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Our Ref: TSCRAJM
Date: 21 October 2008

Tim Steer, GLA Transport Committee Secretariat
BY EMAIL

Dear Tim

Tackling Taxi Touting in London, March 2008

I am writing in response to the recommendations contained within this report, which we have considered.

Since the scrutiny, TfL has committed to a number of initiatives to further reduce touting, and it may be useful to summarise these:

- The Mayor, through TfL, has committed to doubling the strength of dedicated cab enforcement officers - an additional 34 police officers. Twenty seven of the 34 officers will be used to bolster the size of the Metropolitan Police Transport Operational Command Unit (TOCU) and the remaining seven officers will be allocated to the City of London Police (CoLP) to build on their very effective and proactive cab enforcement activities. The additional officers will provide greater coverage for anti-touting activities across London. The additional officers will maximise the high visibility deterrence and problem-solving activities of the TOCU Cab Enforcement Unit and CoLP, and will be deployed in the late evenings around London. The additional resources will allow the use of a broader menu of tactical options to identify and deter sexual predators, illegal operators and taxi touts.
- TfL has introduced tougher penalties for any licensed driver convicted of taxi touting, to send out a clear message that this will not be tolerated. From 1 August 2008, licensed drivers convicted of taxi touting will lose their licence for a minimum of one year. Their fitness to hold a

licence will be re-assessed by TfL's Public Carriage Office if and when they reapply.

- TfL is also building on the success of the Safer Travel at Night campaign. The new campaign will raise public awareness about the dangers of using illegal cabs and reemphasise the safety message to all women travelling in London at night. The campaign so far has been very successful in reducing the number of cab-related sexual offences and reducing the demand for illegal cabs. Cab-related sexual offences have fallen significantly – a 44% reduction in the number of reported offences between 2002 and 2007. Female usage of illegal cabs has fallen from 19% in 2003 to 3% in 2008.

Taking each of reports recommendations in turn:

The Public Carriage Office, in partnership with TOCU, should reduce opportunities for touts and provide people with safe options for getting home by establishing additional marshalled private hire and taxi schemes, and encourage late night venues and operators to set up satellite offices in touting hotspot areas. Progress on setting up new marshalled ranks should be reported back to the Committee by October 2008.

TfL is aware of the benefits of establishing locations where passengers can catch taxis or private hire vehicles securely.

The TfL Act 2008 has facilitated the establishment of satellite private hire offices in late night venues. This will be achieved by reducing the need for Private Hire operators to keep extensive staff and vehicle records at every location from which Private Hire vehicles may operate. Section 25 of the TfL Act has amended Section 4(3)(d) of the 1998 Act, so that staff and vehicle records are only required to be kept at one specified operating centre. There will be a requirement on the operator however to advise the licensing authority and also display a notice stating the address of where those records are kept. TfL intends to implement s25 of the 2008 Act by July 2009.

TfL and the Metropolitan Police Service have completed a contractual five year review of the TOCU, which included a review of TOCU's cab enforcement activities. One of the recommendations from the review was that the TOCU Cab Unit should provide greater support to TfL's initiatives to promote legitimate forms of travel by licensed taxis and Private hire vehicles. It was recommended that the Unit should have greater involvement in (or provide guidance on) setting up marshalled taxi ranks and PHV pick up points and provide regular uniformed presence at these locations. This recommendation will build on the work the Cab Unit already undertakes to reduce opportunities for taxi touting. As an example, the TOCU was involved in the introduction of satellite Private Hire vehicle booking desks outside clubs in Kingston to make it easier for people to book licensed minicabs.

Applicants for private hire driver licences should be required to provide evidence to the Public Carriage Office of which operator they are or will be

employed by. This change to the application process should be enacted by October 2008.

The Public Carriage Office should create a database of licensed drivers and the previous and current operators they work for, which can be shared with the police. The database should be in place within a year and progress reported back to the Committee in six months time.

TfL recognises that progress in this area forms an important part of the overall cab enforcement strategy for London. TfL is currently progressing a number of initiatives that will help fulfil this recommendation. However, such a change can not be implemented quickly as it is likely to require a change to legislation to make the provision of this information a requirement of the licensing process. In support of this the PCO is undertaking substantial system developments as part of a major e-business programme due to be completed early in 2010. In the interim there are other measures which can address some of the challenges in this area.

The PCO is modernising its licensing systems within the next year to eighteen months, and the new systems should allow some degree of driver – operator link. In addition, the PCO is in discussions with the DVLA about improving the links between the two organisations and is in the process of implementing a number of technological improvements to the licensing systems, all of which will assist in meeting this recommendation.

TOCU and the Public Carriage Office should increase their enforcement activity focus on small operators using their licences as a front for touting and ensure that premises are closed down and licences revoked where touting is occurring. This should be prioritised as part of the five year review and an update on the number and type of enforcement activities carried out by TOCU and the PCO should be reported back to the Committee in October 2008.

TfL continues to work closely with the TOCU Cab Unit to ensure compliance with laws relating to taxis and private hire vehicles. This work involves regular visits to operators to ensure that they are licensed and are complying with relevant regulations.

There is no evidence to suggest that there is a wide scale issue with licensed operators using unlicensed drivers. Operators who are found to be operating illegally will be dealt with appropriately by the PCO and the Police. The PCO and the TOCU Cab Enforcement Unit undertake strategic enforcement operations based on intelligence received. If information is received that indicates that small operators are complicit in touting then they will be targeted appropriately. The cab enforcement work stream of the TOCU five year review recommended that the TOCU Cab Unit build on this work to tackle the issue on a larger scale. The TOCU is seeking legal advice on what enforcement powers it has in relation to illegal operators and in partnership with TfL, is developing tactics to deal with any illegal operators and the drivers employed by them.

