

BIRMINGHAM CITY COUNCIL

**REPORT OF THE ACTING DIRECTOR OF REGULATION AND ENFORCEMENT
TO THE LICENSING AND PUBLIC PROTECTION COMMITTEE**

10 APRIL 2019
ALL WARDS

**DEPARTMENT FOR TRANSPORT STATUTORY GUIDANCE
ON TAXI AND PRIVATE HIRE VEHICLE LICENSING - CONSULTATION**

1. Summary
 - 1.1 This report includes the Government response to the recommendations of the Department for Transport Task and Finish Group on Taxi and Private Hire Vehicle Licensing.
 - 1.2 The report also includes a proposed response to the Department for Transport consultation on the proposed Statutory Guidance for Licensing Authorities.
2. Recommendations
 - 2.1 That the report be noted.
 - 2.2 That the consultation response be submitted.

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3. Background

3.1 A Task and Finish Group was started in the summer of 2017 by the then Minister of State for Transport the Rt Hon John Hayes CBE MP, and met for the first time in September 2017 with the aim of considering evidence relating to the adequacy of current taxi and PHV licensing authority powers, as set out in legislation and guidance, making recommendations for actions to address any priority issues identified.

3.2 The group comprised:

- Helen Chapman -Director of Licensing, Regulation & Charging, Transport for London
- Rt Hon Frank Field MP --Member of Parliament for Birkenhead
- Saskia Garner -Policy Officer, Personal Safety, the Suzy Lamplugh Trust
- Ellie Greenwood -Senior Adviser (Regulation), Local Government Association
- Dr Michael Grenfell -Executive Director, Enforcement, Competition and Markets Authority
- Anne Main MP -Member of Parliament for St Albans
- Steve McNamara -General Secretary, Licensed Taxi Drivers' Association
- Mick Rix -National Officer for Transport and Distribution, GMB union
- Donna Short -Director, National Private Hire and Taxi Association
- Steve Wright MBE -Chairman, Licensed Private Hire Car Association

3.3 The report of the working group itself is 68 pages long. It is available to view online at:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/745098/taxi-and-phv-working-group-report.pdf

3.4 The full text of the Government response can be found online at:

<https://www.gov.uk/government/publications/taxi-and-private-hire-vehicle-licensing-government-response-to-independent-report>

4. Summary of Government response to the Recommendations

4.1 A summary of the Government response is included in Appendix 1 to this report. The Appendix shows the original recommendation, alongside the Government response along with any further officer comments as necessary.

4.2 Many of the recommendations required the Government to introduce either Legislation or Statutory Guidance. At this time, there still does not appear to be an intention to amend the Legislation in any significant way.

- 4.3 The Department for Transport has produced draft Statutory Guidance for Licensing Authorities. A copy of this is attached at Appendix 2.
- 4.4 The consultation document relating to this guidance, as well as the proposed responses, is attached at Appendix 3 to this report.
- 4.5 There have been previous reports and groups established to consider the effectiveness of the existing Hackney Carriage and Private Hire licensing regimes, most notably the 2011 Law Commission review which reported back in 2014. Those proposals were not taken forward.
- 4.6 The Legislation remains outdated and in serious need of updating or replacing. The situation at the moment is detrimental to public safety as well as to the trade itself, with many legal loopholes being widely exploited, leaving Licensing Authorities powerless to respond.
- 4.7 The Government have committed to looking into National Minimum Standards albeit unclear as to whether these will be for vehicles or drivers or both.
- 4.8 Officers have participated in meetings held by the Institute of Licensing to consider these issues, and will continue to actively lobby for more support and action on the issues raised.

5. Implications for Resources

- 5.1 At this early stage there are no quantifiable implications for resources

6. Implications for Policy Priorities

- 6.1 This work supports the Regulation and Enforcement Division's mission statement to provide 'locally accountable and responsive fair regulation for all - achieving a safe, healthy, clean, green and fair trading city for residents, business and visitors'.

7. Public Sector Equality Duty

- 7.1 This report is for information only. An Equalities Impact Assessment is not required.

8. Consultation

- 8.1 The Task and Finish Group was limited in its constitution and did not call for evidence from all Local Authorities. Officers have actively lobbied for any future consultations to include a better representation of regulators.

