

REFORMING THE LAW OF TAXI AND PRIVATE HIRE SERVICES

Response on behalf of the Scottish Taxi Federation
to the law commission consultation paper number 203

Responses to questions

Provisional Proposal 1

In your first proposal are set out arguments in favour of an opt-in one tier system. The presence of tiers represent the differing markets for taxi services, represented by three engagement types: hailing, ranking, and pre-booked taxis. Passengers are able to engage Hackney Carriages by any of the three engagement methods, whilst PHVs are only able to respond to pre-booking.

Contrary to some reporting, open market competition does exist in the taxi market, and is particularly prevalent in the competition between PHVs and Hackney Carriages in the pre-booked sector. The current licensing arrangements – the two-tier system – has developed over time and it appears well suited to ensuring competition for services. In economic terms the pre-booked market operates in a relatively competitive environment, perfect competition relying on numbers of suppliers, availability of information and an opportunity to negotiate on price. The pre-booked market allows for a consumer to make an informed decision based on quality or price, and this is enhanced by the presence of Hackney Carriages and PHVs in this segment.

A number of commentators have suggested, however, that a transfer to a single tier system would work against this, and are likely thus to act against the consumer interest. Empirical work completed by Schaller (2007), and Cooper (2010) identifies the potential of market failure in ranking and hailed markets that would, in turn, be exacerbated by the move from dual tier to single tier operation. Examples of negative impacts include the rapid overpopulation of the Hackney Carriage market in classic hailing markets to the significant detriment of pre-booked markets as vehicles previously classified as PHVs moved into and concentrate on prime sales locations.

Single tier systems also raise the question of a loss of accessible vehicles, particularly where WAVs have been a requirement of the Hackney Carriage fleet, but not the private hire vehicle fleet. The issue of WAVs is addressed in more detail in subsequent sections, but need be highlighted in terms of the suggestion of a single licensing tier. The operator of a WAV faces higher costs, particularly in purchasing a vehicle, than a saloon vehicle owner, and would be at a significant disadvantage where in open competition with a less expensive vehicle.

The deregulation of taxi licensing in the Republic of Ireland (in 2000) illustrates the rapid loss of Private Hire Vehicles to ranking and hailing markets, and the persistence of low cost and declining quality vehicles. It is also noted that taxis in fleets where oversupply might be suggested tend to concentrate on central locations where a perception may exist of higher

numbers of passengers (driver perception), to the detriment of cruising and peripheral locations. This behaviour is also seen in airport ranking taxis, where long queues of vehicles are noted. Evidence of this behaviour is seen in studies in Aberdeen, Nashville, Atlanta and New York, the latter reporting significant shortfalls in outer borough supply.

Provisional Proposal 2

In your proposal you suggest that London should be included, with appropriate modifications, in the proposal. Though this necessarily raises the question as to what "appropriate modifications" actually are, a necessary understanding in developing and responding to the proposal correctly; it also raises the issue of the effectiveness of equating mega-cities with other locations.

London operates a different form of public transport to other locations in the UK relying on centralised control and competition for the market in bus services. This compares to competition in the market applied elsewhere. Taxi control is integrated under the TfL umbrella and such integration is unique. It is also worth noting that the market for inner and outer London taxis and minicabs is distinct. Examples of mega city issues also arise in other countries (TLC, 2012) especially where the operating practices are defined and different. New York is a good example of this, as in London and Paris, the operating practices are different and generally not transferable to or from surrounding authorities. Similar issues are demonstrated in New York, and include an "outer boroughs" supply deficit of hailed taxis supplemented by livery vehicles in the case of New York, equivalent to minicabs in London. Other issues relate to the nature of the London knowledge test, a very specific quality control that would be denigrated by the removal of the distinction; and the potential mass incursion of taxis and PHVs from surrounding authority areas to the detriment of both the operating market in London, and that of the "origin" authority.

It is our view that the market operation in London differs significantly from its immediate surroundings and from other cities, and this should support the continuation of a London specific policy. We would see little if any benefit from including London in a national policy given the differences in operating practices, and highlight that potential exists for negative impacts to current market operation. It is also noted that the proposal, as it stands, does not provide detailed review of all of the modifications nor their impacts so as to allow for a fully informed response.

Provisional Proposal 3

In your proposal three you suggest that regulation of taxi and Private Hire Vehicles should not be restricted to any particular type of vehicle. We agree that there should be a range of vehicles included under taxi and private hire

vehicle regulation, where all such vehicles meet the agreed national minimum standards.

We also feel that licensing authorities should have the right to decide that standard deliveries or colours of vehicles be adopted to assist in distinguishing between Hackney Carriages and Private Hire Vehicles. We further consider that non-motorised vehicles, such as pedicabs and horse-drawn carriages, be considered for inclusion. We've identified a growing concern that non-motorised vehicles in Scotland are being licensed as street traders without undertaking the essential safety checks of vehicle and driver applied in the taxi industry. This suggests a requirement to extend licensing to cover this activity, our suggestion being that this should be covered under the taxi and Private hire vehicle regulations.

We would wish to restrict our response, however, in light of the differences between Private Hire Vehicle and Hackney Carriage, in line with our response to your provisional proposal 1, above. The inclusion of a variety of vehicle types under a single regulatory structure should not be achieved at the expense of a dual-tier licensing system. Indeed in locations where pedicab – cycle based taxis, have been included in a taxi licensing bureau (Nashville, Atlanta, and under consideration in Dublin etc.) these have taken the form of a specified and separate license. This is highlighting the differences in vehicle type, mechanical complexity and even accessibility requirements, a mainstay of differences in larger cities between Hackney Carriage and PHV fleets.

Question 4

In your supplementary question to provisional proposal three, you ask if there would be advantages to restricting licensing to motor vehicles that require a driving license. This appears to have the logic of a natural control mechanism, being the ability to restrain, endorse, or remove a driving license. This question has a significant logic, highlighting the need for enforcement to be possible and proportional. Further to our response under the body of provisional proposal three, we do consider it appropriate and necessary to control and license pedicabs and other forms of non-traditional vehicle types. Enforcement officers and agencies would benefit from the application of licensing control to these vehicle types. We do not consider it appropriate to limit licensing to motor vehicles that currently require a driving license.

Provisional Proposal 5

In your proposal five you outline the potential exclusion of public service vehicles (PSV) from taxi licensing. This is an effective continuation of existing policies that separate out bus from taxi licensing. The identification of eight seats as a definition of a taxi, as opposed to a PSV, has been effective and maintained separation of these different modes in the past.

The definition does provide some conflicts, however, particularly in relation to taxi bus services, and the ability of the taxi market to deliver particular forms of shared ride transportation. It is further noted that vehicles used in taxi service can include vans and minibuses with seats removed to comply with existing legislation.

It is our view that any vehicle available for hire and reward for immediate engagement need to be covered sufficiently and with appropriate public safety protection, currently achieved in the taxi licensing regimes across the country. We feel this should be extended to include pedicabs, horse drawn carriages, existing taxis and PHVs, and a category specific to taxibus operation. Examples of taxibus licensing can be seen in Northern Ireland (DOE, 2006) and a number of US cities where Jitney operation is permitted and encouraged (San Diego, Miami, Atlantic City, and shared vans in New York). It would appear appropriate to extend this definition beyond the eight seat limit currently in force. This raises the question as to the distinction between PSV service buses (Omnibus), fixed route and shared ride taxibuses. A limitation of eight seats has a negative impact in removing or reducing the opportunity to operate taxibuses, and this may be to the detriment of the travelling public and some taxi operators. Taxibus services operate in the same sphere as Community Transport and DRT services, Transport Act 1985, section 19 and 22, and we would feel it would be appropriate for this area of regulation to be extended to include taxibus services.

Provisional Proposal 6

It is your suggestion in proposal 6, that reference to a stage coach as a vehicle charging distinct separate fares should no longer feature as an exclusion from the definition of a taxi. It is our view that avoidance of confusion is a priority. Members of the public should be fully aware of and make informed personal transport decisions in light of identifiable and different transport modes. In our answer to your proposal five, we highlighted the operation of taxibuses as an area of current uncertainty.

Confusion between transport modes can create opportunity for market exploitation, and this may be further exacerbated by the terminology and differing licensing decisions made by the regional traffic commissioners. It is our desire to ensure that underlying safety standards are understood and maintained, and opportunity for market exploitation is minimised. We would consider it appropriate to address the intermediate modes – taxi bus, community transport, and DRT, as distinct and therefore requiring definition and licensing. The removal of separation between stage coaches and taxis, based on fares charged, appears to ignore the importance of the CT and DRT sectors in a significant number of locations. This element does not appear fully thought through, nor sufficiently distinct. It is our view that distinctions between modes, and particularly categories of taxis, need to be more fully developed.

Provisional Proposal 7

The question of licensing novelty vehicles is one that has been avoided by the majority of licensing authorities, but which nonetheless requires to be addressed if Public Safety is to be assured.

In our previous responses we have highlighted the need to ensure correct licensing and safety standards, and would agree that consistency be a priority. Limousines and novelty vehicles available for hire and reward should, as a logical extension, be included in this licensing process.

The law commission consultation document seems to question whether or not the taxi and private hire vehicle regulations are the appropriate place for this to be accommodated. We would suggest that all vehicles for hire and reward on demand be included in the scope of taxi licensing, with the extension of the principles of taxi licensing, safety, accountability and service etc., to cover the range of vehicles that may be engaged in the same way.

It may be that separate regulations are required to cover novelty vehicles, pedicabs, rickshaws etc., but these should have direct correlation and be consistent with similar regulations applied to taxis and PHVs.

Provisional Proposal 8

In your proposal eight you identify the scope 'in the course of a business of carrying passengers', as specific to taxi and private hire licensing, and providing a boundary between taxi services and forms of volunteer transport that may be provided without cost to the passenger. The concept of Community Transport (CT) and Demand Responsive Transport (DRT) already make this distinction, as contained in the Transport Act (1985), sections 19 and 22, allowing for the provision of CT without the same licensing base as applied to taxis or other forms of public transport. It is noted that CT can be provided against a financial contribution equating fuel cost.

It is our view that if a vehicle is used for hire and reward, it and the driver need to be licensed. The distinction needs to be drawn between genuine voluntary services, and those which are presented as volunteer services where payment is collected by other means. Services which are effectively providing transport for hire and reward should be subject to the same conditions – correct licensing and safety standards for driver and vehicle, as applied to the taxi trade.

It is our view that in today's society where a loophole is left there will be somebody waiting to take advantage. Enforcement of licensing and the reducing the exploitation of a loophole is felt to be difficult, if indeed it is possible at all. Genuine voluntary services should be accommodated, but we would express concern over the nature of transportation as an ancillary service, and seriously question the ability of a department or authority to enforce rules where such ambiguities exist.

Question 9

Your additional question nine seeks to expand the same concept particularly in relation to carpooling and members clubs. We would wish to highlight the desire that voluntary transport be allowed and not affected by new regulation, except the assurance of minimum safety levels and appropriate insurance standards, broadly covered by existing legislation. Transportation offered by member's clubs as an ancillary service present a larger challenge.

Similar challenges have been explored in the USA and Canada, in relation to hotel shuttle buses – providing transportation from airports to hotels. A general level of understanding appears to exist with vehicle licensing and driver licensing minimum criteria, defined as common carriers in many US states and operating under interstate commerce legislation as opposed to taxi or bus licenses issued by cities.

We would wish to ensure that all vehicles used for transportation are appropriately controlled for safety, for insurance, and for service standards.

Provisional proposal 10

In your proposal 10 you define the concept of national standards, vehicle standards and definitions, whilst continuing to identify a local role in defining additional local requirements. Despite the appearance of contradictory roles, the maintenance of a local standard in terms of vehicle definitions and exclusions is logical. Not all locations share the same demands for transport, nor do each require the same specification of vehicle to deliver appropriate services.

The concept of a national minimum standard is not impacted by the desire for a local authority to define a particular vehicle type requirement, such as accessible taxi, as this requirement forms the basis of a local standard above a national minimum. License portability, particularly in terms of the operating flexibilities across authority boundaries is challenged by this, however, and may be of concern in the definition of wedding cars and funeral vehicles, as suggested in the subsequent proposal. Vehicles with a natural requirement to be provided across authority areas, such as could be the case with a funeral hearse, need be considered as authority neutral.

The proposal also impacts on the choice whether to adopt a single or dual-tier system, as the potential for market entry across tiers is more likely to be affected by a service minimum than within a tier. We would support the ability of local authorities to define additional local standards, but would question the need for such standards to be varied once set. Allowing exclusions to a defined standard would generally indicate that the standard was not fit for purpose in the first instance, and this should be highlighted. The need remains for all vehicles to be correctly defined, clearly specified and appropriately enforced.

Provisional proposal 11

We agree with the commission's proposal that weddings and funeral vehicles should no longer be expressly excluded from licensing to primary legislation. There exists a great deal of ambiguity in terms of such vehicles. It is our view that these should be covered by a licensing regime if for no other reason than to provide protection for the public.

Provisional proposal 12

It is our view that the contract exemption on driver and vehicle licensing prior to its repeal created significant difficulty in identifying responsibilities, legal duties, and enforcing safety standard minimum.

Similar legislation in Scotland created difficulty in ensuring standards and it is illustrated by the disputes between the NHS and some transport suppliers in ensuring that licensed vehicles were supplied with licensed drivers.

We would see no merits in resuming the previous exemption.

Provisional proposal 13

In this proposal you suggest that regulation should be extended beyond 'streets'. This would typically extend control to apply to railway station forecourts and airports, being locations of taxi engagement away from the public highway. The terminology may also apply to hotel forecourts and other areas of roadway located on private land, such as supermarkets etc.

Railway station forecourts and airports are a particular problem in Scotland, in that the trade invariably pay considerable sums of money to gain access to defined ranking places. Private land owners may also allow access to Private Hire Vehicles on an equitable basis to Hackney Carriages, or in preference, having an impact on the passenger experience and levels of service. In both airport and station facilities, this may appear to be more closely oriented to profit maximisation than customer service.

While we understand airport franchise arrangements and the need for security to restrict vehicular access, we also have sympathy with taxi operators who feel they should be entitled to make arrangements to provide service to all customers. Entry restrictions, including additional charges raised for accessing airport forecourts – barrier lifts and additional charges beyond a franchise agreement, will also impact on the nature and levels of supply, and have a knock on effect on the price paid for a trip.

Railway station forecourts, supermarket roadways, and other private venues, differ from airports in so far as they allow a wider extent of public access and

may be defined as roadways under the definitions of the Road Traffic Act. It is our view that this definition should preclude Private Hire Vehicles for accepting hires on a ranking or hailed basis.

We would agree with the commission that the regulation of engagement methods, including distinction between Hackney Carriage and private hire vehicle, should be extended beyond 'streets'.

Question 14

In your supplementary question you asked whether there is a case for making special provision in respect of taxi regulation at airport. Taxi control at airports can differ significantly from their surrounding authority and may appear to be contradictory to the controls applied in the city served. A particular concern amongst the trade relates to the apparent desire for profit maximisation on the part of the airport authority, rather than achieving optimal passenger service. This is illustrated by the extent of taxi charges, franchise or bidding processes common in larger airports. Further conflicts appear in respect of the numbers of vehicles serving an airport, provision of taxi holding areas – most common in larger airports, and the potential for access by pre-booked services to appropriate meeting points.

It is our view that the public interest is best served by providing ready access for passengers to appropriate taxi facilities, including access to pre-booked services. This would appear to be somewhat at odds with concession agreements and competitive tendering for the market.

It is our view that an optimal situation would be better served by providing access to a public rank, which could be served by any taxi licensed by the authority in whose area the airport is situated. Individual airport security concerns would need to be accommodated in this solution.

The further consideration, that levels of service and assurance of taxi provision need be appropriate to the airport should also be reviewed. A number of studies (Dublin Airport, 2010; Los Angeles International airport, 2006) have highlighted that the most common concerns of an airport – the provision of sufficient taxis to meet peaks in demand, need not rely on absolute numbers of vehicles, but rather the extent of contestable supply. An airport would typically provide facilities to hold a significant reservoir of vehicles felt appropriate to meet peaks in demand, and often in excess of the average demand across the day. As a result it is common to see large numbers of taxis waiting for extended periods of time, often leading to pressures to provide on site facilities and reinforcing the perceived need to contract airport specific provision to one company. These factors may work against the public interest by promoting excessive queuing by taxi drivers and an increased reluctance to accept short fares (the short trip problem). In airports that have opened up access – including Los Angeles International airport – the effective supply of taxis has been seen to increase, whilst the number of waiting taxis has fallen (See Mundy, 2006).

Provisional proposal 15

In your proposal 15 you suggested that the concept of 'plying for hire', should be placed on statutory footing to include: a) reference to ranking and hailing; b) a non-exhaustive list of factors indicating plying for hire; and c) appropriate accommodation of the legitimate activities of Private Hire Vehicles.

It is our view that such a definition is overdue and needed. A clear definition of operating type is a glaring omission from the Civic Government (Scotland) Act (1982), and similar legislation affecting England and Wales. The definition of 'plying for hire' allows for a ready distinction between operating type and service. If a licensed taxi is mobile within the district in which it is licensed and the 'for hire' sign is visibly lit, then the taxi is available and plying for hire by hailing. Similarly if the taxi is stationary on an approved taxi rank, it is also available for hire.

Definition of the concept in law, and illustration through a list of factors indicating plying for hire, removes the opportunity for misunderstanding and reinforces the opportunity for enforcement. We also agree that this definition would improve the relationship between Hackney Carriage and private hire vehicle operation, by allowing for stronger distinction and understanding.

Provisional proposal 16

In your proposal 16 you suggest that definitions of hailing and ranking should not cover technological means of engaging taxi services – typically smart phone applications (apps). We agree with this proposal, and would highlight work being undertaken in the USA (Daus, 2012) highlighting both opportunity and threats arising from apps.

Taxi apps present a series of difficulties in defining operating types, and may contribute to a misunderstanding of vehicle type. A number of US regulators have sought legal redress against taxi apps citing a lack of control or regulation, with the regulator in Washington DC taking significant steps to protect the passenger and taxi operator from illegal operators providing services under the umbrella of taxi applications. A review of taxi apps, which fall into three categories, app to dispatch, app to driver, and app directory is included in Cooper 2012.

Question 17

The Scottish approach to making arrangements in a public place is far from being infallible, and in fact is regularly and openly abused by private hire operators.

It is our view that a non-exhaustive list is required defining what is considered to be a public place.

Provisional proposal 18

In your proposal you suggest that the concept of compellability, applied exclusively to taxis (Hackney Carriages), should be retained. Compellability relates to the requirement to provide services, similar to the concept of a common carrier as applied in the USA. Under this concept Hackney Carriages are required to provide services avoiding the potential for selective carriage or refusal on illegitimate or discriminatory grounds.

It is our view that the law of compellability should be retained, but that there would need to be exclusions designed into the requirement. For example a taxi operator should not be compelled to accept passengers who are clearly inebriated, or who's clothing or person is in a dirty or unhygienic state. Taxi drivers should also not be compelled to accept hires travelling beyond the licensing area.

