



# CLOSE ENCOUNTER

of the wrong kind

## TIMELINE TO SUCCESS

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**Late December**

Government introduce proposals to issue fines for touting

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**Early January**

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- The Suzy Lamplugh Trust issue a Press Statement

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**(15.00)**

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Everybody who understands the blight on the legitimate industry that is 'illegal touting' was absolutely dismayed to see the **Government** bring forward (without consultation), proposals to issue 'on the spot fines' for illegal touting. (Proposed at £80).

At first glance, to the uninitiated, this might seem a positive move but having spent many years and much effort trying to get the offence recognised as serious, this would have been a bad and retrospective step in the long battle to eliminate touting permanently.



Having worked closely with the **Metropolitan Police's Transport Operational Command Unit (TOCU)** in London for many years, **The LPHCA** has seen first hand the scale and horror of **illegal touting**.

In 1993, with representatives from the **Taxi Industry** and

the **Suzy Lamplugh Trust**, we supported and secured the first steps to improve the ability for the **police** to prosecute **illegal touts** and those soliciting illegal for work for touts.



In 2004 the offence of **touting** was criminalised giving the **police** the ability to arrest and process illegal touts, with the extra benefit of being able to take DNA and fingerprint the alleged offenders.

Not surprisingly this exposed the depth of criminal activity that those who illegally tout were party to and involved in. Illegal immigrants, serious sexual offenders, drug dealers / suppliers and many violent criminals were being discovered amongst those arrested.

The **police** have also able to solve many sexual offences and violent crimes that had taken place previously, in some cases a long time before the arrest for illegal touting.

**The LPHCA**, alongside others, remains committed to eradicating 'illegal touting' in all forms and we are grateful to all the other organisations and their representatives who lobbied to prevent these ill considered measures reaching the Statute Book.

We are also very grateful to all the **politicians**, across all strands of the political spectrum, who put aside party politics to produce the right outcome for the safety of the **travelling public**.

The **Home Office**, the **Ministry of Justice** and the **Department for Transport** should all be congratulated along with all those who were involved in preventing what would have been a seriously retrospective step in the war against touting.

All of the other groups and people mentioned above, many of whom were in contact with **The LPHCA** throughout this collective effort, deserve recognition. In particular **London Mayor Boris Johnson** and **TfL Commissioner Peter Hendy** and those who partook in lengthy communication with the **Government** and high level officials ensuring the right thing was done without engaging in political rhetoric at any time – all should be applauded.

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# Licensed Private Hire Car Association

Inc London Private Hire Car Association & Graded Private Hire Companies



## LPHCA STATEMENT – issued 16th January

In 1994 the **Licensed Private Hire Car Association (LPHCA)** worked very closely with **Government**, the **Suzy Lamplugh Trust**, the **Taxi Board**, the **LTDA** and many others to support the criminalisation of ‘**Cab Touting**’.

The introduction of tougher measures and the associated ability for the **Police** and **Courts** to prosecute and record this fraudulent and dangerous practice was followed by the current **Government** more recently making touting a ‘**recordable offence**’.

*Charlotte Atkins MP Secretary of State for Transport in 2004 said: -*

*“We will crack down on touts who threaten the entire industry nationwide. All police forces - and not just the Met in London – are encouraged to focus on the problem to give it the priority it deserves. We must not be complacent about touting, and will continue to work on snuffing out this illegitimate trade.*

*We will continue to look at new measures to deter the practice - such as the recent decision to make touting recordable so as to deter persistent offenders. Such high-profile measures contribute greatly to making passengers feel safe when travelling by Taxi or PHV”.*

More recently **London Mayor Boris Johnson** announced a ‘**One Strike and you’re out**’ policy for any **Licensed Driver** caught touting that was broadly supported by the **Taxi & Private Hire Industries**, **Safety Groups** and **Many Others**.

It is therefore with great dismay that the **LPHCA** has learned that **Government** is proposing a ‘**Statutory Instrument**’ to enable **undesirables** caught touting to be treated in the same way as those illegally parking via an **un-recordable fine**.

