

For those who worked so hard to get the licensing of Private Hire Operators, Vehicles and Drivers, it is not just a question of inclusion, but a fundamental principle of safety and fairness that when Acts of Parliament are introduced for the benefit of the safety of the travelling public, they are enacted, then enforced.

This is necessary to create a level and fair playing field of competition in Privately Hired Ground Transportation for Vehicles with 8 passenger seats or less supplied with a Driver for reward (payment).

The Private Hire Vehicles (London) Act 1998 (also known as the 98 Act) and the 'Road Safety Act 2006' brought 'all embracing' requirements and responsibilities to Local Authorities big and small.

From 31 March 2008 the transition from unlicensed to licensed ended, so why have some Local Authorities not yet met their obligations by licensing all who operate in Private Hire?

When I started as a young minicab driver in London I was absolutely astonished that all I needed was a car and a driving licence. Whilst the company who engaged me wanted to see my Hire & Reward Insurance when I started - that was it!

Once I started, in the next two years I was never again asked for sight of my Driving Licence, an MOT or further Insurance Certificates, all of which were purely down to my conscience to have.

The company, (which is no longer trading), could therefore have been providing a banned driver, in an uninsured vehicle, with a serious medical condition and an inappropriate criminal record, who was driving a death trap!

To make things worse the company I was with, probably did more than many others in those unregulated days. The simple fact was **there was no licensing regime to do the checking.**

As soon as I became an Operator I became a 'founder member' of the first London Trade Association that was the 'Great Grandfather' of today's Licensed Private Hire Car Association, (the LPHCA).

The common denominator of all the London Operator's Associations was Gideon Fiegal who at some stage ran them all. Gideon is now in his mid-eighties but still a regular guest at LPHCA meetings, taking a great interest in Licensing and the wellbeing of the Industry and the Travelling Public.



Gideon and many of the reputable Private Hire Operators of the day Campaigned for Licensing, alongside many sensible voices, not only in London but Nationally.

The upshot was the Local Government (Miscellaneous Provisions) Act 1976 – Part II, which covered the Licensing of Hackney Carriages and Private Hire Vehicles.

Sadly, and not to their credit, a section of the Hackney Carriage Taxi trade in London was successful in lobbying to exclude the capital from Local Authority regulations that would bring Licensing to Private Hire as well as the Hackney Carriage Taxi Trades Nationally.

The anonymity created an unsafe and wholly unregulated Private Hire Industry in London, which took a further 25 years to redress.

Headlines like, 'rape in unlicensed minicab', 'paedophiles running Cab Company taking children to school', 'death trap vehicles' and 'passenger seriously hurt in unlicensed cab' were all too common.

Those who constantly supported no licensing and lobbied MPs to 'talk out' various attempts to regulate Private Hire in London, were 'shameless' in their blocking of efforts to get regulation and licensing.



Quite by chance and very fortunately, Diana Lamplugh, mother of the young missing Estate Agent Suzy Lamplugh became involved in the quest to get the Privately Hired part of the Taxi Industry in London regulated.

...time  
to act!

## on Private Hire Licensing

by Steve Wright

Soon after Suzy's disappearance, in fact the first Christmas after she disappeared, Diana had read of another young girl who had also mysteriously vanished. Amongst the theories was one that supported the idea that an 'Illegal minicab' had abducted both girls.

That idea was later dismissed but it alerted Diana Lamplugh to the world of London's Unlicensed Private Hire Industry. Gideon Fiegal invited Diana to speak at a meeting and the LPHCA joined forces with the Suzy Lamplugh Trust in the late 80's. This alliance created and united many groups to push for the Licensing of Private Hire Drivers, Operators and Vehicles Nationally.

Shortly before Sir George Young embarked on what we thought was the last piece of the jigsaw by introducing the 98 Act, an LPHCA team met Transport Minister Glenda Jackson CBE MP at the Department of Transport to discuss further changes in the law. The Minister told us the Government was considering legislation to require Private Hire Vehicles currently operating under a 'seven day contracts exemption' to be Licensed by Local Authorities and Councils for the area in which they operate.



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The exemption under section 75 of the **Local Government (Miscellaneous Provisions) Act 1976** had allowed 'an operator to use a vehicle to carry passengers for hire or reward under a contract for hire of the vehicle for a period of not less than seven days without the need to obtain a licence'.



The **Department for Transport** recognised that this was a loophole that 'drove a coach and horses' through safety requirements and fair competition needs. Furthermore the loophole had been exploited by people who were clearly providing **Transport for Reward** (payment) in **Privately Hired Vehicles** on the **Public Road** network.

Sadly, yet another potential loophole loomed in the **Private Hire Vehicles (London) Act 1998**, whereby the word '**Public**' was duplicitously exploited as not meaning people at events, shows, hotel guests, school children, club customers, etc., so the **Government** needed to re-think and introduce '**All Embracing Regulation**'.

The **LPHCA**, as an industry body that campaigned for **Licensing** to be '**Total**' by covering **EVERYONE** taking **passengers** for **reward**, were dismayed that schoolchildren, people at major events, hospital patients and the travelling public were still not fully protected.

It was 'morally wrong' that these groups and others were *not being protected* by legislation and the **licensing process**. It was 'ethically wrong' that contracts for **councils, hospitals** and various events (some sporting and high profile) were being awarded on '**cost**' rather than a '**safety**' basis.

This undermined the legitimate **Private Hire Industry** as the costs of **licensing drivers, vehicles** and **operators**, with all its associated **management** and **record keeping** - made those doing things properly un-competitive in tender and procurement opportunities.

In a world where '**Price is a PRIMARY CONSIDERATION**' contracts were being lost and passengers (often the most vulnerable) were being compromised, simply because **Licensed Operators** were **uncompetitive**.

So the **Government** finally acted in **2006** by introducing the '**Road Safety Act 2006**', which meant **closure** for those avoiding regulation.

To be generously fair the **Government** gave **Licensing Authorities** the mandate to enact these regulations over a '*reasonable period of time*', to enable all to comply and '*more than enough time*' for those remaining outside regulation to '*get their act together*'.

**Section 53** of the '**Road Safety Act 2006**' removed what was known as the '*7 day rule or exemption*' and **Section 54** removed beyond doubt the fact that everyone other than those providing any vehicle whose use as a private hire vehicle is limited to use in connection with funerals or weddings, would '*be in scope*' for licensing.

### 53 Abolition of "contract exemption"

*In section 75(1) of the Local Government (Miscellaneous Provisions) Act 1976 (hackney carriages and private hire vehicles in England and Wales outside London: savings), omit paragraph (b) (vehicles used only for carrying passengers for hire or reward under contract for hire for not less than 7 day period).*

### 54 Private hire vehicles in London

*In the definition of "private hire vehicle" in section 1(1)(a) of the Private Hire Vehicles (London) Act 1998 (c. 34) (vehicle, other than a taxi or public service vehicle, seating fewer than nine passengers made available with a driver to the public for hire to carry passengers), omit "to the public".*

The **PCO** also issued a **Notice 36/07** in **October 2007** warning of the changes.

## Private hire licensing

### Change in the definition of a London private hire vehicle

The **Private Hire Vehicles (London) Act 1998** provides for the licensing and regulation of London's private hire operators, drivers and vehicles. A private hire vehicle (PHV) is defined in the Act as a "vehicle constructed or adapted to seat fewer than nine passengers which is made available with a driver to the public for hire for the purpose of carrying passengers".

During the course of licensing London's private hire trade, it became apparent that some sections of the trade were avoiding licensing on the basis that their services were not being made available to the public; rather they were being used for contract work.

**Section 54** of the **Road Safety Act 2006** has now removed the term "to the public" from the **1998 Act**. The effect of this amendment will be to make it irrelevant whether a vehicle is provided solely for contract work or to the public at large. Any vehicle that seats fewer than nine passengers and is made available with a driver for hire for the purpose of carrying passengers now falls within the meaning of the **1998 Act** and those that have previously claimed exemption will be required to be licensed. The only exemptions will be those specifically stated in the **1998 Act** i.e. licensed taxis, public service vehicles and vehicles used solely for weddings and funerals.