Provisional proposal 19

This proposal relates to the continuation of pre-booking, as the only method of engaging Private Hire Vehicles. Your proposal additionally suggests that pre-booking should cover all technological modes of engaging cars, including taxi apps.

It is our view that the distinction between pre-booking and other engagement methods should be maintained. The inclusion of Private Hire Vehicles in the pre-booked market has been and should continue to provide a significant benefit to the passenger and promote open competition between providers. We do however have concerns in relation to the technologies applied to pre-booking. It is our view that advanced booking should be maintained through licensed operators alone. The suggestion that technologies, particularly apps, could be used to engage services of taxi companies is a significant and dangerous loophole.

Although it is not our intention to prevent the development of taxi apps for smart phone and other computing devices, the nature of these applications can be seen to create difficulties in enforcement and control. Of particular concern would be the opportunities for taxi apps to provide unlicensed dispatch service without control or indeed geographic knowledge, licensing, insurance or recourse to law.

Provisional proposal 20

Your proposal 20 addresses potential for leisure and non-professional use of taxis and Private Hire Vehicles. We have severe difficulties with this proposal

as it stands, as it appears to suggest the open availability of taxis for use by any driver with the assumption that any use would be assumed to be professional. In other words the proposal opens vehicles to any driver with the presumption that the vehicle is available for hire and reward. It is our view that such a proposal would send an open invitation to all and sundry to operate without a license, and the burden of proof would support this illegal activity.

A major concern amongst the taxi trade remains a lack of enforcement of existing rules. In your proposal 20, you would appear to invite further conflict and make enforcement more difficult. We would be strongly opposed to this proposal.

Provisional proposal 21

Proposal 20 seeks to extend the powers of secretaries of state and devolved ministers to issue statutory guidance in respect of taxi and Private Hire Vehicle licensing requirements. It is our view that such a power is appropriate and should be extended to all involved and national administrations.

Provisional proposal 22

In your provisional proposal 22, and in associated text, you make the suggestion that the terminology applied to taxis should be reviewed. In particular you suggest that reform legislation should refer to 'taxi' and 'Private Hire Vehicles' respectively. The term 'Hackney Carriages' would be abandoned in your proposal.

It is our contention that the adoption of the term 'Taxi' in place of 'Hackney Carriage' is more likely to cause confusion and result in a negative impact on the operation of the market than the current terms applied. We base this argument on the observation that 'taxi' is used across all vehicle types; Hackney Carriages, Private Hire Vehicles, and taxi buses in some cities; the term 'taxi' being a generic form and open to significant variation in interpretation.

It should be clear that there are separate and distinct segments of the 'for hire' trade, and we argue that this should remain the case. Terms that remove such distinctions and in particular the adoption of 'taxi' in place of Hackney Carriage stands to confuse both the public in engaging vehicles, and the authorities in enforcing law. Moreover, the use of the word 'taxi' would allow for legal defence on the basis of ambiguity in terminology. Private Hire Vehicles, which may also fall under the generic term 'taxi', may be able to defend illegal practices on the back of confusion that such a change would result in.

It is our view that regulation, and in particular the regulation of tariff, and quality standards – including 'the knowledge' required of Hackney Carriage operators; is well served by the maintenance of the term Hackney Carriage. It

is our view that any change to this term would encourage unlicensed operation and reduce the effectiveness of enforcement.

Question 23

In response to question 23, we would consider the same arguments to hold as in respect to the proposed change in terminology, as discussed above. It is our view that the use of the word 'taxi' acts to confuse distinction between vehicle operating types, and would be opposed to the use of 'taxi' or 'cab' in the advertising of Private Hire Vehicles. It is our view that these terms would lead to significant customer confusion in relation to Private Hire Vehicles.

Provisional proposal 24

In your proposal 24 you set out an argument in favour of minimum national safety requirements. We would be in favour of such national standards, and agree with the commission in this respect. We agree that national safety standards should be applied to Hackney Carriage and to Private hire vehicle alike.

Provisional proposal 25

We agree that national safety standards should be applied as a minimum, and further accept the argument that local licensing authorities should be able to and have the power to impose higher standards, as appropriate to their jurisdiction.

Provisional proposal 26

Allied to our responses to proposals 24 and 25, we agree that national safety standards should be applied as mandatory.

Provisional proposal 27

In your Proposal 27 you suggested that Private Hire Vehicles should not be subject to standards except those related to safety. Effectively requirements such as topographical knowledge would no longer apply to Private Hire vehicle drivers.

Although we agree with the distinction between quality of service and safety, we would suggest that licensing authorities be allowed to retain topographical knowledge tests for Private Hire Vehicles if they feel it to be appropriate to their area.

Question 28

The issue of taxi signage, and in particular signs allowed on Private Hire Vehicles, is an issue of discussion in a number of countries. 'Taxi' signs create potential for confusion as to what vehicle is available for hire by hailing, and has been the subject of reviews in the Republic of Ireland (NTA, 2012) and in similar reviews in Belfast and London. The use of a 'taxi' sign on vehicles in Belfast has led to considerable concern for passenger safety as many passengers travelling home from entertainment have not sought to distinguish or verify the type of vehicle being entered (PSNI, 2008).

Whilst we agree that permitted signage should be a matter for local authorities, it should be noted that a national view on sign use, ie to what extent signs may contribute to distinction between vehicle type, would be helpful.

It is noted that authorities having completed a review of taxi signs, tend to suggest Private Hire Vehicles reduce or remove overt designs suggesting availability for hailing. Illuminated rooftop signs play a particular role in identification of Hackney Carriages, and it is common for authorities to seek to remove these from Private Hire Vehicles. It is our view that signage on Private Hire Vehicles should be restricted to license plates and/or signs declaring the vehicle can only be engaged by advanced booking and these could include an operator name and contact phone number.

Question 29

We do not feel that any justifiable reason exists against applying common national safety standards Hackney Carriages and Private Hire Vehicles.

Question 30

We do not feel that any justifiable reason exist that would support differing driver safety standards for Private Hire Vehicles compared to Hackney Carriages.

It is our view, however, that a number of issues exist around the application of CCTV. It is our observation that both police and licensing authorities remain reluctant to accept responsibility for the downloading of images from CCTV systems. It is argued that this relates to a potential breach of the data protection act. As the provision of CCTV has an impact on driver and passenger safety, we would support the provision and use of CCTV in taxis, but feel that its application should not be made mandatory.