DIRECTOR OF REGULATION AND ENFORCEMENT

Background Papers: nil

**Task and Finish Group on Taxi and Private Hire Vehicle Licensing:
Recommendations and Comments.**

Recommendations	Government Response	Current Position / Officer Comments
Recommendation 1		
<p>Notwithstanding the specific recommendations made below, taxi and PHV legislation should be urgently revised to provide a safe, clear and up to date structure that can effectively regulate the two-tier trade as it is now.</p>	<p>We will set out in this response what legislation the Government proposes to take forward. In the short term this does not include a full replacement of the law which regulates taxi and private hire. It will, however, be important to fully consider this as part of work on the Future of Mobility, which will consider how Government can support new technology and innovation through regulatory frameworks which can evolve with time.</p>	<p>The Legislation is outdated and is in serious need of updating or replacing. The situation at the moment is detrimental to public safety as well as to the trade itself, with many legal loopholes being widely exploited, leaving Licensing Authorities powerless to respond</p>
Recommendation 2		
<p>Government should legislate for national minimum standards for taxi and PHV licensing -for drivers, vehicles and operators (see recommendation 6). The national minimum standards that relate to the personal safety of passengers must be set at a level to ensure a high minimum safety standard across every authority in England. Government must convene a panel of regulators, passenger safety groups and operator representatives to determine the national minimum safety standards. Licensing authorities should, however,</p>	<p>The Government agrees that there should be national minimum standards for taxi and PHV licensing, and will take forward legislation when time allows to enable these.</p> <p>In the interim, Government will continue to review its statutory and best practice guidance. The development of these, through engagement and consultation, will ultimately shape the content of national minimum standards.</p>	<p>Any panel or consultation should include better representation for those Licensing Authorities outside of London, as well as a better representation of regulators.</p> <p>The standards should be national standards rather than allowing for localised variation, otherwise the same issues will arise, whereby people will actively seek out the lowest standards/ 'easiest' applications.</p>

<p>be able to set additional higher standards in safety and all other aspects depending on the requirements of the local areas if they wish to do so.</p>		
<p>Recommendation 3</p>		
<p>Government should urgently update its Best Practice Guidance. To achieve greater consistency in advance of national minimum standards, licensing authorities should only deviate from the recommendations in exceptional circumstances. In this event licensing authorities should publish the rationale for this decision. Where aspects of licensing are not covered by guidance nor national minimum standards, or where there is a desire to go above and beyond the national minimum standard, licensing authorities should aspire to collaborate with adjoining areas to reduce variations in driver, vehicle and operator requirements. Such action is particularly, but not exclusively, important within city regions.</p>	<p>The Government welcomes this recommendation, recognising as it does the leadership role that Government must play but also the shared collective responsibility that licensing authorities have to work together to increase consistency beyond safety standards and in doing so address the root cause of wider concerns over 'out-of-area' working by some licensees.</p>	<p>Agreed</p>

Recommendation 4		
<p>In the short-term, large urban areas, notably those that have metro mayors, should emulate the model of licensing which currently exists in London and be combined into one licensing area. In non-metropolitan areas collaboration and joint working between smaller authorities should become the norm. Government having encouraged such joint working to build capacity and effectiveness, working with the Local Government Association, should review progress in non-metropolitan areas over the next three years.</p>	<p>The Government agrees that collaboration and joint working can be helpful in ensuring efficient operation of taxi and PHV licensing in smaller local authorities. The Government will keep progress in this area under review.</p>	<p>The current Birmingham City Council Licensing Service administers and enforces across more than just HC&PH licensing. This would have a significant impact on the way in which the service operates, and would require the City Council to relinquish control of its licensing function to the Mayor's Office.</p>
Recommendation 5		
<p>As the law stands, 'plying for hire' is difficult to prove and requires significant enforcement resources. Technological advancement has blurred the distinction between the two trades. Government should introduce a statutory definition of both 'plying for hire' and 'pre-booked' in order to maintain the two-tier system. This definition should include reviewing the use of technology and vehicle 'clustering' as well as ensuring taxis retain the sole right to be hailed on streets or at ranks. Government should convene a panel of regulatory experts to explore and draft the definition.</p>	<p>This matter was the subject of specific consideration by the Law Commission in the course of its review. [...]It concluded that many of the current grey areas would remain unresolved as no statutory list of factors could be sufficiently determinative to give clear guidance.</p> <p>We have no reason to believe that the legal situation has changed since 2014, and thus no reason to believe that a new or reconvened expert panel would reach a different conclusion. As a result, the Government does not intend to take this recommendation forward at this time.</p>	<p>The existing case law has informed our approach to date. If clarification leads to better understanding and therefore better compliance, or better results at Court, then this is to be welcomed.</p>

