



LCDC



19 April 2016

No Strategy for Taxi licensing, policy, compliance and enforcement.

Earlier this month the LCDC received an invite to attend the quarterly performance update from TPH on Licensing, Compliance and Enforcement. Today, there followed this exchange of emails that show, despite TfL's protestations to the contrary, there has been no Taxi or PH Strategy for years.





From: TPH Senior Relationship Manager (SRM)

Sent: 04 April 2016 17:25

To: TPH Senior Relationship Manager (SRM); Chapman Helen (TPH); Hayward Siwan; Nandha Anand (ST); Robinson Graham; Underwood Rebecca (TPH); Kennedy-Todd Silka; Moody Thomas; Rodgers Edgerton (ST); Tracy.Allison; Clark David; Burton Steve (ST); Peter Blake; Jim Kelly; Steve McNamara'; Richard Massett; Peter Bond; Grant Davis; Bob Oddy; Mark White'; Danny Sullivan ; Peter Rose

Subject: Taxi licensing & policy / compliance and enforcement meetings

When: 20 April 2016 12:30-15:30 (UTC) London.

Where: Palestra.

All,

I am proposing the next Taxi Licensing and Policy / Compliance and Enforcement meetings take place on 20 April; 12.30 - 14.00 for the Licensing and Policy Meeting, 14.00 – 15.30 for the Compliance and Enforcement meetings. These are the meetings that were due to take place on 30 March, which we had to cancel. We have extended the meeting time to three hours.

I appreciate we have had a request to move to a monthly meeting lasting three hours in duration and alternating between licensing/policy and compliance/enforcement. However, we have only just agreed to this new format and frequency of the meeting and secured dates in the diary for the duration of the year so it's important we give this time to bed in before making any further changes. It is also





sensible to understand what engagement strategy the new Mayor would like to undertake as this could result in a different approach.

Note that the police have confirmed they are able to attend this meeting.
Agenda to follow. Presentation to be shared a day or two prior to the meeting.

Regards

Silka

On 19 Apr 2016, at 12:25, Kennedy-Todd Silka wrote:

Note that, due to issues with room availability, this meeting will take place in Palestra. You will be met in reception at 12.25 and taken up to the 11th floor.

All

I attach the presentation for the taxi licensing & policy, compliance & enforcement meetings taking place tomorrow afternoon at Palestra.

Please note that these slides are currently confidential. As I am sure you are aware, there are strict rules about what can and can't be published online during the pre-election period. As such these slides must remain confidential until 6 May 2016; at that time, we will be publishing them online and you will be welcome to share them as you feel appropriate. Please respect this embargo until that date.

Note also that these slides do not include information on sexual assaults. We are currently working with our policing colleagues and our licensing team to produce information on this which will be published online and updated regularly. This is down as an agenda point in our meeting, so we can discuss it in details then.





I look forward to seeing you all tomorrow.

Please ask for me at Palestra's reception when you arrive.

Thank you,

Silka

From: Mark White

Sent: 19 April 2016 13:17

To: Kennedy-Todd Silka

Thank you, Silka.

Could you please send the current Taxi & PH Strategy that was approved and passed by the TFL Board on the 17th March 2016 and a copy of the previous one so that I can see how it has changed, before the meeting?

Mark White

On 19 Apr 2016, at 13:18, Kennedy-Todd Silka wrote:

Mark

The strategy at present remains as the provisional one that was published online on 30 September - <http://content.tfl.gov.uk/taxi-and-private-hire-strategy2.pdf>

Regards,

Silka





From: Mark White

Sent: 19 April 2016 13:29

To: Kennedy-Todd Silka

Thank you, Silka.

Was it approved by the TFL Board on March the 17th, as Peter Blake said in his email on March the 4th?

Can you send a link to the Transcript and the part where it was discussed, please?

Can you also send me a copy of the old Taxi and PH Strategy that TFL were working with prior to that and any other ones in the preceding years?

Can you also send me the copy of the Strategy that TFL got from the PCO when TFL took over the running of the Taxi and PH Industry, so we can look at the changes for discussion on Wednesday?

Regards,

Mark.