Provisional proposal 31

In your proposal 31 you suggest that the Secretary of State and Welsh ministers should be limited to defining Hackney Carriage and private hire vehicle standards related to safety alone.

It is our view that this limitation would impact negatively on the ability of an authority to be held to account. The operation of the taxi market relies on control applied across three factors: quality economic control and quantity restraint, with a significant emphasis placed on local licensing authorities to ensure that taxi provision is suited and appropriate to their area. It is our view that licensing authorities can, and often do, demonstrate a lack of understanding in respect of the fundamentals of, and legislation governing Hackney Carriages and Private Hire Vehicles. An example of this relates to the time elapsed between taxing tariff reviews, and the need to ensure robust and effective enforcement. A lack of understanding or application of current legislation has an impact, often negative, on the travelling public, reducing the quality standards, or avoiding necessary market development.

It is our view that the Secretary of State and devolved ministers should retain powers to intervene where it is proven that a licensing authority has not fulfilled its duties in terms of applying existing regulation. It is our view that the implicit ability of the Secretary of State to intervene, will have the effect of improving and underscoring application of existing regulation. The appropriate application and enforcement of regulation will also reduce the numbers of complaints and referrals to the Traffic Commissioner, for example in the case of a taxi tariff, and improve services to the public.

Provisional proposal 32

It is our view is that there should be a statutory consultation requirement in respect of national safety standards. We agree with the commission's proposal in this respect.

Question 33

In your supplementary question you seek to determine the best approach in establishing national safety standards, and suggest a requirement to refer to a technical advisory panel. The presence of such a panel would seem a logical method of determining safety standards, providing both technical expertise and accountability. Current conditions in licensing in the City of Glasgow require all vehicles (including conversions) to achieve European standards, with a positive impact on safety and placing a burden on manufacturer and converter to undertake crash tests. This provides an example of a positive standard application that could / should be extended.

It is our view that a safety standard need be appropriate, achievable and enforceable. It would be our suggestion that such a technical advisory panel be comprised of engineering and enforcement officers.

Provisional proposal 34

It is argued that licensing authorities should retain the power to set standards locally for taxis where these exceed minimum national standards. In previous

responses we have argued the necessity for licensing authorities to identify and apply requirements as appropriate to the geography and social demands in the authority area. In the event of national minimum standards being applied, we would support locally defined standards where these are justified and above national minimum.

The role of a local licensing authority is significant in ensuring and enforcing standards appropriate to the area and we argue that authorities should have the right to set a requirement to review licensing conditions applied to Hackney Carriages and Private Hire Vehicles in their area. It is a significant, in our view, that national standards do not reduce or eliminate the need for local accountability, and would extend this argument to require ongoing reviews to be completed by licensing authorities.

It is of concern that national standards may be used as an excuse to reduce local input to taxi regulation, reducing the need to define, but also the ability to understand the dynamics of a taxi market in any authority area. The definition of national standards should not result in a loss of local understanding, nor reduce the need of an authority to define and fine-tune its local market. There is a clear difficulty in Scotland in terms of the burden of proof required by courts before convictions can be obtained and, under the present system, only the police are able to enforce regulations.

Local licensing conditions, on the other hand, come with the remit of the licensing authority and its appointed civilian enforcement officers. Contraventions can be brought before licensing committee and be dealt with without the need for recourse to courts. This lessens the burden of the courts and allow for breeches of license conditions to be dealt with more quickly than would otherwise be the case.

Questions 35

In your related question, you ask if there should be statutory limits to licensing authorities abilities to set local standards. This question applies at both ends of the spectrum, the ability to define minimum standards for Hackney Carriages and Private Hire Vehicles; and the extent to which such powers should be exercised – without causing negative impact on the operation of the market.

It is our view that licensing authorities should be actively involved in application of national standards, and their variation (above a minimum) where this is justified in the area. We would not consider it appropriate for local standards to create barriers to entry beyond those justified and currently in force. Key to this is the need for a licensing authority to monitor and understand the market for taxis in its area. Whilst we agree that there should be some statutory limitation to the extent of variation permissible, it is unlikely that such a limitation can be readily defined in advance of national controls. We would therefore recognise the role of the secretary of state and devolved government ministers in defining and updating Best practice guidance in respect of licensing authority regulation.

Question 36

In your supplementary question you asked if licensing authorities should be allowed to retain the power to impose individual conditions on Hackney Carriage and Private Hire vehicle drivers and operators. It is our view that such powers can be effective and should be provided.

Question 37

You ask whether the powers and duties of local licensing authorities to cooperate should be permitted under local arrangements or placed on a statutory footing. It is our view that licensing authorities should be free to cooperate but we do not see a need for this to be placed in legislation.

Provisional proposal 38

In your proposal you suggest that neighbouring authorities may have the option of combining areas for the purposes of taxi standard setting. Experience in some licensing authorities in England and Wales have suggested benefit from such combinations, most commonly resulting from the integration of neighbouring authorities. It is our view that common standards applied over metropolitan areas have merits, particularly in instances where such combinations remove confusion from taxi users, and provide better service levels. Local standards and agreements should be additional to national requirements and not provide excuse for a lesser service.

Large conurbations including those in the West Midlands, and some large cities are subject to confusion including location and boundary, impact of bounty on charges, differing qualities of vehicles, and differing routes for passenger complaint. In such instances cooperation over standards, and common approaches to passenger service, are likely to work in the public interest.

Provisional proposal 39

Your proposal 39 suggests that licensing authorities should have the option to create or remove taxi zones within their area. This is a reality in Scotland, and is seen for, example, in Renfrewshire, which removed differing zones.

We would support this proposal and can illustrate best practice in this respect.

Question 40

In your question 40 you suggest that it may be useful for licensing authorities to have the power to issue peak time licenses which may only be used at certain times of day. We acknowledge that this concept may appear attractive,

particularly in light of peaks in demand – in the taxi industry this is most commonly observed at weekend night time periods.

It is not our view, however, that the potential benefits suggested would be achieved. In our experience many taxi operators are being forced to work increasing numbers of hours simply to stand still, and most will need to work at peak periods to become profitable. This is leading to more and more operators reverting to single shifting, i.e. one person driving a taxi, as opposed to the more efficient double shifting practice.