‘**Illegal Touting**’ is a serious offence that undermines the legitimate **Taxi** and **Private Hire Industries** and is the stepping stone to some very serious crimes and criminal activities.

The **LPHCA**, **Safety Groups** and all industry trade bodies have not been consulted about these new mad proposals to ‘**ticket and fine**’ illegal touts, which is not appropriate as either a punishment or deterrent to this type of illegal activity.

We are therefore urgently seeking the complete removal of ‘**touting**’ from the offences prescribed in **Criminal Justice and Police Act 2001 (Amendment) Order 2009**.

**Steve Wright MBE**  
**Chairman LPHCA**

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Letter sent from Mayor of London, **Boris Johnson**, Greater London Authority to **Rt Hon Jack Straw MP**, Secretary of State, Ministry of Justice, on 16th January 2009



## GREATERLONDONAUTHORITY

Mayor's Office

16th Jan 2009

Dear Jack,

Re: **The Criminal Justice and Police Act 2001 (Amendment) Order 2009**

I am writing to urge you to withdraw the above order and rethink the inclusion of taxi touting under the Police Notice Disposal scheme.

I have genuine concerns that this move will not only undermine the work we have done to reduce the number of sexual assaults committed by taxi touts but also pose a serious risk to the travelling public.

Taxi touting is not an anti-social or low-level crime issue and can be a cover for some of the most serious crimes in London including sexual violence and robbery. Transport for London has been working closely with the Metropolitan Police Service, Crown Prosecution Service and other agencies to tackle the problem of taxi touting in London. This included working with the Home Office to increase the seriousness with which taxi touting was taken, which resulted in it being designated a recordable offence. This allows fingerprints and DNA samples to be collected which in turn can lead to resolution of past or future crimes in which DNA is available.

As a result of our targeted action on taxi touting we have seen a welcome reduction in the number of cab-related sexual assaults. However we still experience eight cab-related sexual offences committed each month and the problem of taxi touting continues to put members of the public at risk every night in London.

Over the last eight years we have introduced the largest licensing scheme for private hire vehicles in Western Europe in order to secure safe, reliable and regulated private hire services across the capital. As a result over 2,500 private hire operators, 54,000 private hire drivers and 48,000 private hire vehicles are now part of an effective licensing regime. Illegal cabs are unregulated and also uninsured for the purposes of carrying passengers.

As well as the resources involved in licensing - which is entirely funded from license fees - TfL has invested over £10 million to date in establishing a dedicated police cab enforcement team that targets taxi touts in London. Over the last five years, the TOCU cab enforcement team has made over 4,500 arrests for touting and dealt with another 2,000 offences by way of summons. The vast majority of these cases have gone to Magistrates Courts resulting in average fines of £135. I am sure that you will agree with me that this average penalty is far too low for what is a serious offence.

I have recently taken further steps to ensure that taxi touting is dealt with more robustly. TfL has introduced tougher regulatory penalties for any private hire vehicle driver convicted of taxi touting. Licensed drivers convicted of taxi touting will lose their licence for a minimum of one year. We are also doubling the strength of dedicated Police cab enforcement officers. The additional 34 police officers will maximise the high visibility deterrence and problem-solving activities of the Metropolitan Police Cab Enforcement Unit and the City of London Police.

You will know that TfL is the largest taxi and private hire licensing authority in the country. It has never been the policy of TfL to seek reduced penalties for taxi touting. Indeed along with the TfL Board I am keen to see penalties for touting increase and on this basis I wrote to Vernon Coaker at the Home Office to propose ways in which this could be achieved. Alan Campbell MP responded to support our action and stated;

'Making illegal touting a recordable offence has also helped (sic) there is clearly more that needs to be done not only at a local level but also nationally'.

The changes you are proposing clearly run counter to this viewpoint.

I regret that the Ministry of Justice has not consulted TfL at any stage, or the Department for Transport on the proposed Order and that I have no other option but to intervene at this late stage. I therefore urge you withdraw the draft Order, begin a period of consultation with interested parties immediately and rethink the implications it would have on the travelling public in London, particularly young women at night.