Recommendation 6		
Government should require companies that act as intermediaries between passengers and taxi drivers to meet the same licensing requirements and obligations as PHV operators, as this may provide additional safety for passengers (e.g. though greater traceability).	PHV operators, and companies that act as intermediaries for taxi bookings, do perform functions that appear very similar. However, the Government is not convinced that there is a compelling case for the licensing of taxi intermediaries (such as taxi apps or radio circuits).	This would have helped to address the discrepancies between regulation of operators and radio circuits etc
Recommendation 7		
Central Government and licensing authorities should 'level the playing field' by mitigating additional costs faced by the trade where a wider social benefit is provided – for example, where a wheelchair accessible and/or zero emission capable vehicle is made available.	The Government does not propose to introduce further financial incentives for taxis and PHVs based on vehicle type at the current time; however we will keep this under review.	The Licensing service operates on a cost recovery basis. Any 'mitigations' offered to the trade would ultimately be funded by the trade unless additional funds are provided by Government or the City Council
Recommendation 8		
Government should legislate to allow local licensing authorities, where a need is proven through a public interest test, to set a cap on the number of taxi and PHVs they license. This can help authorities to solve challenges around congestion, air quality and parking and ensure appropriate provision of taxi and private hire services for passengers, while maintaining drivers' working conditions.	The Government does not propose to take this recommendation forward. We would instead wish to see local authorities make the most use of existing powers to address air quality and congestion issues.	There is already scope to limit hackney carriage licences, it would be sensible to apply the same provisions to private hire.

Recommendation 9		
All licensing authorities should use their existing powers to make it a condition of licensing that drivers cooperate with requests from authorised compliance officers in other areas. Where a driver fails to comply with this requirement enforcement action should be taken as if the driver has failed to comply with the same request from an officer of the issuing authority.	The Government welcomes this recommendation. Regardless of any current or future rules on cross-border working (see paragraphs 2.30 - 2.35), drivers will on occasion encounter licensing officers from other authorities.	Clarification would be required as to who would take the enforcement action? The licence issuing authority, or the one which had experienced the obstruction?
Recommendation 10		
Legislation should be brought forward to enable licensing authorities to carry out enforcement and compliance checks and take appropriate action against any taxi or PHV in their area that is in breach of national minimum standards (recommendation 2) or the requirement that all taxi and PHV journeys should start and/or end within the area that issued the relevant licences (recommendation 11).	<p>The Government agrees that there should be national enforcement against the national minimum standards that will be introduced in response to recommendation two, and will legislate for this when time allows.</p> <p>The Government will work closely with licensing authorities and enforcement officers to ensure that the precise scope of national enforcement powers, and how they would be used in practice, are carefully considered and defined.</p>	The issue of how this enforcement would be funded needs to be addressed. If an area is 'flooded' with externally licensed vehicles then the cost of compliance checks will increase. The nature of the trade means this will not be a case of the burdens being balanced across the areas.
Recommendation 11		
Government should legislate that all taxi and PHV journeys should start and/or end within the area for which the driver, vehicle and operator (PHV and taxi – see recommendation 6) are licensed. Appropriate measures should be in	Even with national minimum standards in place, there will still be variations in licensing conditions (and therefore matters like licence costs and processing times), since the Government does not intend to remove the ability of licensing authorities to set their own local standards in	It has been suggested that this proposal would have a detrimental impact on other matters such as air quality - but this would seem to be one way of dealing with the issue of cross border problems. It requires much more consideration.