If part-time licenses were to be sanctioned, for example for work at peak periods, then it would serve to further reduce the earning potential of full-time operators. Evidence arising in the Republic of Ireland (NTA, 2010) suggests a potential shift to second and third jobs, with a loss of service standard and quality, with evidence from Dublin supporting our further concern that drivers would be forced to cherry pick the hours they work, and that this would lead to a loss of service in non-peak periods. Passenger experiences in de-restricted environments differ significantly, with evidence of a non-linear relationship between vehicle and license numbers and service level. That is to say that an increase in vehicle licenses will not necessarily result in an increase in the passenger service level (Shift availability). Significant increases in taxi licenses in the Republic of Ireland have not resulted in a linear increase in vehicle availability.

Provisional proposal 41

In your proposal 41 you suggest that private hire vehicle operators should no longer be restricted to accepting or inviting bookings only within their locality. It is our understanding that in Scottish law Private Hire Vehicles are already able to accept advanced bookings in other licensing authority areas, this being the effect of your proposal in England and Wales.

Whilst this practice appears legally possible, we would highlight our concerns of inherent dangers with Private Hire Vehicles frequently flouting licensing requirements by waiting and all cruising within other licensing areas. The Civic Government (Scotland) Act (1982), allows for Private Hire Vehicles to accept trips from another area but specifically precludes waiting for cruising within the area in which they are not licensed. It is our view that this creates a difficulty in enforcement and provides the opportunity for the defence of ambiguity. We would contend that any revision to the law needs to go further by making it clear that Hackney Carriages and/or Private Hire Vehicles dropping fares in an adjoining area must immediately return to their own licensing authority. We would further express our view that enforcement officers should be encouraged to take action against Hackney Carriages or Private Hire Vehicles illegally operating outside their licensed area.

We would, furthermore, highlight the dangers of vehicle gravitation to large city conurbations. We would suggest this to be a particular problem in London and other large cities, where Private Hire Vehicles may identify better

business prospects in the large city than in their 'home' license area. Private Hire Vehicles licensed, for example, in Hertfordshire would have no legal barrier to their operation in the Greater London area. This, we feel, may lead to a loss of service in the peripheral locations, and market failure in the city itself.

Provisional proposal 42

In your proposal 42 you suggest that there would be no need to introduce a 'return to area' requirement in respect of out of area drop-offs. We would be very concerned that, in the absence of such a requirement, significant market failure would occur. Peripheral licensing authorities would become, effectively, areas of registration convenience rather than actual location.

We would question the effectiveness of a licensing authority that existed purely to register vehicles that would be used in neighbouring areas, or even in remote locations. Such 'license tourism' would act against the public interest, provide exaggerated and untrue statistics, and would provide the worst possible solution.

Provisional proposal 43

In your proposal 43 you suggest that licensing authorities should retain the ability to regulate maximum taxi fares, but should not have the power to regulate private hire vehicle fares. We are very much in favour of maintaining tariff regulation as fare maxima, and would agree with the commission in this respect.

We would also concur that Private Hire Vehicles should be allowed to compete on price, this is the situation effective in Scotland at present, but would also highlight the effect of meters, and the public perception of their accuracy need also be considered.

We would support the ability of a local licensing authority to define and require maximum fares for Private Hire Vehicles where metres are fitted. The absence of a regulated maximum for a metered journey is likely to result in a lack of confidence on the part of the travelling passenger, particularly where differing charges are visible between vehicles. The example of Private Hire Vehicles with metres fitted is seen in Edinburgh, where the private hire vehicle may charge at a level below the maximum, but it is our view that this system may be abused and should be regulated.

Question 44

In your question 44 you suggest that 'taxis' might be allowed to charge a fare that is higher than the metered fare for a pre-booked journey. You do not define whether that this relates to Hackney Carriages or to Private Hire Vehicles, or to both.

In the situation originally defined in provisional proposal 43, that a licensing authority would not control Private hire vehicle fares, it is theoretically possible and justifiable that actual charges using a private hire vehicle might exceed those that would be charged using a meter. Subject to our concern regarding the use of meters in Private Hire Vehicles, set out in our response to your provisional proposal 43, we acknowledge that Private Hire Vehicles may charge a higher rate than would result from the use of a meter. The situation differs significantly in respect of Hackney Carriages, and we would be concerned if the practice of 'over charging' were extended on any basis to the Hackney Carriage trade. It is argued that this practice will be tantamount to commercial suicide, and can see no basis for its justification.

In Scotland Hackney Carriages can charge no more than the prescribed maximum fare within their licensing area, and we feel this an appropriate measure. Hackney Carriages can negotiate a lesser charge or specify a charge by negotiation if the destination is out of area.

Question 45

In question 45 you ask whether national driver safety standards, such as a requirement to be a 'fit and proper person' be set in primary legislation, or included within the powers of the Secretary of State and devolved government ministers. We would agree that such requirement be defined, and would see no reason for it not to be defined in primary legislation, or included in ministerial powers.

Provisional proposal 46

In your provisional proposal 46 you suggest the vehicle owners should not be subject to 'fit and proper person tests' that this concepts be applied to the vehicle alone. We are very concerned that this criteria should not apply to vehicle owners. The concept is wide spread and broadly understood.

We would be very concerned that the concentration on vehicle alone would allow drivers with serious convictions to enter the trade, including those convicted of sexual offences against children for example. Furthermore, the combination of this proposal with that previously described in relation to unlicensed drivers being allowed to use licensed vehicles socially may provide the opportunity for serious abuse of the system.

Question 47

In question 47 you ask whether national vehicle safety standards be applied in primary legislation, or included within the ministerial powers. It is our view that it would not be necessary to set out vehicle safety standards in primary legislation, but we would feel there to be a case for robust government guidance.

Provisional proposal 48

In your proposal 48 you suggested operator licensing should be retained as mandatory in respect of Private Hire Vehicles. We agree with this section and feel it should apply to all operators of Private Hire Vehicles, Hackney Carriages, and other forms of vehicle operated under licensing regimes, such as taxi buses etc.

Question 49

In your question 49 you identify the operation of driver only radio circuits separately to the licensing of operator booking offices. In our view it is a fundamental requirements at all companies, circuits, cooperatives, or similar groups offering dispatch services should be covered under the same legislation. This logically extends to taxi radio circuits, whether part of larger operating companies, or as individual services for small groups of vehicles.

It would appear inequitable to require one form of dispatch to comply with rules and regulations not required of others. On this basis we would support and encourage the extension of operator licensing to cover all forms of taxi dispatch service whether operator led, private hire vehicle company, Hackney Carriage, or taxi radio circuit.

Provisional proposal 50

The role of intermediaries, brokers or similar groups is not clear. We understand the need to consolidate certain looking types, and the products offered by service companies may serve this market well.

