded, safe, efficient, public service the taxi trade has come under sustained attack by the current Government. This attack has been threefold, through the Deregulation Bill, the Law Commission review and the tacit approval given to mobile applications such as Über.

Deregulation Bill

At the last minute, the Department for Transport (DfT) added three amendments to the current Deregulation Bill, representing serious dangers to the Taxi & Private Hire Vehicle trade, with no meaningful or adequate consultation with stakeholders having ever taken place.

Clause 10

Allowing anyone with an ordinary driver's license to drive a private hire vehicle (PHV) when it is "off-duty".

Clause 11

Making the standard duration for all taxi and PHV driver licenses three years and five years for all PHV operator licenses.

Clause 12

Allowing private hire operators to sub-contract bookings to operators licensed in a different district.

Such measures would greatly undermine safety and confidence for the travelling public and significantly damage the reputation and livelihoods of both the Taxi and Private Hire Vehicle industries, in particular clause 10 which the government has now withdrawn in the interest of public safety. However we believe the current situation in London is counter to this initiative and should be amended so that PHVs can only be driven by licensed drivers.

Plying for Hire technology and Smartphone Apps

Plying for hire is the very essence of what taxis do and have been doing so since their inception. It has stood the test of time despite the advances in technology which has facilitated the huge growth in PHVs. (In over ten years we have seen an almost doubling of number of PHVs in London alone). The first stage was the landline telephone combined with the two-way radio, next came the mobile telephone followed shortly after by the internet which has evolved today into Smartphone Apps. This latest development has created a situation, blurring the lines between taxis and PHVs regarding their methods of working, as Smartphone bookings combined with satellite offices essentially emulate the remaining elements of exhibition and availability stated by the Home Office in 1962 in relation to plying for hire.

The latest and most prevalent case is that of San Francisco based software company Uber, attempting to casualise and weaken the professional and safe licensed taxi trade. In London the two tier system of regulation between taxis and PHVs which has delivered safe, reliable and efficient services for Londoners is being flagrantly disregarded.

This was compounded in the current Law Commission report into Taxi & Private Hire Services. Despite initially indicating that they would recommend defining “plying for hire”,⁹ the report favours a more clear distinction of ‘Pre-booking’. Under section titled Plying for Hire, article 3.18 suggests instead of defining the action a new law of ‘there and then’ booking should be applied. However this would still require test purchasing to prove an individual guilty of an offence, but more importantly existing valuable case law would be repealed to the detriment of plying for hire.

In its interim statement, the report stated that technology should NOT form part of plying for hire. However, in light of the recent developments with Smartphone technology where PHVs can in effect be instantly booked, the above evidence will place the law in favour of such operations as long as the loosely defined criteria are met.

TfL stated in their Law Commission response: “The technological modes of engaging private hire services requires further investigation by the Law Commission so as to ensure this does not encourage plying for hire or ranking by PHVs in the hope of securing an immediate hiring”. When recently asked for clarification on this, TfL reiterated the above, however they went on to say there is no reference in the 1998 PHV Act or associated operator regulations as to how far in advance private hire bookings must be recorded by licensed operators before the journey is undertaken. Yet in spite of these comments we have seen the introduction of satellite offices, where one can clearly observe private hire vehicles forming ranks waiting to be pre-booked. It is obvious that taxi drivers’ right to ply for hire is being infringed by such practice, and now their right to be hailed in the street would appear to be being emulated too.

E-hailing

With the advent of Smartphone apps entering the market, the term e-hail has evolved in particular with the arrival of Zingo and then Hailo, which was until recently, an exclusive Black Cab app. As the description e-hail was coined for apps dedicated for the sole use of the London Taxi trade, no one objected to the use of the term in this way. However, the term e-hail now appears to be spoken of when referring to PHV hirings. This is wrong and it should not be used in this context. Hailing is the exclusive right of the licensed taxi and the method of hailing is irrelevant. If a vehicle is hailed in real time with the use of a device showing available vehicles on a map, that is tantamount to plying for hire. The issue regarding such methods along with the immediacy of a hiring, must be addressed, so as to ensure taxi drivers’ rights are not infringed.

In 2009 a survey and report was prepared for TfL by GfK Consumer Services. Taxi drivers were asked to identify for each trip the type of pick-up that it was. Interestingly, over two thirds of Yellow Badge (Suburban London only) drivers’ journeys are from ranks (70%), with

almost a tenth each then coming from their radio circuit (9%), or from being hailed down (7%).

Green Badge (All London) holders, on the other hand, rely far more on being hailed down (57%) with less than a third of their fares being picked up at ranks (30%) and – similar to Yellow badge holders - less than a tenth of their fares being picked up from the radio circuit they are a member of (8%).

The report demonstrates, as previous reports have, that in central London the hailing market for taxis is dominant, followed by rank hirings and lastly technological bookings.

Plying for Hire is the exclusive right of the London Taxi as confirmed above by both the Government and TfL. It centres around two distinct practices, that of waiting to be hired on 10 a rank or stopping in response to a hail in the street (which also includes private property), both of which are immediate in their nature. What is the point in stating only London Taxis can be hailed in the street and take immediate hirings, if PHVs can imitate this practice using technology. Surely the rules applicable to the real world must be reflected and adhered to in that of the virtual one.

The dictionary definition of hail is: (verb) Call out to someone to attract attention. Example: Signal an approaching taxi to stop, “she raised her hand to hail a taxi”.

The dictionary defines immediacy as: The quality of bringing one into direct and instant involvement with something.

SOLUTION

LCDC, LTDA, RMT and Unite believes that a robust definition of plying for hire in statute is long overdue, and that the ability to maintain and sustain a two tier system, where the London taxi trade is of a gold standard depends on this. The “Knowledge of London” and the right to ply for hire are intrinsically linked. Why complete the Knowledge to gain a hard earned privilege that is not defined or protected in law?

We believe that this definition must:

- a. confirm the distinction between the working practices of the licensed taxi and private hire trades;
- b. remove confusion between the two types of vehicle by ensuring they are distinct and easily identifiable;
- c. clearly define the boundary between legislation and local licensing policy;
- d. simplify enforcement of the new regulations; and
- e. confirm that only licensed taxis can ply-for-hire.

Additionally any such definition should be accompanied in law by clarifications relating to the various issues previously experienced such as:

- i. inviting and attracting customers for immediate hire while driving around;
- ii. the use of taxi ranks to pick up customers;

- iii. stopping on a street to attract customers;
- iv. the display of a vehicle for hire; and
- v. use of technology whatever its form (eg e-hailing vs e-booking).

Plying for hire allows a taxi to be publicly hired. The Hindley Report (1939) stated:

“An essential feature of a scheme of control for private hire vehicles would be to ensure that the vehicles do not infringe on the cabs privilege of plying for hire...Accordingly we recommend that, whether or not legislation for the control of private hire vehicles is introduced there should be legislation to define the term plying for hire used in Acts relating to the control of hackney carriages”

If there is conflict between statute and common law, it is the Act of Parliament which will prevail and must be followed by the courts. Policy and enforcement must reflect this.

London Cab Drivers Association
Licensed Taxi Drivers Association
Rail, Maritime and Transport Workers Union
Unite the Union
June 2015

FLOW CHART

In order for a fair, fit for purpose two tier system in the interest of the public to operate and be maintained this is fundamental:

