

Introduction

DfT published its [Statutory Taxi and Private Hire Vehicle Standards](#) in July and we understand licensing authorities are required to update DfT on implementation progress in January. Ahead of that, we thought it may be helpful to share our thoughts on implementation of the standards.

We recognise that the TPH sector has changed significantly since the regulatory regime was first created. Many licensing authorities have begun to adapt the way they regulate to reflect changes and new business models. But there continues to be a wide variety of different approaches to TPH licensing across the UK. This is why we strongly support the introduction of national minimum standards, as proposed by the 2017/8 Task and Finish Group, that would improve the consistency as well as the strength of safety standards across the UK. We believe DfT's new statutory standards are a welcome step forward in helping establish a set of minimum standards that apply nationally and better reflect the current market.

Specific considerations

- **Licensing policies (section 3.1-3.5):** We support the publication of licensing policies (including licence conditions of individual licensees), which will help improve transparency of the regulatory regime and therefore further improve legitimacy and consumer confidence. In addition, we believe that:
 - 1) Publishing an explanation of the rationale behind the policies and condition(s) with reference to the facts, the statutory framework and the Better Regulation Framework principles will help further improve transparency and clarify expectations of licensees; and
 - 2) Ensuring as much consistency as possible in how policies and conditions are applied to all licensees will help customers have a clear understanding of what they can expect from a TPH service (regardless of who the licensee is) and, therefore, further build customer confidence in the sector and the licensing regime.
- **[Duration of licences (section 3.6-3.7):** We believe five-year operators licences help bring stability and predictability that enables operators to invest in service improvements and new technologies that will benefit consumers. We recognise that occasionally, in certain circumstances, shorter licences may make sense but, in line with DfT and given the existing powers licensing authorities already have to suspend or revoke licenses during the course of a licence term, we do not see a public safety case for shorter licences. As you implement this standard, we would welcome clarity on your approach to licence lengths and what, if anything, you feel would warrant a shorter licence.]
- **Consultation at the local level (section 3.12-3.13):** We support the use of consultations on proposed changes in licensing rules that may have significant impacts on passengers and/or the trade. But we also believe regular dialogue and operational collaboration (outside formal consultation processes) is invaluable. It helps us, as a licensee, better understand the authority's expectations, and helps the authority understand our business model. As licensing authorities implement this standard, we are encouraging them to set out an approach to engaging with licensees that maintains, and if possible increases, the frequency of dialogue.
- **Changing licensing policies and requirements (3.14-3.15):** As new operators enter the market, consistency in how policies and requirements are applied across licensees becomes ever more important. As you implement this standard, we would welcome clarity on how you interpret the scope of the standard - which licensing requirements will trigger a review of existing licences and what should happen if a licensee is mid-licence term - as well as clarifying how (if at all) specific / special conditions will be used in this context.

- **DBS checks:** We support steps to raise safety standards across the industry and, in that spirit, welcome the standards that increase the frequency of DBS checks across drivers, operators and vehicle proprietors.
 - **For drivers (sections 4.2-4.8):** The DBS Update Service has the potential to be a useful tool that helps improve efficiency for drivers, licensing authorities and operators. However, it is important that it can distinguish between material changes to a licensee's DBS certificate (e.g. new convictions / cautions etc) and administrative changes (e.g. change in address) to reduce the risk of unnecessary friction and cost for drivers and licensing authorities when more regular DBS checks are introduced.
 - **For operators (sections 8.2-8.6):** We are keen to discuss with LAs, DfT and others how the process of undertaking Directors' DBS checks can be streamlined through use of the DBS Update Service (not currently set up for the Basic DBS Checks that Directors are required to undertake).
- **Licensee self-reporting (sections 4.12-4.13):** We support the use of the 'NR3' database in the short-term. However, in the long-term we believe the most effective way of ensuring all licensing authorities are aware of any given driver's licensing history is through mandating use of a national, real-time database that all licensing authorities and operators use to track driver licence revocation and refusals. This will ensure that authorities have all relevant historical safety records when making assessments of a driver's fitness and propriety, should a driver look to become licensed elsewhere. We have been discussing this with DfT directly and would be happy to explore it further with you to understand how we can best move it forward.
- **Complaints against licensees (sections 4.29-4.33):** As DfT acknowledges in the standards, operators are well-placed to support a strong complaints handling process. Elsewhere in the UK, we have developed processes through which we share information on safety complaints with the relevant licensing authority rapidly so that the licensing authority can take any necessary enforcement action quickly to minimise public safety risk. We would be happy to discuss this further with you, as we believe there could be significant public safety benefits to a similar approach being adopted by all operators.

We would also encourage you to consider how technology can be used to give riders the information they need to make complaints (rather than relying on in-vehicle display as is currently cited in the Standards). Our experience suggests digital provision of information can be far more effective at getting information to the passenger at the point they need it and would be happy to explore new innovations to support your implementation of this standard.

- **CCTV (sections 7.7-7.13):** We recognise that there can be safety benefits to installing CCTV in TPH vehicles but, as the standards rightly acknowledge, CCTV installation is not a straightforward question from a privacy and data protection perspective. The key question that needs to be answered by any licensing authority that supports use of CCTV cameras is to identify 'who' the data controller is and 'how' the data can be accessed and shared with law enforcement agencies in the event of an incident. It is also important to ensure CCTV requirements are affordable to drivers. We are keen to contribute to any consultation processes with our own experience and that of drivers using the Uber app.
- **Booking and dispatch staff (section 8.7-8.12) and record keeping (section 8.13-8.15):** We support the intention behind each of these standards - to prevent any bad actors within an operator facilitating harmful activities on TPH trips. It is, however, worth noting that modern, app-based operators such as Uber also use technology to process bookings and dispatch vehicles, and often do not rely solely on human agents. In many cases, it does not make sense to keep a register of staff that take bookings or dispatch vehicles as there may be none involved

in this specific process. As you implement this standard in your record keeping policies, we would encourage you to reflect these different business models so it is clear where requirements do or do not apply.

- **Joint authorisation of enforcement officers (section 9.2):** We strongly support joint authorisation of enforcement officers and believe this will help to improve the consistency of standards across the UK if mandated nationally. We have long-advocated delegated enforcement powers but, as far as we are aware, only West Yorkshire and Merseyside have formally gone down this route. Without joint authorisation, our experience suggests that there can be delays in taking enforcement action. We believe this is preferable to strict cross-border driving bans which could adversely impact passenger safety by limiting options for those who need to travel across authority boundaries.
- **Setting expectations and monitoring (9.3-9.4):** We support use of a points-based system which records minor driver breaches as this helps to ensure any penalties are proportionate to the severity of the non-compliance. This avoids an all-or-nothing scenario that can lead to decisions that have a disproportionate impact on a driver's livelihood and is inconsistent with the principle of proportionality that is applicable to all TPH licensing decisions.