

# The LPHCA's formal response to the second TfL Private Hire Vehicles consultation

Licensed Private Hire Car Association  
Inc London Private Hire Car Association & The Graded Private Hire Companies

Ed Thompson  
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14th July 2003

Dear Ed,

## RE: PRIVATE HIRE VEHICLE LICENSING SECOND CONSULTATION

Following our members meeting held on 9th July at the National Union of Teachers in Saint Pancras, I am pleased to forward a response to the second vehicle consultation exercise on behalf of the **Licensed Private Hire Car Association**.

The first vehicle consultation allowed us to make representations which were listened to and where possible acted upon to bring forward a good quality second consultation document. This enables us as a Trade Association to say that we are broadly happy with the improved proposals set out in the second consultation.

The first consultation process however has left us with two main areas that did not draw complete conclusions or facilitate outcomes: -

- 1) **MOT, Inspection and Issue of Vehicle License.**
- 2) **Appropriate signage.**

We would therefore like to submit our thinking on these two matters in detail and make a few minor comments on other areas. Mindful that timing is a constraint, we would very much appreciate sight of the final draft regulations so that our lawyers can spot any potential unforeseen problems from an industry perspective.

### MOT, Inspection and Issue of Vehicle Licence.

Having learned very recently, and quite late during the second vehicle consultation, that the provision for Vehicle Licensing Issue and Inspection Services has already been awarded (having been outsourced by competitive tender) leaves **The LPHCA** with the fear that invited comments on how this should be provided could actually be redundant, which would be very worrying.

Whilst cost is a major consideration, it is clearly not the only consideration and we have been consistent in saying we need plenty of Licensing Facilities for the **2,000 plus Operators** and the **44,000 plus pre-registered Driver's vehicles**. You will be aware that our industry is *not predominantly based in Central London like the much smaller black cab industry*, with just a handful of centrally based radio operators.

It is of great concern to our members that there may only be 4 testing centres for the whole of the London Metropolitan Area that is covered by this Licensing process. Just as important as the number of, is the location of testing centres.

We also understand that the 3 testing stations that have been identified **are all South of the River Thames or M4 corridor**. One in South West London, one in South East London and another in the South of London.

This means, if there is only one further Centre, that it would need to service the lion's share of companies North of the M4 and the Thames. North London drivers and Operators would face the prospect of crossing the River Thames or the busy M4 Heathrow corridor to use any of these centres.

Wherever a fourth station is located on the northern side of London most North London drivers will be faced with a long round trip which is really unacceptable, discriminatory and a factor that could seriously further impact on driver recruitment and driver retention in many areas.

TfL needs to look very seriously at the logistical problems this will create for the many operators and drivers who are placed a long way from proposed licensing facilities.

***In the first consultation TfL said: -***

***It is expected that the vehicle examination and licensing will be carried out at designated licensing outstations that will be located around London.***

***In the first consultation we replied: -***

***The more the better***

**If the policy of 4 testing stations is carried forward we believe TfL will have failed in its duty to listen to the industry's reasonable demands for a realistic number of testing centres by entering into a commercial contract prior to completion of consultation.**

As witnessed by **The PCO team** at our meeting there was an audible groan from members when the number of licensing stations was announced. Furthermore when the potential locations of the outstations was pointed out, the members located on top of facilities were relieved, the majority however were clearly upset and worried.

Disbelief was reflected directly after the meeting and we have subsequently received angry feedback from extremely unhappy members who are worried how their businesses will be affected.

**The LPHCA** feels that we have no other option but to seek urgent, considerable dialogue with TfL on the number and location of Licensing Stations, perhaps in conjunction with **The Private Hire Board**. If proposed centres are located in South East, South West and South London that may be fine for those near the centres. In our opinion TfL will need the same provision in North, North West and North East London, plus centres that serve Central London.

It is our judgement that the proposed Feltham Centre may get grid locked because of its nearness to Heathrow Airport. Has TfL considered the impact on Feltham when **The Mayor's** long-term objective of a congestion charge zone around Heathrow is implemented and the new fifth terminal is constructed!

