

Policing and Crime Bill

Taxi and Private Hire Vehicle Safeguarding Provisions

Legislative Background

1. In England and Wales, outside London, taxis (also referred to as 'Hackney Carriages') are licensed by district councils under the Town Police Clauses Act 1847 or the Local Government (Miscellaneous Provisions) Act 1976. All taxis and their drivers must be licensed. Private hire vehicles (PHVs), sometimes referred to as minicabs, drivers and operators are subject to licensing if a district council has adopted Part II of the 1976 Act (most have) or has similar provisions contained in a local Act.
2. In London, taxi legislation dates back to the nineteenth century, but the main licence conditions are made under the London Cab Order 1934. The minicab trade in London is licensed by regulations made under the Private Hire Vehicles (London) Act 1998. Transport for London is responsible for taxi and PHV licensing in London.
3. The licensing conditions that are applied to taxi and PHV drivers and the local conditions of vehicle fitness are for each local licensing authority to decide, so can vary considerably from area to area. Licensing authorities are entitled to charge a 'reasonable' fee to cover the costs of administration and issue of a licence. This is meant to be a cost recovery exercise and not 'for profit'.

Taxi Licensing

4. A taxi driver has to satisfy two licensing bodies: the Driver and Vehicle Licensing Agency (DVLA) and the local authority. Drivers need an ordinary driving licence covering category B which allows them to drive vehicles up to 3.5 tonnes and with up to eight passengers. In addition a driver needs a taxi driver licence from the local authority.
5. A number of licensing authorities throughout England and Wales have adopted conditions of fitness identical or similar to those imposed in London and only allow drivers and vehicles that meet them to be licensed in their areas. This can involve:
 - a criminal record check;
 - a comprehensive topographic examination;
 - a medical;
 - a driving test; and/or
 - a check on the financial standing of prospective proprietors.
6. There is no statutory requirement for local authorities to carry out a criminal record check before issuing a licence to a taxi driver. As they are, however, required to ensure that the applicant is a 'fit and proper person', many authorities do, in fact, undertake such a check.

PHV Licensing

7. PHV drivers and operators are subject to licensing if a licensing authority has adopted Part II of the 1976 Act or has similar provisions contained in a local Act. About 95 per cent of councils, including all the larger ones, have adopted the provisions. There is no control on the fares that may be charged. As PHVs have to be booked in advance, the customer is expected to agree the fare at the time of booking.
8. PHV drivers need an ordinary driving licence covering category B, which allows them to drive vehicles up to 3.5 tonnes and with up to eight passengers, and must also be a 'fit and proper' person. PHV drivers can be subject to the same criminal record checks as taxi drivers and a few councils insist on the same topographical knowledge tests as those required for taxi drivers. Most licensing authorities also require medical certificates. Again it is for the licensing authorities to decide who is a 'fit and proper person' as it is not defined in legislation.

The Best Practice Guidance

9. To assist local authorities in undertaking their licensing functions, the Department for Transport has published, most recently in 2010, Best Practice Guidance for local authorities on taxi and PHV licensing¹.

Child Sexual Exploitation

10. In recent years there have been a series of child sexual exploitation cases linked closely to taxi and private hire vehicle licensing.
11. The most notable of these has been in Rotherham, where widespread abuse took place between 1997 and 2013. Independent inquiries were conducted and published in August 2014 (by Professor Alexis Jay²) and February 2015 (by Louise Casey³). Both the Jay and Casey reports made specific references to the role of the taxi and PHV industry and linked them to the exploitation that had taken place.

“One of the common threads running through child sexual exploitation across England has been the prominent role of taxi drivers in being directly linked to children who were abused.”

Professor Alexis Jay, 'Independent Inquiry into Child Sexual Exploitation in Rotherham (1997 – 2013)', 26 August 2014

¹ <https://www.gov.uk/government/publications/taxi-and-private-hire-vehicle-licensing-best-practice-guidance>

² http://www.rotherham.gov.uk/downloads/file/1407/independent_inquiry_cse_in_rotherham

³ <https://www.gov.uk/government/publications/report-of-inspection-of-rotherham-metropolitan-borough-council>

“This corporate failure extends to taxi licensing and enforcement who failed to use their powers to tackle links between CSE and the taxi trade. Inspectors found the licensing and enforcement sides of the taxi regulation service to be unable or indeed uninterested in gripping the issue and using their powers to good effect.”

Louise Casey, ‘Report of inspection of Rotherham metropolitan borough council’, 4 February 2015

Statutory Guidance

12. The Jay and Casey reports demonstrate that not all councils apply the same high standards when undertaking their taxi and PHV licensing functions. To address this, clause x confers a power on the Secretary of State for Transport to issue statutory guidance to local authorities. Such guidance will relate to how the licensing authorities may best exercise their functions so as to protect children and vulnerable adults. Licensing authorities will be under a duty to have regard to the guidance. The Department for Transport will continue to issue non-statutory guidance covering other aspects of local licensing authorities’ taxi and PHV licensing functions.

**Department for Transport
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