The TOCU Cab Enforcement Unit has visited over 100 minicab offices since 1 April 2008.

The TOCU Cab Unit should set up an email address, phone number and text service so private hire and taxi drivers can report touting quickly and easily. This should be enacted within a year and progress reported back to the Committee by October 2008.

TfL supports the Committee's proposal for capturing credible information in a timely manner. There are already processes in place for licensed drivers and other members of the public to report touting issues, however, TfL acknowledges that these channels need to be better publicised and is taking steps to do so. Issues can currently be reported to the PCO through a telephone service (020 7126 3801) or via the TfL website. Of course, taxi drivers should also report incidents directly to the local police if an immediate response is required. Intelligence is recorded and mapped on TfL's intelligence and reporting system and is shared with the police.

Building on this, TfL and the TOCU Cabs Unit are in the process of finalising arrangements for improved intelligence sharing processes to capture intelligence from partners and the taxi and PHV trades. As part of this regular meetings with partners and the PCO are being introduced to facilitate intelligence sharing which will help to identify priority areas and respond to them more effectively.

Furthermore, a steering group within TfL has been established to look at options for reporting of crime and anti-social behaviour incidents/issues affecting the network. A number of options will be considered and piloted. A three month pilot involving the new TOCU reassurance Teams will run in Lewisham, Lambeth, Southwark which will use a landline number, a text number and an email address with which members of the public can contact the teams to report issues. This pilot will be build on existing processes used by TfL and the MPS and will be evaluated before it is adopted on a wider scale.

The Public Carriage Office should adopt a policy of revoking driver licences after three convictions for touting. This should be in place by October 2008.

TfL fully supports this proposal and has gone further by implementing the Mayor's policy of revoking licences from licensed drivers after one touting conviction. As explained above, from 1 August 2008 any licensed taxi driver convicted of touting will lose their licence for a minimum of one year. Their fitness to hold a licence will be re-assessed by TfL's Public Carriage Office if and when they reapply. TfL also considers an Operator's fitness to remain licensed if significant numbers of their drivers are found touting.

The TOCU made 120 arrests for taxi touting between 1st August and 30th September 2008. Twenty seven of the arrests were licensed PHV drivers and to date 18 of them have been convicted and referrals sent to the PCO. As a result, 11 licences have so far been revoked.

Your report also contained a number of other suggestions that we have considered.

Investigate concerns from the taxi trade that Criminal Record Bureau checks take too long, and raise these concerns if necessary with the Home Office (from section 3.11)

The PCO has initiated contact with the Home Office to discuss these concerns. Based on figures for 2007, TfL has found that the average turn around time for an enhanced Criminal Records Bureau check is around five weeks, with the majority being completed in less than four weeks. TfL is working closely with the Criminal Record Bureau to develop an electronic link for exchange of information that would further reduce turn around times and simplify the application procedure.

Consider whether enforcement and compliance staff at PCO should be increased to support TOCU (from section 3.13)

As outlined above, TfL is doubling the strength of dedicated cab enforcement officers - an additional 34 police officers. The additional officers will provide greater coverage for anti-touting activities across London to tackle cab-related sexual offences, illegal operators and taxi touts. The rollout of officers will be complete by the end of the financial year.

TfL's PCO compliance staff maybe increased as a consequence of a change in policy with regard to mid-year safety inspections for taxis. Any proposals to increase the number of compliance staff will take into account the expansion of TOCU and the need to provide PCO support.

Test whether the average fine for touting is now higher following discussions with the Home Office (from section 3.18)

The TOCU is tracking a sample of touting arrests through the courts to determine the average penalty for taxi touting. It is important to note that drivers convicted of taxi touting are also convicted of driving without valid insurance. The courts impose a range of penalties for this offence including a fine, conditional discharge, no separate penalty, imprisonment, a driving test re-sit, disqualification or penalty points. Many of the convictions recorded for the offence of no insurance reflect a variety of the penalties listed.

The TOCU Cab Enforcement Unit made approximately 250 arrests for taxi touting between 1 April 2008 and 31 August 2008. Of the 248 arrests, 204 (82%) have resulted in a conviction to date. Early indications from the analysis of available court results show that the average fine for touting is now lower than what it was when this sampling exercise was undertaken in 2004 which is disappointing. The average financial penalty for the taxi touting conviction was £135 (fines ranges from £35 to £600). The average financial penalty for both taxi touting and having no insurance was approximately £260 but the majority

also had their licences endorsed or were disqualified from driving for a period of time. A small number were also given conditional discharges.

TfL and the TOCU will continue to monitor the court results closely and if the penalties are considered to be too low we will take the necessary action to try and redress this.

Draw up clear guidelines to deter licensed drivers from toutting (from section 3.19)

TfL PCO has written to all drivers on the 'one strike' policy and will make sure all applicants and new licensees are provided with the same information. Furthermore, guidance to assist PHV drivers in knowing what they can and cannot do was issued in PCO Notice 47/06 and the PCO plans to issue a similar Notice for PHV operators.

I hope this is useful but if you have any other questions please do let me know,

Yours sincerely

Andrew Miles
Scrutiny Activity Manager