Mark White
(LCDC)





On 19 Apr 2016, at 15:57, Kennedy-Todd Silka wrote:

Mark

This is what Peter Blake said in his email of 4 March – you’ll note that he said that the strategy would be informed by the decisions made by the TfL board on 17 March. There was never a suggestion that a strategy would be taken to board on 17 March:

“You mentioned our provisional taxi and private hire strategy which was published alongside the Private Hire Regulations Review consultation on 30 September. The final strategy will be informed by the decisions made by the TfL Board on 17 March, but I can assure you that we continue to support the concept of statutory definitions for pre-booked and plying for hire, which we believe will enhance public safety and ensure the longevity of the two-tier system in London.”

Minutes from board meetings are published online a week before the next board meeting. As the next board meeting will take place on 19 July, the minutes will be published on 12 July.

I am not aware of any written strategies for TPH that existed prior to the publication of the provisional strategy on 30 September; hence why one was written and shared on that date. I have asked the question and if any are flagged with me I will let you know.

You’ll note that this is not on the agenda for tomorrow. We can see if there is time at the end of the licensing and policy meeting agenda for you to raise this under any other business.

Regards

Silka





TOPOGRAPHICAL KNOWLEDGE

75. TAXI DRIVERS

NEED A GOOD WORKING KNOWLEDGE OF THE AREA FOR WHICH THEY ARE LICENSED, BECAUSE TAXIS CAN BE HIRED IMMEDIATELY, DIRECTLY WITH THE DRIVER, AT RANKS OR ON THE STREET.

SO MOST LICENSING AUTHORITIES REQUIRE WOULD-BE TAXI-DRIVERS TO PASS A TEST OF

LOCAL TOPOGRAPHICAL KNOWLEDGE

AS A PRE-REQUISITE TO THE FIRST GRANT OF A LICENCE

(THOUGH

THE STRINGENCY OF THE TEST

SHOULD REFLECT THE COMPLEXITY OR OTHERWISE

OF THE LOCAL GEOGRAPHY, IN ACCORDANCE

WITH

THE PRINCIPLE OF ENSURING THAT BARRIERS TO ENTRY

ARE NOT

UNNECESSARILY HIGH).



76. PHVS ARE NOT LEGALLY AVAILABLE FOR IMMEDIATE HIRING IN THE SAME WAY AS TAXIS.

TO HIRE A PHV THE WOULD-BE PASSENGER HAS TO

GO THROUGH AN OPERATOR, SO THE DRIVER

WILL HAVE AN OPPORTUNITY TO CHECK THE DETAILS OF A ROUTE BEFORE STARTING A JOURNEY.

SO IT MAY BE

UNNECESSARILY BURDENSOME

TO REQUIRE A WOULD-BE PHV DRIVER TO PASS THE SAME 'KNOWLEDGE' TEST AS A TAXI DRIVER, THOUGH IT MAY BE

THOUGHT APPROPRIATE TO TEST CANDIDATES' ABILITY TO READ A MAP

AND

THEIR KNOWLEDGE OF KEY PLACES SUCH AS MAIN ROADS AND RAILWAY STATIONS.

From: Mark White

Sent: 19 April 2016 17:46

To: Kennedy-Todd Silka

Silka,

You've got me really confused because the Executive of TFL have been telling City Hall "there's a Strategy, but it's not written down" since September 2014!

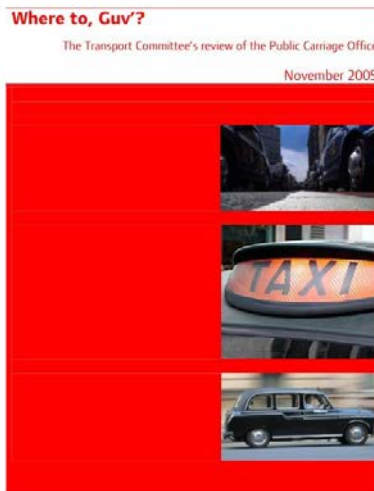
So, now you're saying it never existed and the one you have hasn't been acted on, despite the fact that we've had a two tier system since 1961, albeit one that was unlicensed. What has been the Strategy for the past decade since Private Hire were completely licensed and the London Assembly, in 2005, said:





"The Committee feels that now the PCO has taken on responsibility for enforcing policy, a strategic, facilitating role would be more effective than the largely operational function it has had in the past. The PCO has undergone a lot of changes in its responsibilities since 2000, many of them particularly difficult undertakings. This investigation has found that the PCO is not providing as competent a service as it could in some areas, particularly in communications, and needs to restructure itself to reflect better the work it does. Now private hire licensing is business as usual, these changes need to be implemented as soon as possible.

Then the PCO can ensure London's world-renowned taxi service has a secure long-term future."?