We do not see any reason to prescribe multiple levels of regulation where one would be sufficient, but would urge the commission to ensure that an effective regulation is in place. Booking via intermediary should not provide an opportunity for a less rigorous form of regulation, or allow for the avoidance of controls designed to serve the public interest.

We are particularly concerned that app based intermediaries may see this as a potential method to avoid regulation.

Provisional proposal 51

It is our view that anyone providing transportation to the general public should be required to comply with licensing law and be able to pass a 'fit and proper' test. We see no reason to provide exemptions from these criteria.

Provisional proposal 52

In your proposal 52 to you suggest that operators should be expressly permitted to subcontract services. We agree with this proposal, but would underline the need for subcontractors to meet the same licensing requirements and standards as other operators.

Question 53

No, only in the booking office context.

Provisional proposal 54

In your provisional proposal 54 you suggest that licensing authorities should no longer have the power to restrict taxi numbers. It is our concern that a de-restricted market would not achieve the balance of benefits suggested, and that a move, in some locations, from a restricted market would prove negative to the customer.

A larger concern arises, however, in that the provisional proposal requires an answer based on a partial knowledge or evidence base. This should be of extreme concern to the commission as it is effectively requesting response without presenting all of the facts. In your paragraph 17.14 you recognise that arguments in respect of the impact of quantity controls are complex – that further evidence is required in order to properly assess how quantity controls affect externalities. We remain very concerned that the ‘kneejerk’ reactions this is likely to promote, will be made without full consideration. In making our response we have attempted to consider both sides of the argument, those in favour of, and those against changes to current restriction policies.

The subject of the control of license numbers is a significant issue that has raised much attention and conflicting argument over decades. The argument is not new, nor is it resolved, but does appear to follow trends in political and economic thinking. The fact that this discussion continues to date should suggest that no simple answer exists. It is clear to us that de-restriction may be appropriate to taxi provision in certain circumstances. It is also appropriate to suggest that a restricted market can and does operate in the interests of passengers in others. Licensing authorities, including those in derestricted markets, ensure appropriate vehicle standards and suitability; controls on environmental impacts, and assurance to the passenger that their vehicles are safe, operated legally and by drivers fit for their duties. It is, and will remain, important that the regulatory system achieves this. An issue of this significance cannot be addressed on the basis of predetermined viewpoints, nor on idealistic views of market operation. We have no doubt that this issue, and particularly changes to quantity controls will affect the operation of the market, and are concerned that such changes will result in negative impact on the passenger.

We consider it important to understand the nature of taxi provision; that each taxi operator is in his or her own right a small business, and should be treated no differently to any other small business. In your sections 17.2 to 17.14 you

highlight the issues in restricted markets in terms of barriers to entry, measurement of unmet demand, congestion and externalities. We understand and would concur with a fundamental economic assessment; but highlight that this issue remains influenced at a local level. Generic and National interpretations fail to fully account for the operation of the market in individual authority areas, in short we do not consider that approaches felt appropriate in one location will necessarily transfer to others.

That said, we do understand the need to consider theoretical economics to justify a local approach. Part of this argument relates to the ability of a business to invest and survive. Open markets and perfect competition allow for business decisions to be made in all directions. Producers may alter their prices both down and up. Consumers will not always be provided with goods and services where the production costs exceed the potential income, and suppliers, particularly in transport markets may display profit maximising behaviour. Train fares are significantly higher in commuting periods than in off peak periods; with only the most basic of train fares controlled by the government. Yet this market response is not available to the taxi operator. Fares remain controlled as maxima that determine the extent to which costs may be increased at peaks. The need for the taxi business to invest in its business is curtailed to that that is justified in the short term, particularly in instances where the market is opened to all comers, even in the instance where quality controls are enforced, the market response appears to be a race to the bottom. A number of high profile examples of this exist, most visibly the quality of vehicles in Dublin, but equally in deregulated authorities in the US. It would appear to ask that some arguments in favour of the derestriction of quantity are not supported by global experience.

Any business needs to be profitable if it is to survive, and be in a position to reinvest in its business. This is true of any business but more so the taxi industry as the day-to-day running costs are very much higher than other normal businesses. This is a fact that taxi operators and indeed transport providers across the United Kingdom will be able to support. Costs related to maintenance and vehicle upkeep are dictated by safety regulations and local authority standards. Insurance to cover hire and reward, subscription to radio dispatch circuits and, of course, fuel, are the most costly of all. We would suggest that it stands to reason that covering costs becomes more difficult in a derestricted market which can and will lead to a drop in standards – as the lack of profitability takes its toll. There is significant evidence of this in the derestricted markets worldwide, including the Republic of Ireland and in Amsterdam. We would highlight that both safety and service standards are questioned in many locations where deregulation has occurred. These should not be seen purely as emotional arguments, but as practical and service failing resulting from derestriction.

We would reject the contention that a derestricted market will necessarily result in lower fares, and would highlight the evidence that defined taxi fares in Dublin are actually higher than defined taxi fares in Glasgow.

We agree with the commission's view that externalities should also be considered. Well-worn arguments include environmental impact, lack of taxi ranking spaces, and quality impacts. In its review of taxi ranks, the Commission for Taxi Regulation in the Republic of Ireland (CTR,2010) highlights a significant deficit in taxi ranking spaces. This is mirrored throughout the UK with Glasgow as a prime example of this – in Glasgow there are around 300 rankings spaces to accommodate 1428 licensed taxis. The situation in Dublin is significantly worse, as an increasing number of vehicles are unable to find ranking spaces. Insufficient ranks impact negatively on the surrounding traffic through congestion, through illegal driving behaviour – most particularly illegal parking activity in the area leading into a rank, double parking, and illegal ranking. Taxis unable to rank or park illegally are then likely to cruise increasing environmental and traffic impacts. We believe there to be a direct correlation between decisions on license numbers, de-restriction, and vehicular traffic issues.

Your statement in 17.4 that the transport act 1985 considerably curtailed a licensing authorities ability to control numbers is, at least in terms of Scotland, inaccurate. The transport act section on unmet demand provides licensing authorities in Scotland with an option to limit, not an obligation.

Licensing authorities should not only be empowered to limit the number of taxi licenses issued, they should also have the same option in terms of Private Hire Vehicles, albeit that there should be an obligation to regularly review supply and demand. We also feel that licensing authorities should not be exposed to litigation, as they are at present, for putting in place a limitation policy and in fact should be given statutory protection. One way of achieving this might be to place the burden of proof that unmet demand exists on the applicant for a new license.

