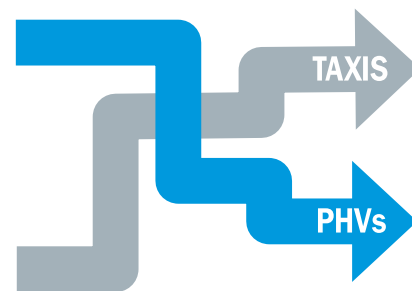


Private Hire Bookings

It is lamentable that in 2015 some people who should know better (including regulators and officials) just do not seem to have grasped **the fundamental differences between a Taxi and Private Hire Vehicle (PHV)** and the way they both operate. This is particularly sad in London where the distinctions between the two types of vehicles have been around for a long time and should not be blurred or altered to accommodate 'Cowboy Cab Apps' by changing rules, which in the opinion of many people and various organisations has compromised safety.



For the London Taxi you have a meter, roof light and wheelchair capability mandated for the vehicle, which can be hailed, 'rank-up' or be pre-booked, alongside the privilege of being able to ply for hire legally. The London Taxi must also have the well-known 'turning circle' capability so they can U-turn easily in London's busy streets.

For the London PHV driver the rules are different because the skill-set of the PHV driver is not the same as that of a Taxi driver.

Whilst a PHV now undertakes the same inspection requirements as a Taxi in London via two MoT tests per annum and an annual visual examination, the PHV driver, for many good reasons does not have the same requirements or privileges as a Taxi driver because importantly a PHV must be pre-booked.

This forms a clear distinction between the roles of each vehicle and their respective drivers and is a 'tried and tested' successful way to run what is known as 'the two-tier system'. At the LPHCA's 2014 Road Show, the Law Commission's Richard Percival said:

*"We concluded, fairly early I think, that we **should definitely continue with a two-tier system.**"*

He went on to say:

*"A hire vehicle is defined as a vehicle used to carry passengers where the vehicle and the services of the driver have been hired for that purpose. Only Taxis and Private Hire Vehicles broadly can do that, that's the basic regulated activity; if you do that and you're not licensed as either a PHV or a Taxi then you're committing an offence. Within that, once you draw that big tent for both Private Hire and Taxis you delineate the two by means of the **compulsory pre-booking necessary for Private Hire.**"*

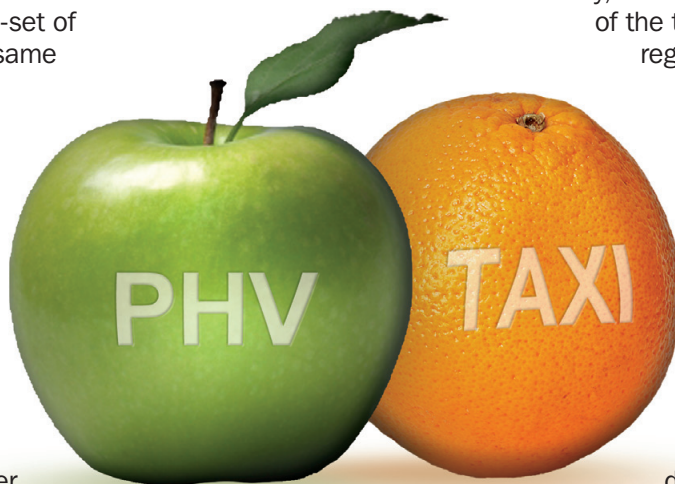
At the beginning of the millennium, as London became licensed, the trade bodies set about discussing with the old Public Carriage Office (PCO) and subsequently Transport for London, important matters like the detail required for bookings.

As often is the case, the regulator initially proposed 'over the top requirements' but to be fair they were looking at safety, accountability, traceability and the interests of the travelling public on all fronts and PHV regulation was new to them.

The PCO were mindful of the differences between Taxis and PHV's, being very aware that whilst Taxi drivers would have the 'Knowledge of London' in their head, PHV drivers on many occasions would need to plan their route by either looking in the atlas or using navigational aids. The most important point established was that for safety and auditing reasons, all the essential details of journeys (like names, the pick-up point and destination) would be taken (in the vast majority of cases) at the time of a booking, **before despatching a job to a PHV driver.**

Eventually we agreed what we considered to be 'appropriate requirements' which were accepted by all and impractical things like getting postcodes from every passenger were dropped because many passengers often did not know the postcodes of where they were, or where they were going to.

It was also accepted that if a third party like a waiter or concierge booked a PHV for a client at a restaurant or a hotel for example, that because this type of booking was originating from inside a premises (known establishment) the first part of the booking journey detail requirements would be met and the second part could be established in that premises before travelling. This enabled the licensed operator to be informed before travel commenced and the journey could still be planned by the driver (if necessary). Such booking practices were only allowed **as rare exceptions** and the PHV trade in London has, in the majority of cases, complied by taking the name, pick-up point and destination at the time of booking.



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The above was accepted by the trade representatives, safety groups and the regulator (PCO / TfL) as 'best-practice' and where operators were found not to be taking PHV bookings correctly they were risking their operator licences.

This of course put the cost of call-taking, recording, despatching and booking journeys up but importantly brought improved safety, consistent pricing and better route planning to the London PHV Industry, all of which has benefited the travelling public.

The industry was told that these booking requirements were essential to PHV operator regulation in London and at compliance visits it was rightly deemed to be a catastrophic failure not to have full details of bookings correctly recorded for inspection. "Your licence will be revoked for failure to comply" was often heard by operators.

In 2009 a PCO Notice Number 22/09 was issued further clarifying requirements:

Private hire booking records: Clarification about destinations

There is a specific duty on private hire operators to keep certain records of their operation. **These include booking records which must include 'the main destination specified at the time of the booking'** (paragraph 4(d) of the PHV (London) (Operators' Licence) Regulations 2000 refers).

From experience of compliance inspections, it is clear that this provision is being interpreted in a variety of ways which do not always allow the main destination to be properly identified.

It is the view of the Licensing Authority that the purpose of the regulation is to ensure the safety of passengers and drivers by providing a complete and accurate record of the journey.

It also allows the driver to plan the route in advance and the operator to accurately quote a fare.

To achieve this the main destination should be the street including the postal area at the very minimum (e.g. Penton Street, N1). At best it should be the full postal address (e.g. 15 Penton Street, N1). It is not sufficient to record just the postal area (e.g. N1) as that would cover too wide an area. However where the operator knows the full postcode (e.g. N1 9PU) that will suffice, as it would identify the street destination

Since the introduction of licensing PCO Licensing Officers have promoted best practice by encouraging operators to record the main destination in detail but failure to do so remains a major reason for failed compliance inspections.

Any operator who is found not to be recording the 'main destination' as the destination street (including the postal area) at the very minimum is liable to fail a compliance inspection. If an operator fails to heed warnings to correct poor record keeping their fitness to remain licensed may be reviewed.

Mary Dowdye Head of Standards & Regulations 24 June 2009



Importantly the recording of a booking '**at the time of the booking**' (as clearly stated in the first set of italics above, has been used to enable the prosecution of touts and bogus cabs in the courts by TfL, so its value to safety is self-evident.

If a booking is not fully recorded correctly at an operating centre at the time of a booking, clearly a PHV or bogus driver soliciting for work illegally is 'bang to rights' when it comes to touting.

Quite farcically following what we articulated as 'very bad practice' by some 'App Only Operators' and others, TfL TPH feebly re-interpreted their own notice, by dumbing down safety measures and agreed 'best practice' that had been in place for over 10 years. We brought to their attention that some 'App Only Operators' were failing to take the pick-up point of bookings by guesstimating the position of passengers by using their mobile phones as a positioning device. Some were also retrospectively getting the drivers to ring passengers on the way to a booking, which is not appropriate and potentially dangerous.

Certain 'App Only Operators' were therefore failing to get both the pick-up and the destination details as standard practice, which was not previously allowed. We share the Taxi industry view that this is 'virtual hailing' and something that only licensed Taxis can do.

When you look at the paragraphs from the PCO Notice (repeated below) TfL TPH were trying to convince us that the first paragraph could be post-booking and the second paragraph pre-booking but how

can you plan a route in advance without a proper booking being taken at the start of the process? A guesstimated assessment of where a passenger might be is not good practice and certainly not the safest booking method.

It is the view of the Licensing Authority that the purpose of the regulation is to ensure the safety of passengers and drivers by providing a complete and accurate record of the journey.

It also allows the driver to plan the route in advance and the operator to accurately quote a fare.

It seems that 'at the time of the booking', 'to ensure the safety of passengers and drivers' with 'It also allows the driver to plan the route in advance and the operator to accurately quote a fare' (all cited above in the full PCO notice shown in italics), means that now they have given a weak new interpretation and safety compromising shortcut to accommodate bad practice by 'App Only Operators'.

In our view it is negligent not to take a PHV pre-booking 'as fully as possible' at the time of booking, to guesstimate where passengers are, to ring them on route from a potentially travelling PHV and not to know where passengers are going.

This has been borne out by passengers alleging they have been left stranded, picked up by the wrong drivers, picked-up by touts alongside other associated problems, this since TfL TPH issued the following in their Notice 07/14.

RECORD KEEPING AND RECORDING OF DESTINATION

The Licensed Private Hire Car Association (LPHCA) assert that the regulations relating to record keeping for private hire operators require a destination to be recorded before the commencement of a journey on all occasions.

TfL is of the view that the law as it currently stands only requires operators to record a destination if a passenger specifies one at the time of booking and not otherwise. We do however agree that these regulations are unclear on this point. The power to make the regulations is now vested in TfL. We therefore intend to consult on potential revisions to the regulations to provide clarity and help ensure the highest standards of public safety and customer service are maintained. More details of this consultation will be publicised later this year.

As we thought that this 'July 2014 U-turn' by TPH would have been consulted on before March 2015, we chose not to comment in detail previously, as we had reasonably expected that it would have been resolved quickly.



The good news is that consultation will hopefully take place shortly, which is very much welcomed, following pressure by the LPHCA and some prominent safety groups like the Suzy Lamplugh Trust. The London Assembly Transport Committee's Investigation into Taxi & Private Hire Services in London also said:



...reinstate the requirement for private hire drivers and operators to record a destination at time of booking

The Mayor and TfL should immediately clarify the policy on destination bookings and reinstate the requirement for private hire drivers and operators to record a destination at time of booking.

We go further by wanting **licensed operator requirements for taking bookings** to be clearly enshrined in regulations with sensible rules that afford an appropriate balance between safety and the practicalities of taking a booking were they clearly in place and being adhered to before the arrival of 'App Only Operators'.

In the light of Uber London Limited's recent prosecution by TfL for shockingly allowing one of their drivers to carry fare paying passengers around London without appropriate insurance, we now know why some 'App Only Operators' cannot be relied on when it comes to protecting the best interests of their passengers.

There is nothing new about taking bookings correctly as it was 'in the main' being done very well prior to licensing in London. LPHCA Members have also been taking bookings correctly via Apps and the pathetic argument that regulations have not kept pace with new technology is 'crying wolf' by some 'App Only Operators' and those without a good perspective of safety and public protection.

We therefore look forward to TfL **righting this wrong** and taking us back to safe and sensible booking requirements once again.

Information for this article has been gathered from LPHCA Members, our legal advisors and members of the travelling public as well as some of those mentioned.