Do, of course, contact me if you would like to discuss this further.

Yours sincerely

Boris Johnson  
Mayor of London

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Letter sent from **Peter Hendy CBE**, Commissioner of Transport, Transport for London to **Sir Surna Chattrabarti KCS**, Permanent Secretary, Ministry of Justice, on 15th January 2009

Transport for London



15th Jan 2009

Dear Sir Surna,

Re: **The Criminal Justice and Police Act 2001 (Amendment) Order 2009**



TfL has just become aware of the above order which includes a proposal to include taxi touting under the Police Notice Disposal scheme. I appreciate that tackling taxi touting is not the primary purpose of the Order but I have genuine concerns that the inclusion of the taxi touting provision will pose a serious risk to the travelling public in London.

Taxi touting is not an anti-social or low-level crime issue. It can be a cover for some of the most serious crimes in London including sexual violence and robbery. Transport for London (TfL) has been working closely with the Metropolitan Police Service, Crown Prosecution Service and other agencies to tackle the problem of taxi touting in London. As a result of our targeted action on taxi touting we have seen a welcome reduction in the number of cab-related sexual offences. However we still see around eight cab-related sexual offences committed each month and the problem of taxi touting continues to put members of the public at risk every night in London.

TfL has invested significant resources in improving the licensing regimes, enforcement measures, policing and public information programmes to improve the safety of taxi and private hire services in London.

Over the last eight years we have introduced the largest licensing scheme for private hire vehicles in Western Europe covering over 2,500 private hire operators, 54,000 private hire drivers and 48,000 private hire vehicles. You should be aware that we recently introduced measures whereby any licensed private hire vehicle driver convicted of touting has their license revoked for a year. Your proposed Order would completely undermine these arrangements.

TfL has consistently argued for tougher penalties for taxi touting. This includes working with the Home Office to increase the seriousness with which taxi touting was taken, which resulted in it being designated a recordable offence. This allows fingerprints and DNA samples to be collected which in turn can lead to resolution of past of future crimes in which DNA is available. On behalf of the TfL Board the Mayor wrote to Vernon Coaker at the Home Office to suggest that cars used by taxi touts should be seized and disposed and penalties imposed by Magistrates should be increased.

You will appreciate, therefore, why I am concerned at the inclusion of taxi touting in the proposed Order. I am particularly disappointed that your colleagues did not seek to discuss these issues with TfL at the outset. This would have avoided the need for the Mayor and TfL to intervene at this very late stage.

I suggest that my officials work with yours to reach a sensible conclusion and work towards meeting the objectives of the Order without compromising the safety of the travelling public in London.

I am copying this letter to Robert Devereux at the Department for Transport, the Commissioner of Police of the Metropolis and the Mayor of London.

Do, of course, contact me if you would like to discuss this further.

Yours sincerely,

Peter Hendy

## Press Release

### Statement Regarding The Criminal Justice and Police Act 2001 (Amendment) Order 2009

'Suzy Lamplugh Trust is very concerned to learn that the Government is proposing a 'Statutory Instrument' to enable those caught touting to be treated in the same way as those illegally parking, ie. via an un-recordable fine.

Many years of work have gone into raising awareness of the danger to the public of getting into unlicensed vehicles. For many years statistics showed the increased number of recorded incidents of assault and rape that took place in illegal vehicles, as well as the number of road traffic accidents due to poor driving standards and badly maintained vehicles.

After many campaigns and work with all sectors of society, but particularly young people, the messages are really getting through and the number of recorded incidents have been decreasing. The Private Hire industry has become an essential and respected part of the British transportation system.

It is therefore difficult to understand why the Government should now be considering what must surely be a retrograde step in making touting a lesser offence, with no records to be kept in order to prevent repeat offending.

We urge an immediate rethink of this and a complete removal of 'touting' from the offences prescribed in Criminal Justice and Police Act 2001 (Amendment) Order 2009.'