<p>place to allow specialist services such as chauffeur and disability transport services to continue to operate cross border.</p>	<p>matters not covered by the national minimum standards, or above and beyond those minimum standards. Local authorities are accountable for licensing in their areas and it is only right that they have the powers to properly shape and influence their local market.</p> <p>Government therefore agrees with the principle of this recommendation, and will consider further (with a view to legislation) how it might best work in detail. In particular, Government will need to consider what size of area is appropriate. We will also consider what flexibilities or exemptions might be needed to reduce or avoid negative impacts on any particular business models, types of transport or passenger, and businesses or localities that are close to (perhaps multiple) licensing authority borders.</p>	
<p>Operators should not be restricted from applying for and holding licences with multiple authorities, subject to them meeting both national standards and any additional requirements imposed by the relevant licensing authority.</p>	<p>The prime reason for regulation of taxis and PHVs is to protect the public and licensing authorities must ensure that this function is sufficiently resourced to do so. We therefore urge licensing authorities to ensure that they have efficient and effective procedures in place to minimise the cost to the trade of establishing a robust and well-resourced licensing body and undertake a review of their licensing fees to recover the permissible costs and no more of providing this.</p>	<p>There are no such restrictions currently.</p>

Recommendation 12		
Licensing authorities should ensure that their licensing, administration and enforcement functions are adequately resourced, setting fees at an appropriate level to enable this.	The prime reason for regulation of taxis and PHVs is to protect the public and licensing authorities must ensure that this function is sufficiently resourced to do so. We therefore urge licensing authorities to ensure that they have efficient and effective procedures in place to minimise the cost to the trade of establishing a robust and well-resourced licensing body and undertake a review of their licensing fees to recover the permissible costs and no more of providing this.	The fee structure is calculated according to the previous year's expenditure, but with regard to future circumstances. This means, if it is felt expenditure is required in a particular area, and this is considered to be a reasonable and justifiable expense, it will be implemented. The fee calculation methods differ across authorities.
Recommendation 13		
Legislation should be introduced by the Government as a matter of urgency to enable Transport for London to regulate the operation of pedicabs in London.	The Government fully supports this recommendation.	n/a
Recommendation 14		
The Department for Transport and Transport for London should work together to enable the issue of Fixed Penalty Notices for both minor taxi and PHV compliance failings. The Department for Transport should introduce legislation to provide all licensing authorities with the same powers.	The Department is aware that a number of licensing authorities operate a penalty points system to address minor infringements. We will engage with licensing authorities to establish if there is significant demand for a power to issue fixed penalty notices outside of London to assist in the enforcement of national minimum standards.	The income from the FPNs would also need to be ring-fenced. Who would be liable – the driver or the vehicle proprietor? Also, is this just for vehicular failings or driver /operator (i.e. badge offence etc) Further clarification would be required.

Recommendation 15		
<p>All ridesharing services should explicitly gain the informed consent of passengers at the time of a booking and commencement of a journey.</p>	<p>Government supports choice for consumers but this must be an informed choice. It would be unacceptable for any person to be led to believe that they are hiring a taxi or PHV exclusively, and then be expected to share with other passengers who are unknown to them. Although the TFG report does not present any evidence that such confusion is happening in practice, operators should ensure their systems make it entirely clear to passengers when they are engaging a shared service. Licensing authorities may wish to ensure that their operator licensing conditions make clear that operators must do this.</p>	<p>This can be addressed though conditions</p>
Recommendation 16		
<p>The Department for Transport must as a matter of urgency press ahead with consultation on a draft of its Statutory Guidance to local licensing authorities. The guidance must be explicit in its expectations of what licensing authorities should be doing to safeguard vulnerable passengers. The effectiveness of the guidance must be monitored in advance of legislation on national minimum standards.</p>	<p>The TFG was invited to review the draft statutory guidance ahead of the public consultation, and it has now been published for consultation alongside this response. The Department is grateful to the organisations it engaged with while drafting the guidance for consultation, and we encourage all organisations and individuals with views on the guidance to respond to the consultation.</p>	<p>Draft Statutory Guidance is out for consultation.</p>