A similar change is being made outside **London** under **Section 53** of the **Road Safety Act 2006**.

The **Department for Transport** has confirmed that it will ask for the new provision to be enacted on **1 April 2008**.

The **PCO** would therefore urge all parties to ensure that **PHVs** covered by this change, and the drivers and operators of those vehicles, are brought within the licensing regime without delay.

Given the processing times for driver and operator licence applications, the **PCO** would advise individuals who need to apply for such licences to submit their applications by the following deadlines:

**PHV operator licence applications: 7 November 2007**

**PHV driver licence applications: 30 November 2007**

Applications received after the deadline dates may not be processed in time for a licence to be issued. Those trading after the commencement date without the relevant licence would be doing so illegally and would be liable to prosecution.

Requests for advice on how this may affect your business or how to prepare for licensing should be made in writing to [s54projectteam@tfl.gov.uk](mailto:s54projectteam@tfl.gov.uk) or by post to:

S54 Project Team, Public Carriage Office,  
15 Penton Street, N1 9PU

Licensing inspections for private hire vehicles are carried out by our service provider SGS United Kingdom Ltd. Appointments for such inspections can be made by phoning the SGS call centre on 0845 378 2345.

Further details about the licensing requirements for private hire operators, drivers and vehicles can be found on the TfL website

<http://www.tfl.gov.uk/businessandpartners/taxisandprivatehire/2807.aspx>

**Mary Dowdye, Head of Standards & Regulations**  
**18 October 2007**

A letter of assurance was given to an **LPHCA Member** by the **PCO** in London.

*So that's it? - Sadly not.*



## ...time to act! on Private Hire Licensing

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What is clear now and it is supported by the LPHCA's independent legal advice is that **anybody transporting passengers for reward** except those specifically exempted in regulation (**Wedding and Funeral Vehicles**) **must comply with licensing requirements**.

Furthermore, **Operators** and their **Operating Centres, Vehicles and Drivers must also comply**.

This means that **School Runs, Hospital Passenger Transfer**, (other than in an ambulance) or with an unpaid volunteer, **Council, Corporate, and all other events** including, **Sporting, Air Show and Fashion**, etc., etc., **must be fully licensed**.

So why, at the recent fashion week, were **Unlicensed and Unchecked Drivers** seen regularly picking up passengers in **Unlicensed Vehicles**?

**LPHCA Members** and indeed the **LPHCA** itself has raised the question of **illegal activity** and **non compliance** specifically at the **Department for Transport** and the **PCO** with specific regard to passengers **being Transported** at **Sporting and Other Events**.

**Event Management Companies and Transport Organisers that are clearly paying a driver to take passengers for reward in unlicensed vehicles either have no concept of what their legal obligations are or simply ignore them for cost, profit or other reasons.**

According to the **LPHCA's** legal advice - any such entity will be in **breach of legal requirements** by **taking bookings** and **operating illegally** and **criminal offences will be committed**.

In another campaign I used the word **'Enough'** and I will use it once again - **'Enough'**.

**ENOUGH!**

The now heavily regulated **Private Hire Industry** has had **'Enough'** of 'rules for us' but 'not for them'. There was some doubt, (which we never shared), about **Event Management Companies** and other entities prior to the enactment of the **Road Safety Act 2006** but from **April 2008** compliance has been required to be total and non negotiable.

*It is quite wrong that at major Sporting Events, Fashion Shows, Film Premieres, Air Shows and much more, Licensed Drivers are challenged for documentation and the requirement to comply with current Licensing Regulations, whilst an unlicensed, illegal, element remains doing the same job unchallenged alongside the regulated industry.*

As representations have been unsuccessful to date, the **LPHCA's Platinum Chauffeur & Executive Committee**, in conjunction with the **Chauffeur & Executive Association**, are now engaging with **Government** and **Licensing Authorities** and others, to take immediate action where **licensing compliance is not being effected**.

*We will be seeking 'compliance across the board' and expect prosecutions and action where compliance is not being met by Local Authorities everywhere. They have a duty of care to the public and a moral obligation to those who comply.* ■




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