Your statements in sections 17.9 to 17.11 addressing problems with 'unmet demand' highlight a number of concerns with the current SUD testing regime. The figure expressed in 17.10, £40,000, appears significantly higher than costs identified in our experience. We do agree, however, that SUD testing completed as a 'box ticking' exercise fails to fully identify the issues in taxi markets. It may appear more important that a survey has been completed, than the actual results themselves. This is a disingenuous approach on the part of some survey providers and is of great concern given the significance of this test in delivering appropriate market control. Moreover, we do not consider it appropriate for an authority to see de-restriction as a method of avoiding understanding the market. Indeed, we feel that de-restricted markets may actually require more thorough analysis than currently in place to ensure correct regulation responses be delivered.

Question 55

Notwithstanding our response set out in the answer to provisional proposal 54, that the commission's statement that additional evidence is required prior to conclusion – effectively restricting the ability to respond, it is our view that the effect of derestriction will be to increase the burden on licensing

authorities to control and restrict further the taxi market. Removal, or diminution, of controls in one area of regulation do not remove the needs to control others. Moreover (OFT, 2003) it is recognised that changes to quantity restriction are likely to impact on need for quality control, and often (CTR, 2010) that the introduction of such controls – on quality – present further and significant difficulty in their own right.

It would appear to us that the effect of the restriction, both positive and negative create significant challenges to future operations. It would appear highly difficult, if not impossible, to reverse negative impacts, such as pollution, congestion, and market exploitation, resulting from derestriction. There also exist the possibility that taxi operators in a newly derestricted market could seek compensation through the courts for their loss of earnings and investment.

It is our contention that the commission relies too heavily on the imposition of minimum standards, and in this regard may come unstuck. In real terms robust enforcement will be required and in our experience this is all too often not available. Moreover as enforcement comes at a cost to the licensing authority, what was identified initially as a cost saving – removal of license control, may actually result in higher cost burdens on licensing authorities and the general public. Lack of enforcement creates the potential for operators to seek recourse through the courts.

Question 56

In your question 56 you ask whether transitional measures should be put in place, such as a staggered entry to the trade over a scheduled period of time, if quantity restrictions were to be removed. Regardless of our belief that this question assumes removal of quantity restriction, it is our firm view that the system of quantity control should be maintained.

We further believe that a quantity control system should be supported by a legal requirement for review at two year intervals, to help avoid litigation from disaffected parties, legalise the creation of waiting lists with new licenses being issue directly to said lists in chronological order, and under fit and proper criteria.

Question 57

The question of equality, in terms of providing transportation services the disabled persons in wheelchairs, is fraught with difficulties to the taxi industry and licensing authorities alike.

It is our view that all passengers have a right to transportation, regardless of physical needs, disabilities, or location. Taxis have played a significant role in providing accessible transportation, and have a track record in terms of vehicle design, accessibility and assistance. This is often better than that provided by parallel services, and this point is highlighted in the USA with a large number of 'paratransit' providers seeking to include taxis in their

provision. Part of this discussion also revolves around the availability of wheelchair accessible vehicles (WAVs) which are available at a significantly higher capital cost than their saloon equivalents. It is appropriate for us to highlight the concern that an industry with a declining income level would be less likely to seek to purchase WAVs than the current industry. Furthermore required provision of WAVs may result in the provision of less suitable vehicles, as purchasers are influenced by price rather than quality. This argument appears to result in a vicious circle between requirement and specification, and would naturally conclude with the least best vehicle being purchased.

We do not consider there to be a need for a separate category license, and would highlight the desirability for appropriate vehicles to be built in to the current fleet. We would further argue that the duty of a taxi operator should apply to all taxi users on an equitable basis. That there be no more, but specifically no less, duty on a driver to pick up a wheelchair user as any other passenger.

We consider it to be an appropriate duty of the licensing authority, in consultation with a taxi trade and disabled person's representative groups, to make adequate provision for the number of WAV s available and making provision that ranks the WAVs.

Questions 58 and 59

In your question 58 you ask whether licensing authorities should offer lower license fees are vehicles which meet certain accessibility standards. Whilst we agree with the concept of incentivisation, we would feel a better response to be achieved at national government level. In this example we would suggest that the Treasury should sanction a lower rate of VAT on the sale of wheelchair accessible vehicles, and would suggest a nominal rate of 1%.

Provisional proposal 60

In your proposal 60 you suggest that national quotas of wheelchair accessible vehicles would not be required. It is apparent that visible demand for wheelchair accessible vehicles will vary by location, as will hidden or suppressed demand. A number of accessible user groups, including the Scottish accessible transport Alliance (SATA) do, however, argue in favour of a quota. We would support the development of quotas, where local circumstances suggest these to be appropriate. It is our view that this should remain at a local level.

Provisional proposal 61

Your proposal 61 relates to the development of national standards applied to the drivers of both Hackney Carriages and Private Hire Vehicles. We would agree that a need exists to ensure disability awareness training is provided,

with high minimum standards as appropriate to this user group. Many licensing authorities in Scotland already include disability awareness training as part of the criteria for being granted a license, and we will support the continuation and extension of this.

Provisional proposal 62

We will agree with the commission that Hackney Carriages and Private Hire Vehicles should be required to display information as to how to complain to a licensing authority.

Question 63

In your question 63 you highlight an issue whereby taxi drivers may ignore disabled passengers seeking to hail their vehicle. We consider it inappropriate for a taxi driver to consciously ignore a disabled user in this way. Circumstances may dictate that a vehicle is unable to stop safely, as implied in the question, but we would support an action to encourage supply in safe circumstances.

We would question, however, whether this be best addressed by a requirement to stop and, indeed, its enforceability; and would rather highlight the need and duty in properly constituted and delivered disabled awareness training.

Question 64

This question relates to the powers of local licensing officers, whether officers should have the power to stop licensed vehicles. It is our view that a lack of enforcement is a basic problem that has not been sufficiently addressed in the past. In so far as this power would encourage correct enforcement, we would support it. We would highlight the need for accountability and oversight to be applied appropriately.

Question 65, 66 and 67

Your questions 65, 66 and 67 address the need to enforce current regulation. It is our view that this need will increase were derestriction to be applied, and that further review be required if this was to occur.

Provisional proposal 68

We consider that the power of enforcement officers should be proportionate and in line to the duties. The inability to enforce regulation on incoming, and illegal, Hackney Carriages and Private Hire Vehicles appears to contradict this duty. We would therefore support the extension of power to enforce against vehicles, drivers and operators license in other licensing areas.