<p>Recommendation 17</p> <p>In the interests of passenger safety, particularly in the light of events in towns and cities like Rochdale, Oxford, Newcastle and Rotherham, all licensed vehicles must be fitted with CCTV (visual and audio) subject to strict data protection measures. Licensing authorities must use their existing power to mandate this ahead of inclusion in national minimum standards. To support greater consistency in licensing, potentially reduce costs and assist greater out of area compliance, the Government must set out in guidance the standards and specifications of CCTV systems for use in taxis and PHVs. These must then be introduced on a mandatory basis as part of national minimum standards.</p>	<p>The Government's view on the use of CCTV in taxis and private hire vehicles is set out in the consultation on draft statutory guidance which accompanies this response.</p>	<p>There have been many contradictory opinions on the subject of CCTV in licensed vehicles / Specific guidance on his subject would be welcomed - particularly with regard to the data controller role.</p>
<p>Recommendation 18</p> <p>As Government and local authorities would benefit from a reduction in crime in licensed vehicles both should consider ways in which the costs to small businesses of installing CCTV can be mitigated.</p>	<p>It is likely that Government and local authorities would benefit from a reduction in crime as a result of more extensive installation of CCTV in taxis and PHVs. However, CCTV is installed in many businesses at their own cost with an expectation that this will deter crime and so protect their staff and property. For example, similar conditions may be required before granting establishments a licence to sell alcohol Government has acted to assist the trade where tighter regulation has significantly</p>	<p>As with recommendation 7, any 'mitigations' offered to the trade by the Licensing Service would ultimately be funded by the trade, unless additional funds are provided by Government or the City Council</p>

	<p>increased costs, for example providing a grant of up to £7,500 to assist the trade in transitioning to zero emission capable vehicles. The cost of installing a CCTV system is similar to a replacement set of tyres for a vehicle; as such we do not consider subsidising of these additional costs is necessary.</p>	
<p>Recommendation 19</p>		
<p>National standards must set requirements to assist the public in distinguishing between taxis, PHVs and unlicensed vehicles. These should require drivers to have on display (e.g. a clearly visible badge or arm-band providing) relevant details to assist the passengers in identifying that they are appropriately licensed e.g. photograph of the driver and licence type i.e. immediate hire or pre-booked only. All PHVs must be required to provide information to passengers including driver photo ID and the vehicle licence number, in advance of a journey. This would enable all passengers to share information with others in advance of their journey. For passengers who cannot receive the relevant information via digital means this information should be available through other means before passengers get into the vehicle.</p>	<p>The Government will consider what vehicle and driver identification requirements should be included within national minimum requirements, focussing on supporting safety. Over and above national minimum standards, local considerations (particularly in respect of vehicle licensing conditions) will remain important.</p>	<p>It is already a requirement for the drivers to wear their badge. It is not clear what 'other means' would be able to be employed in this situation. (It is assumed that the reference to PHV's in this recommendation means PHV Operators – not the vehicles.)</p>

<p>Recommendation 20</p> <p>All drivers must be subject to enhanced DBS and barred lists checks. Licensing authorities should use their existing power to mandate this ahead of inclusion as part of national minimum standards. All licensing authorities must require drivers to subscribe to the DBS update service and DBS checks should must be carried out at a minimum of every six months. Licensing authorities must use their existing power to mandate this ahead of inclusion as part of national standards.</p>	<p>The Government agrees with both parts of this recommendation, and they are included in the statutory guidance which has been issued for consultation alongside this response. In the longer term, they will be considered as part of national minimum standards.</p>	<p>The current requirement for BCC Licensed drivers is 3 yearly checks. This would be a significant increase in the administration time.</p>
<p>Recommendation 21</p> <p>Government must issue guidance, as a matter of urgency that clearly specifies convictions that it considers should be grounds for refusal or revocation of driver licences and the period for which these exclusions should apply. Licensing authorities must align their existing policies to this ahead of inclusion in national minimum standards.</p>	<p>The Government agrees with this recommendation, and its view has been included in the statutory guidance which has been issued for consultation alongside this response.</p>	<p>Draft Statutory Guidance is out for consultation.</p>
<p>Recommendation 22</p> <p>The Quality Assurance Framework and Common Law Police Disclosure Provisions must be reviewed to ensure as much relevant information of conduct as well as crimes, by taxi and PHV drivers (and applicants) is disclosed ensuring that licensing authorities are informed immediately of any relevant incidents.</p>	<p>Government will discuss the provision of information with the NPCC with a view to ensuring that appropriate steps are being taken to provide relevant information to licensing authorities.</p>	<p>This is absolutely essential. There are significant inconsistencies of approach with regard to the information willingly shared by the police across the country.</p>