In less than a decade, Transport for London has failed abysmally!

Is this because you've had no strategy for a decade?

We have existing legislation that is not being properly enforced and Transport for London have recently changed policy without any forewarning or consultation with either the Taxi or Private Hire Trades.

There are certain guidelines that need to be followed in order to change laws, which is what we are talking about here. Selectively enforcing existing laws and regulations is effectively the same thing. The failure to enforce existing legislation is effectively mounting an ambush on the Taxi Market Place and causing our Trade to be destroyed and deregulated by stealth.

Tomorrow, you will have Tom Moody, the Head of Policy, attending the meeting.



In October 2014, both he and Siwan Hayward failed to respond to the issue of the interpretation of legislation which have led to woefully inadequate enforcement policies. During that meeting (which I know you weren't party to) TFL managers laid the blame at the feet of the people above them.





Unite's Mike Hedges, the LTDA's Richard Massett, and the LCDC's Grant Davis, Daryll Cox and myself, were all in attendance.

Having watched the Deputy Mayor of Transport, Isabel Dedring, and Chief Operating Officer, Garrett Emmerson give evidence about the 'Strategy' in the bowels of City Hall, in September 2014, we then watched the Executive of TFL (Sir Peter Hendy, Isabel Dedring, Garrett Emmerson and Leon Daniels) spend the best part of a year trying to wriggle out of producing it!



This is the fundamental problem behind everything that has happened in the Industry for the past ten years and you say it's "not on the agenda"?

It's a licensing and policy meeting. Everything that comes out of your Strategy helps to formalise your policies!





It's the starting place, not the bloke dressed as a snail who trails over the finishing line of the London Marathon two weeks later having raised money for Charity!

Is this another parody email account as this comment is scandalous!?

"I am not aware of any written strategies for TPH that existed prior to the publication of the provisional strategy on 30 September; hence why one was written and shared on that date. I have asked the question and if any are flagged with me I will let you know."

What has Tom Moody been working from since he arrived and took over from Simon Buggery? Is it any wonder TfL have ignore the Government's Best Practice Guidance?

As for it not being part of the Agenda: as I have explained previously, all the issues from October 2014 remain open.



Here's an email to Garrett Emmerson that was sent in November 2014:





From: Mark White

Sent: 02 November 2014 02:46

To: Emmerson Garrett

Cc: Daniels Leon; Caroline Pidgeon; Valerie Shawcross; Darren Johnson; LCDC; Grant Davis; Richard Massett; Peter Bond; Steve Pound; Karen Buck; Brian Rice

Subject: Taxis & PH Licensing.

Dear Mr Emmerson,

At Transport for London's recent Taxi and Private Hire Licensing Meeting, which I attended with my LCDC colleagues Darryl Cox and Chairman Grant Davis, I asked Mr Thomas Moody, the Head of Policy when the Law had changed since Karen Buck MP, the former Minister for State for Transport (London) had written to my MP, the Hon. Stephen Pound MP, in September 2005 explaining why Taxis were licensed differently to Private Hire? I asked what Authority he was relying on that was different to that the legislation the Minister had clarified.

In 2009, before John Mason took over the newly formed T&PH, Senior Driver and Operator Policy Manager, Simon Buggiey, reiterated the former Minister's explanation that PH drivers must have both time to plan a route and agree a price with the customer.

Buggiey said: "...it was the Private Hire Vehicles (London) Act 1998 that introduced private hire licensing in London for the first time, and it was the responsibility of the Public Carriage Office to implement that legislation. When we first consulted publicly on PHV driver licensing, the standards that were proposed for PHV drivers were based on the existing standards for taxi drivers. These standards were seen as appropriate and as a result all drivers now have to meet common character and medical standards.





As they are required to drive a specific type of vehicle, taxi drivers have to take the additional taxi driving test but PHV drivers have the additional requirement of having to have held a full driving licence for at least three years.

The main difference between taxi and PHV driver is their route finding skills. These are two quite distinct requirements and help to maintain the fundamental difference between the two trades.

The main reason for the superior level of route finding skills required from a licensed taxi driver is the availability of the taxi for immediate hiring from a taxi rank or a street hail, which means that, unlike a pre-booked private hire vehicle, there is little, or no time for the driver to prepare for the journey.

Within TfL we have always maintained the distinction between the two trades by using the terms 'taxi' and 'private hire vehicle'. However, it is simply commonplace for people, as well as the press, to use the terms 'taxi' and 'cab' as generic terms for hackney carriages and PHVs. This is especially prevalent elsewhere in the country."

