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Rt. Hon. George Howarth MP
House of Commons
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17 July 2014

Dear George,

DEREGULATION BILL - PRIVATE HIRE VEHICLES

Thank you for your letter of 26 June regarding concerns raised by some of your constituents about the three taxi and private hire vehicle (PHV) related clauses in the Deregulation Bill. I hope I can reassure you that the reforms in the Bill are sensible and will not have a negative impact on passenger safety.

The measures in the bill are in fact taken from the Law Commission review and were also the subject of an additional, targeted consultation carried out earlier this year using a group of expert representatives within the taxi sector. The main purpose of the consultation was to understand whether there would be any unintended consequences arising from these measures. We also informed the Law Commission of our plans at an early stage in order to discuss the measures with them. No objections to these proposals were raised by members of this group or by the Law Commission.

It is worth pointing out that all three measures already apply in London: London PHV operators are already permitted to sub-contract bookings outside of London; licensed London PHVs may also be driven by unlicensed drivers when they are not being used as PHVs; and, the standard durations for driver and operator licences are already set at three and five years respectively. Furthermore, it is also the case that a significant number of licensing authorities in England and Wales already issue driver licences for three years and operator licences for five years.

Department for Transport's Best Practice Guidance on Taxi and PHV Licensing advises licensing authorities to undertake formal criminal records checks on a three-yearly basis and that facility will still be available to them. Moreover, the new Disclosure and Barring Service allows taxi and PHV drivers to sign up for an updating service which allow licensing authorities to make enquiries about the drivers they licence if they feel the need to do so.

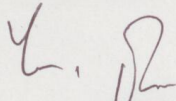
It was with safety in mind that we used feedback from the informal consultation in January to introduce a reverse burden of proof in respect of the measure which allows non-PHV licensed drivers to drive licensed PHVs. If a person who does not hold a PHV driver's licence is caught driving a licensed PHV with a passenger, the onus will be on that person to prove that they were not using it as a PHV. That approach will make life easier for enforcement officers.

What we are proposing with regards allowing for off duty use of PHVs is a measured proposal which brings the rest of the country in line with policy in London, allowing the PHV trade potentially to make significant savings whilst retaining the principle that the only people who can ever carry passengers for money are those who have been suitably licensed.

Ultimately, this risk of individuals masquerading as licensed PHV drivers exists under the existing system it is not created by making this change, and with appropriate enforcement measures any potential for the risk to increase should be mitigated.

On the issue of subcontracted bookings, all subcontracted PHV journeys would by law have to be undertaken by licensed PHV operators who have met their local licensing standards. The original operator who takes the booking will retain responsibility for that journey in line with the existing 1976 Local Government (Miscellaneous Provisions) Act.

I hope that this provides your constituents with the reassurances that they are looking for.



OLIVER LETWIN