There are **32 London Boroughs** and there should be at least **1 testing centre per 4 boroughs (8 in total) as a very minimum**. I'm sure **The Mayor** wouldn't want to create potentially **50,000** plus long and unnecessary journeys across London per year for **Private Hire Vehicles**.

You will be aware that during the meeting we also covered in great detail the subject of **inspections, license issue and MOT testing**. In particular we referred to **page 40 (Annexe A Section B)** that outlined many of the dilemmas facing the regulator.

After considerable discussion with **members, our political advisors, lawyers, Eddie Townson and Other Members of The Private Hire Board**, we believe that this issue has become far too complex and could be simplified in Line with the requirements of **The Act** as set out in: -

**1.2.3** - The first consultation process generated a large number of constructive, well-informed responses. In considering the range of



MAP SHOWING POTENTIAL LICENSING STATIONS

issues submitted by respondents and in order to formulate the final proposals detailed below, TfL was mindful of the overall scope of regulation and the need to balance the following wider considerations:

**The intentions of Parliament when passing legislation**

*(To achieve the objective of improving standards of safety; not viewing the licensing of vehicles in isolation from the licensing of operators and drivers; and not reducing the level of private hire provision in London)*

**The impact of regulation upon London's private hire trade**

*(To ensure that regulatory standards provided for the widest range of vehicles to become licensed, commensurate with the requirements of legislation; and ensuring reasonable provisions for existing vehicles to become licensed during the transitional phase)*

**The ability of the PCO to implement licensing successfully**

*(To ensure that licensing would be introduced in a reasonable time frame with the standards applied fairly).*

**Furthermore the Consultation says: -**

**1.2.5** In light of the points raised in 1.2.3 above the proposed regulatory and administrative framework described aims to **put in place a system which will require vehicles to meet the minimum standards of safety required by the Act from the date of commencement, leading to the introduction of improved standards over time.**

It is our considered opinion that there is a solution available to the difficulties set out on **page 40 (Annexe A Section B)** that would improve vehicle safety, meet TfL's thinking as set out above and meet the requirements of **The Act** and most importantly the intentions of **Parliament**. Better still this proposal could potentially reduce rather than increase regulatory impact and costs.

**The Proposal: -**

Accepting that it would take regulatory changes for **MOT** provision to be undertaken at the new **PCO Outstations**, the proposed requirement of a second **MOT** could be removed and replaced with a requirement to have a second mechanical inspection at the same time as the visual inspection and issue of licence. **NOTE \*\* London Black Cabs only have one mechanical test per annum.**

The removed cost of the second **MOT** would more than cover the cost of providing such a facility at the visual inspection / issue of licence visit.

The **non-MOT** mechanical inspection requirement could start for brand new vehicles 12 months from registration or the issue of the first Licence Plate, whichever was the shorter. The first additional **MOT** requirement would therefore be needed when the vehicle is **18 months** old, further **MOT's** would be at **12 monthly** intervals thereafter.

Vehicles over 36 months old presented for licensing could undertake a **PCO Outstation** mechanical inspection at the same time as the licensing plates are issued. They would then be required to get a **MOT test certificate** 6 months after the plates were issued and thereafter every 12 months.

**This proposal: -**

- Reduces the cost of testing (2 MOT costs)
- Negates the need to have 3 appointments (2 MOT – 1 Licensing)
- Reduces the time lost to the driver
- Reduces the driver time lost to the operator
- Reduces the number of journeys the driver would need to make

Deals with - **The PCO would like to achieve a solution whereby all licensed vehicles (over twelve months old) will be subject to a mechanical inspection at six monthly intervals, one of which is carried out as near as possible to the annual licensing inspection.**

**Removes problems: -**

- Many respondents considered two **MOTs** a year to be excessive
- Many respondents were concerned about the synchronisation of the licensing inspection and the **MOT**.
- That the **MOT** should be issued not more than 28 days before the licensing inspection.

A combination of **MOT** and **PCO** Inspection meets all the requirements of **the Act** and is in line with **1.2.5**

**Signage**

The **LPHCA** is aware of the difficulties and emotions that the subject of signage on **Private Hire Vehicles** raises. However we have been consistent with our views that **Private Hire Vehicles** must have signage that balances the need for a vehicle to be recognised by **The Regulator, The Police** and **The Travelling Public**, whilst considering the safety and well being of **The Driver**.

Your second consultation paper highlights the difficulties of getting things right and correctly mentions that when **PHVs** are licensed in London they must be suitably identified to enable potential future use of the bus lanes. **(As has happened to the benefit of the travelling public elsewhere in the U.K.)**

**5.11.2** Customer research indicates that the ability to identify a vehicle as being licensed is one of the aspects of greatest importance to the public.

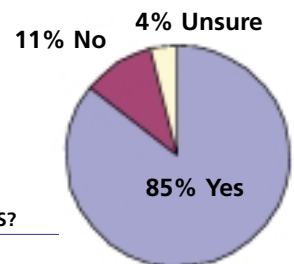
**Displaying signage on a private hire vehicle showing details of the operator who has provided the vehicle is also seen by the public as being important to assist them in identifying the vehicle they have booked.**

As discussed at our meeting last week, in anticipation of a full signage debate we surveyed our members last December and gained responses from over 100 operators – here are the questions and conclusions.

**SIGNAGE SURVEY (December 2002)**

**Do you agree with our existing policy on signage? Screen disks / Mogo plates?**

**ARE YOU HAPPY WITH OUR CURRENT SIGNAGE POLICY MOGO DISKS & PLATES?**



**SIGNAGE SURVEY - Assessment**

Only chauffeur companies objected to 'Disks and Plates' – however they may apply for exemption.

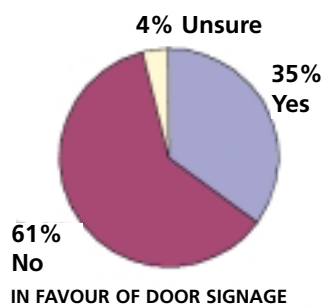
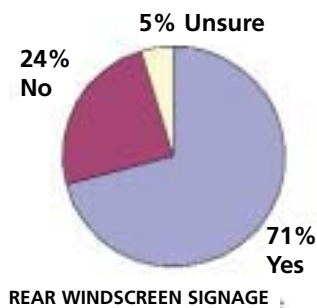
At our meeting it was agreed that chauffeur members would contact TfL independently by means of the Chauffeur Association Chairman Bill Edwards.

This means that 99% of non-chauffeur operators were in favour of 'Mogo' style Plates and Screen Disks for the standard, rather than chauffeur provision of Private Hire Vehicles.

**Should London PHV's be allowed Company Name signage on rear windscreens?**

**SIGNAGE SURVEY - Assessment**

Clearly there is the desire to have rear windscreen signage, once again it was the chauffeur and executive companies who were predominantly against rear windscreen signage.



## Should London PHV's be allowed Company Name signage on doors?

### SIGNAGE SURVEY - Assessment

Clearly the majority of companies don't want any form of door signage.

This view was endorsed at our meeting on July 9th when 99% voted against door signage.

For the sake of those who were unable to attend our meeting of over 200 Operators or their representatives the following was pointed out: -

False door signage had lured a young girl into a tout's car in Oxford Street and she was subjected to a horrific rape.

Door signage has caused attacks on drivers, passengers forcing their way into Private Hire vehicles and the picking up of the wrong passengers leaving the right passengers stranded.

Door signage has caused operators to lose control of their drivers outside London due to drivers being seconded by the public on the streets.

Door signage had caused Illegal Plying for Hire by some Licensed Drivers outside London.

Many Licensing Authorities outside London have phased out door signage.

Outside London most Licensing Authorities have opted for high security 'Mogo' style number plate attached signage and a front screen disk, with more and more authorities moving to 'Mogo' style front and back licensing plates. We do not know of any Licensing Authority that uses rear screen disks.

The following advantages of Number Plate / Screen Disk Signage was pointed out to members: -

Easily recognisable by The Travelling Public

The potential elimination of touts

Easily recognisable for the Police and the regulator

Retention of control of drivers

Driver safety

A critical and necessary requirement for future use of the bus lanes and faster journey times

A message to Londoners that Private Hire is safe, legal and here to stay

After hearing this, a vote was taken on door signage and only 2 companies voted for it to be put on **London Private Hire Vehicles**, over 98% of members present therefore **voted against door signage**.

The following proposal was put to the floor by myself as LPHCA chairman and unanimously accepted: -

**That LPHCA POLICY on signage is updated to: -**

**High Security level tamper proof Mogo Type Plates Front & Back Front - Night Glowing Screen Disk**

**Exemptions for Chauffeurs and Private Hire Vehicles who need anonymity for the needs of their businesses**

**Permitted rear windscreen signage**

A concern about cost was raised by **Alan Matthews** from **The PCO** about 2 plates and a screen disk but subsequent **LPHCA** research has shown that this would be a fairly insignificant amount of the vehicle Licensing cost, which in our view would be an acceptable price to pay for safe and sensible identification.

Alan was also worried about software costs, which we have established is provided free by the main supplier of such plates.

It was also confirmed that '**Mogo**' style plates were legal and usable in London. An additional point to mention is that rear screen disks are apparently not used elsewhere in the U.K as they could be easily tampered with or removed by passengers.

A further endorsement for **The LPHCA's** adopted policy on signage has been received from **The Suzy Lamplugh Trust** following our meeting.

Dear Steve,

It was very good to meet you last night and I was so impressed by the work you have obviously done over the years to reach this stage.

On the signage issue, it is excellent that you were given a mandate to go back to TfL about the mogo plates and disk, which seemed to me to be the best solution.

It will provide standardised identification, which will make things so much easier for customers and, together with no advertising, logos, etc., on doors, will lead to far less confusion.

We wish you all the best with the continuing campaign and particularly look forward to hearing more about the inspection centres and how they will operate.

Best wishes

Gill Hardman (Special Projects Co-ordinator) – The Suzy Lamplugh Trust

**The LPHCA** believes the licensing plate and screen disk signage that we have proposed meets everyone's best interests and this letter from the **Suzy Lamplugh Trust** endorses what we advocate as both necessary and appropriate.

**The LPHCA** is aware that certain elements of **The Black Cab Industry** have recently been blockading London in protest about potential signage on **Private Hire Vehicles**. We sincerely hope **The Mayor's Office** and TfL will hold their nerve and resist any '**Bully Boy**' tactics.

**It would be quite wrong** to compromise on the future safety of Londoners by not providing appropriate, sensible signage on **Private Hire Vehicles**.

### Doors and windows

**12.- (3)** The vehicle must be so designed that passengers have free access to any device designed to release the door locks or open the windows of the vehicle adjacent to them.

**Whatever was really intended here needs to be correctly worded by TfL lawyers!**

### Age of vehicle

**13.- (1)** the date on which the vehicle was first used must fall-  
(a) if the vehicle is fuelled by liquefied petroleum gas, within the period of 15 years ending with the day on which the licence is issued; or – in any other case, within the period of 12 years ending on that date.

Age restrictions were discussed at length during the passage of The Act and rejected as an unnecessary restriction that would cause much bureaucracy for Private Hire Operators who had vintage vehicles in their fleets.

It is quite wrong in our opinion to put arbitrary age limits on Private Hire Vehicles as all PHV's can be subjected to up to 3 mechanical tests per annum. The mechanical and physical condition of a vehicle was considered to be far more important that age during the passage of The Act.

## Display of signs etc

8.- (1) No advertising material or signs shall be displayed on the vehicle other than signs which comply with the requirements of paragraph (2).

(2) The signs which may be displayed on a vehicle in accordance with this condition are-

- (a) badges or emblems on the radiator or windscreen issued by an organisation-
- (i) providing vehicle repair or recovery services; or
- (ii) concerned with driving skills and qualifications;

The LPHCA believes that this is too restrictive. Once vehicle licensing is in place the **Private Hire Industry** in London will be **fully regulated**. In light of this we feel regulations should permit other signs, such as **Trade Association Membership** to be allowed.

The LPHCA had hoped our **Safe in our Hands logo** could for example be displayed appropriately in member's cars windscreens when licensed.

We fear the current wording could make the vehicle keeper fall the wrong side of regulations, for example by having the name of the garage that supplied or hired / leased their vehicle displayed.

We feel that this could be better worded: -

All signs and stickers displayed on a **London Licensed PHV Licence** must be approved by TfL at the Licensing Inspection.

Paragraph 2 could go on to say: -

- (iii) Government recognised Industry Trade Associations
- (iv) Garages or suppliers of vehicles to the Industry

## 5.7 Conditions of London PHV Licences

*(The issue of displaying in the vehicle a notice informing passengers about how to make a complaint is unresolved. The Licensing Authority would welcome views about the principle of displaying information for passengers and also on the practicalities, taking account of where such notices could be placed which would enable them to be read without impairing sight into and out of the vehicle).*

If 'Mogo' style tamper proof front screen disks are approved this could be incorporated on the inside of the vehicle in a position viewable by all passengers.

## 5.8 Obligations on Owners of Licensed Vehicles

5.8.1 Section 8 of the Act places specific obligations on the owners of licensed vehicles which include to:

- present the vehicle for inspection and testing within such period and at such place as the Licensing Authority may by notice reasonably require
- report to the Licensing Authority within 72 hours of the accident occurring, any accident to the vehicle materially affecting – the safety, performance or appearance of the vehicle or,

We are somewhat concerned that the responsibility for some of the above lies with the owner rather than the driver. If a driver fails to notify the owner of say an accident, how can it be reasonably expected that the owner will be committing an offence.

With regard to accidents 99.9% of accidents will materially affect the appearance of the vehicle, albeit to a very minimal degree in many cases. Is it really the intention of the regulator to be notified of all such occurrences? We think this is either over regulatory or poorly worded.

## 6.4 Options

6.4.1 the key decision that the **London PHV trade** should be regulated has already been taken by Parliament with the passage of **The Act**. It is now necessary to exercise these regulation-making powers in order to implement **The Act**. The proposed regulations make detailed requirements for vehicle licensing. These procedures essentially follow those which have been applied elsewhere in the country for many years. **It was not thought appropriate to have a regime in London, which differed significantly (in direction of either greater relaxation or greater restrictiveness) than elsewhere.**

The LPHCA fully agrees with TfL and that is why we have submitted proposals that are in line with elsewhere in the U.K. on signage, licensing testing and inspections.

**A5 Age restrictions:** vehicles will be licensed up to a maximum age of twelve years\* taken from the declared date of manufacture or date - of first registration as shown on the V5 Vehicle Registration Document.

\*This age limit will be extended to 15 years for those vehicles fitted with engines running on LPG.

**The Mayor is minded to impose age limits in accordance with the Air Quality Strategy and in line with those limits imposed on London's taxi fleet. Detailed information gathered by the PCO through the private hire vehicle pre-licensing registration scheme, reveals that around 1200 vehicles (4%) are more than twelve years old.**

The LPHCA is not aware of any age restrictions in Law for taxis in London and we have already set out our position which is clearly in line with the intentions of Parliament when the Act was passing into law.

1,200 exemptions will cause cost, bureaucracy and unnecessary work for owners of vehicles that will already have to meet very stringent measures to become licensed in London.

## B MOT Testing

**B 1 Vehicles more than twelve months old at the time of the licensing inspection** - A current valid **MOT** certificate must have been issued in respect of that vehicle, no more than 'x' days in advance of the licensing inspection (where 'x' days will be determined following the second round of consultation) (The closer 'x' days is to the date of the licensing inspection, the greater the confidence the Licensing Authority can have that no mechanical defects have developed between the **MOT** and licensing inspection)

**B2 Second MOT test** - Licensed vehicles more than twelve months old will be required to undergo a second MOT, 6 months from the date of the licensing inspection, or from the date of the current MOT (whichever is the earlier date).

**Wording needs to be changed if our sensible proposals for a combined Licensing inspection and mechanical test are adopted.**

These comments are given in good faith with the belief that if TfL embraces them they will produce a much better set of regulations for **The Industry, The Regulator and The Travelling Public**. Furthermore they will meet all the requirements of **The Act** and be in line with the intentions of **Parliament** when **The Act** was put onto the statute.

The LPHCA looks forward to feedback and further dialogue on these proposals.

Yours sincerely **Steve Wright MBE (Chairman)**

The LPHCA is dismayed that the vehicle testing provision was outsourced in a cloak of secrecy and that we learned about what was going on by innuendo and whisper rather than through official sources.

We are also furious, as were our members that there may only be 4 vehicle inspection stations around London for the whole of the Private Hire Industry, **this is not enough and is unacceptable.**

Whilst we have received an apology, the whole process of vehicle testing and the outsourcing process needs to be looked at by the **TFL Transport Scrutiny Committee**.

Reduction of Licensing Costs, money saved by TfL and the profitability of the winner of the outsourced tender, whilst important should not be considered in isolation from best value and the logistical impact on operators and their drivers, who will be extremely compromised by the lack and location of inspection stations.

# SGS Dublin Visit

Monday September 22nd 2003 saw another early morning start for London's Trade Association representatives and this time a journey to Dublin via Heathrow for a whistle stop tour of 'what we might expect to get' when vehicle inspections / testing becomes a requirement next year in London.



I used the words 'might expect' because what we saw in Ireland clearly seem unlikely to be what we are going to get in London.

After the inevitable short delay at Heathrow we eventually arrived in Dublin mid morning for a hectic but very useful day, gathering information and making observations about what Irish, and in particular Dublin, Private Hire Drivers get in the way of vehicle inspection / testing facilities.

SGS (UK) Ltd is a division of the SGS Group a worldwide company that specialises in testing and Quality Assurance. In the UK some of our Graded Companies have been ISO accredited by SGS who are DTI approved for ISO accreditation by UKAS the sole national accreditation body recognised by government to assess, against internationally agreed standards, organisations that provide certification, testing, inspection and calibration services.

So what did we learn, well the journey in the Private Hire Vehicle was a good place to start and a talk to the driver never goes amiss in the supply of useful information. The first useful observation we made was that Private Hire Vehicles in Dublin have full use of the bus lanes. This of course is one of the expected benefits of having a licensed vehicle that is driven by a licensed driver for a licensed operator.

Our driver was clearly very happy with the 'one stop, once a year testing system', that is provided for Private Hire Drivers in Dublin. In fact his biggest gripe was that the chocolate machine is often empty at the testing facility. It was soon clear as we went through the day that the chocolate machine will not be London Private Hire Driver's biggest worry, there will be much more serious issues for them.

Once at SGS headquarters we were given a presentation by a team of experts on how the vehicle testing system works in Ireland and it is clearly an excellent system, unfortunately the problem is it's almost certainly not what we are getting in London.

If we look firstly at Dublin there are 4 testing facilities available roughly spread about 7 or 8 miles apart on average, so the 10,000 Private Hire and Taxi drivers have a testing facility that is very local to their place of work, better still they are not restricted to using the Dublin facilities, if they live outside Dublin they can simply pop into their local testing stations which are located all over Ireland.

The Irish Government has empowered SGS to issue licenses and there are no equivalent to 'PCO Officials' stationed on any of the SGS sites, a truly, professionally run 'one stop shop system' for Private Hire and Taxi Drivers. As all the stations are connected to a central database SGS can issue the licenses without divine intervention from elsewhere and surely this is what we should be getting in London.

The once a year, everything done in one hit system, costs 89 euros for the first or suitability test (in real money that's about £60), thereafter the annual inspection costs are 48 euros (that's about £32). The LPHCA, The Private Hire Board and other Trade Associations are about to be briefed at The PCO on the likely recommendations to TfL for vehicle regulations. It is our view that SGS are capable of providing the most high class solution possible for us, sadly this is not likely to be what we are going to get and we are dismayed that contracts have been signed before the formal consultation process was completed.

It is our understanding that TfL have committed the Industry to a testing and inspection system prior to the consultation process being completed, which in our opinion breaks principles of best practice and best value for the Private Hire Industry in London, who will ultimately pick up the cost and logistical difficulties of inspections.

London Private Hire Drivers, Operators and users will have to reap the consequences of 'what in our initial opinion' was a premature action and we will be pressing for an enquiry at the highest levels of Government and TfL.

*Footnote – Industrial action by hackney Drivers unhappy about the lack of vehicle testing facilities in Birmingham was narrowly avoided last month after Birmingham City Council agreed to review the problems of only having one testing station in Birmingham (which compared to London is tiny).*

Solihull apparently has 7 or 8 testing stations, where does this sit with the logic of providing just 4 potential testing stations across Greater London?