<p>Recommendation 23</p> <p>All licensing authorities must use the National Anti-Fraud Network (NAFN) register of drivers who have been refused or had revoked taxi or PHV driver licence. All those cases must be recorded, and the database checked for all licence applications and renewals. Licensing authorities must record the reasons for any refusal, suspension or revocation and provide those to other authorities as appropriate. The Government must, as a matter of urgency, bring forward legislation to mandate this alongside a national licensing database (recommendation 24).</p>	<p>The Government supports the Private Member's Bill brought by Daniel Zeichner MP that would mandate licensing authorities to use such a database. The Government also welcomes the initiative of the LGA in setting up a voluntary database of drivers who have been refused or revoked licences. Any information obtained using data sharing methods like this must be used as an aid to local, independent decision making. The statutory guidance which is published for consultation alongside this response expands further on the Government's view.</p> <p>In the longer term, the Government intends that information about drivers who have had licences refused or revoked would be one part of the wider-ranging national database discussed against the next recommendation</p>	<p>We hope to be able to participate in this initiative as soon as possible.</p>
<p>Recommendation 24</p> <p>As a matter of urgency Government must establish a mandatory national database of all licensed taxi and PHV drivers, vehicles and operators, to support stronger enforcement.</p>	<p>Government will legislate for the creation of a national taxi and private hire database, as a necessary accompaniment to national enforcement powers. Development of the database will take account of the work undertaken for the identification of taxis and PHVs for</p>	<p>This is a matter of absolute urgency. A register of this kind is essential for the safeguarding of the public.</p>

	<p>charging Clean Air Zone purposes. The establishment of a national licensing database will assist bodies such as licensing authorities and the police to communicate information in a timely manner, as it will enable them to quickly and accurately identify where a driver or vehicle are licensed. For example, this would assist the police in disclosing relevant information under the Common Law Police Disclosure powers.</p>	
<p>Recommendation 25</p>		
<p>Licensing authorities must use their existing powers to require all drivers to undertake safeguarding/child sexual abuse and exploitation awareness training including the positive role that taxi/PHV drivers can play in spotting and reporting signs of abuse and neglect of vulnerable passengers. This requirement must form part of future national minimum standards.</p>	<p>The Government welcomes this recommendation and the acknowledgement that such a requirement can be universally applied under powers already available to licensing authorities.</p> <p>The draft statutory guidance which has been issued for consultation alongside this response includes a recommendation that licensees should be required to undertake safeguarding / child sexual abuse and exploitation awareness training.</p> <p>In the longer term, the Government intends that this requirement would be included in national minimum standards.</p>	<p>This is already a requirement for Birmingham licensed drivers.</p>

<p>Recommendation 26</p> <p>All individuals involved in the licensing decision making process (officials and councillors) must be obliged to undertake appropriate training. The content of the training must form part of national minimum standards.</p>	<p>The draft statutory guidance which has been published for consultation alongside this response recommends that those charged with determining taxi and PHV licensing matters undertake appropriate training.</p> <p>In the longer term the Government intends that the requirement for training would be included in national minimum standards</p>	<p>This is already the case in Birmingham, although a nationally accredited training scheme would be helpful to ensure consistency across the country.</p>
<p>Recommendation 27</p> <p>Government must review the assessment process of passenger carrying vehicle (PCV) licensed drivers and/or consideration of the appropriate boundary between taxis/PHVs and public service vehicles (PSVs).</p>	<p>Where PHV operators also hold a PSV operator's licence, PSVs should not be used to fulfil bookings except with the informed consent of the hirer. For example, if a member of the public contacts a PHV operator and seeks a booking for a party of fewer than nine passengers, it cannot be reasonable to assume that a PSV is required unless there are other factors e.g. a large amount of baggage. If, for example, a nine-seater minibus (a PSV) is necessary, the difference in licensing requirements should be explained and explicit consent obtained. Licensing authorities should use their existing powers to include as a condition of a PHV operator's licence that bookings received</p>	<p>Definitely. It would be helpful if the PCV application process also included the need to check the NAFN register.</p>

	by that licence-holder must be fulfilled using a PHV licensed driver and vehicle. Authorities may then take appropriate steps to monitor and enforce compliance with the licence condition.	
Recommendation 28		
Licensing authorities must require that all drivers are able to communicate in English orally and in writing to a standard that is required to fulfil their duties, including in emergency and other challenging situations.	<p>Government supports this recommendation. Those that carry members of the public must be able to understand the needs of their passengers.</p> <p>The draft statutory guidance which has been issued for consultation alongside this response recommends that licensing authorities require an English assessment (oral and written) for their licensees.</p> <p>In the longer term, Governments intends that this requirement would be included in national minimum standards.</p>	Communication skills form part of the Knowledge tests (both HC and PH)
Recommendation 29		
All licensing authorities should use their existing powers to require that the taxi and PHV drivers they license undergo disability quality and awareness training. This should be mandated in national minimum standards.	The Government supports this recommendation. Taxis and PHVs play a vital role in enabling disabled people to travel where other modes may not be available or accessible. The Department has, in previous best practice guidance, encouraged licensing authorities to use their powers to improve drivers' awareness of the needs of disabled people including by undertaking disability awareness training. This training should	This is already a requirement for Birmingham licensed drivers.

	<p>include awareness of less visible impairments, such as learning disabilities and dementia.</p> <p>In the longer term the Government intends that these training requirements will be included in national minimum standards.</p>	
Recommendation 30		
<p>Licensing authorities that have low levels of wheelchair accessible vehicles (WAVs) in their taxi and PHV fleet should ascertain if there is unmet demand for these vehicles. In areas with unmet demand licensing authorities should consider how existing powers could be used to address this, including making it mandatory to have a minimum number of their fleet that are WAVs. As a matter of urgency, the Government's Best Practice Guidance should be revised to make appropriate recommendations to support this objective.</p>	<p>We will continue to monitor the proportion of WAVs within overall taxi and PHV fleets, as reported in the annual DfT taxi and PHV statistics, and to seek clarification from authorities as to the steps they are taking to assess and respond to the local need for such vehicles.</p>	<p>This is an area of concern which requires further investigation.</p>
Recommendation 31		
<p>Licensing authorities which have not already done so should set up lists of wheelchair accessible vehicles (WAVs) in compliance with s.167 of the Equality Act 2010, to ensure that passengers receive the protections which this provides.</p>	<p>In 2017, the Government commenced sections 165 and 167 of the Equality Act 2010. Under Section 167 a licensing authority may publish a list of their licensed vehicles designated as wheelchair accessible; those vehicles are then required to apply the passenger protections in Section 165. These are to not charge more to a passenger in a wheelchair than to any other passenger, and to provide</p>	<p>This is a statutory requirement. This list is available on our website.</p>

	reasonable assistance (drivers may be exempted from the latter on medical grounds).	
Recommendation 32		
Licensing authorities should use their existing enforcement powers to take strong action where disability access refusals are reported, to deter future cases. They should also ensure their systems and processes make it as easy as possible to report disability access refusals.	The Government agrees that those that refuse to meet their legal obligation under Sections 168 and 170 of the Equality Act 2010 should be subject to enforcement action. We have stated in the ITS that licensing authorities should use the powers available to them, and take robust action against those who have discriminated illegally against disabled passengers.	This is already the case in Birmingham.
Recommendation 33		
The low pay and exploitation of some, but not all, drivers is a source of concern. Licensing authorities should take into account any evidence of a person or business flouting employment law, and with it the integrity of the National Living Wage, as part of their test of whether that person or business is "fit and proper" to be a PHV or taxi operator.	The TFG report acknowledges that the group did not have the expertise, nor was it within its scope, to determine the employment status of drivers. This is also true of licensing authorities; only the courts can make rulings on employment status. However, the Government agrees that the decisions of tribunals, and whether an operator concerned is complying with a ruling in the way the law requires, should reasonably be considered by a licensing authority as part of the 'fit and proper' test for a PHV operator.	If there is evidence of convictions, cautions or similar for breaches of this kind, they may be considered as part of the application process. It is difficult to adduce unsubstantiated complaints which relate to an area outside of our jurisdiction. That is to say, the licensing service should not be expected to carry out investigations into pay and conditions

Recommendation 34		
<p>Government should urgently review the evidence and case for restricting the number of hours that taxi and PHV drivers can drive, on the same safety grounds that restrict hours for bus and lorry drivers.</p>	<p>In the first instance, in order to assess the scale of the issue, the Government will engage informally with sector stakeholders to determine whether it is possible to more accurately assess the hours drivers are working, and whether there is a trend for working more or excessive hours. The Government is mindful not just of road safety, but also of the need to avoid burdensome, yet difficult to enforce, regulation.</p>	<p>This is a very important measure to safeguard both the public and the drivers</p>