Mr Moody was unable to answer. Neither could he supply the legislation or any Notice from T&PH Management that announced any change.

In fact, when pushed further by the Taxi Trade Representatives, including the LTDA's Richard Massett and Unite's, Mike Hedges, Transport for London Manager's said that we were asking the question of the wrong people: that the people who had made the policy decision were "not in the room"! When the Taxi Trade Reps sought clarification as to who these people who were "not in the room" were; we were told the names "Garrett Emmerson" and "Leon Daniels."





Therefore, as the Management of TfL's Taxi and PH Directorate have advised us to ask you, or Mr Leon Daniels, I would like clarification as to what Authority you are relying on (the Act and section please) to have changed the policy regarding the Licensing of Private Hire Drivers so that those who are not licensed for immediate or on demand Hirings can use vehicles that do not meet the current Metropolitan Conditions of Fitness to operate in that specific market whereby they need not advise customers of price or take the time to prepare a route before picking up the passenger?

I'd also like Mr Daniels, or yourself, to explain how it is possible to both plan a route and offer a price without a destination? I note that in paragraph 15.c. of your "Über Operating Model Investigation", dated 2nd July 2014, (obtained under an FOI request) you state that:

"ULL provides each of the drivers with a GPS enabled smartphone (over which it retains ownership). The Über App is installed on that smartphone. GPS data is sent from that smartphone to the ULL cloud servers. Potential passengers, using the Über App, are shown the location of the vehicle and told the approximate time for pick-up."

Could you please explain how Über are taking pre-booked jobs in the widely accepted understanding of the term 'Pre-booked' as used on the stickers that all PH Vehicles carry on the back of their vehicles which clearly state: "Pre-booked only"? Could you also explain how PH Drivers are able to operate in this manner and do not need the prerequisite hire or reward insurance that Taxi Drivers have for plying for hire?

In September, I recently renewed my licence: it has not changed in thirty years and was the same as my late Father's who was first licensed in 1969. So could you also explain when a Private Hire Driver's license allowed them to pick up customers 'on demand' without the need for a topographical knowledge that satisfies the





Licensing Authority or does not require them to drive a vehicle that meets the Metropolitan Conditions of Fitness? These requirements have not, to my knowledge and understanding, changed within the past 45 years or more.

On another matter, I'd also like to bring to your attention to the recent "Shine" event that happened on the 28th of September, 2014, that led to a series of emails between the Taxi Trade and TfL. I have been informed by the Director of Cab Enforcement that if the Taxi trade are not satisfied with the response to the issues the LCDC raised that we should complain directly to you.

Having already raised that issue at the Compliance meeting which followed the Licensing meeting, the London Cab Drivers Club would like to make a formal complaint and ask that you investigate how Ride2 were allowed to operate outside the terms and conditions of their licence and form an illegal rank of the 24 hour Red Route that operates on Lower Thames Street, EC4, at Old Billingsgate?

We look forward to your response.

Regards,

Mark White.

(LCDC)

My MP, John McDonnell, wrote to the Mayor of London on my behalf after getting a 'Moody' reply telling him:

Dear Mark

Thank you for your email to Garrett Emmerson of 2 November. as Head of Taxi and Private Hire Policy I am responding to you on his behalf.





TfL ensures that licensed operators and drivers comply with the Private Hire Vehicles (London) Act 1998 and the regulations made under it. This legislation does not prescribe how far in advance a pre-booked journey is to be made. It does however provide that all private hire journeys must be booked in advance through a licensed private hire operator and that certain details are to be entered into the operator's booking records before a journey commences. Operators are not required to record a destination before a journey commences unless a passenger specifies one at the time of booking.

The power to make the PHV operator regulations is now vested in TfL, and we 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 that consultation will be publicised in due course and your participation in that process is welcomed.

Secondly, you asked about the recent 'Shine' event. As you know, TfL has looked into this matter and found no evidence of illegal plying for hire. Our investigation found that private hire vehicles were stopped and parked by the venue while waiting to be despatched on pre-booked journeys by the operator licensed for Billingsgate market. Siwan Hayward, in her email to you on 6 October, asked that you provide any evidence you have that drivers were inviting or accepting journeys directly from members of the public without pre-booking via an operator. If you do have any evidence, please do send it to us and we will investigate further.

Regards

Tom Moody
Head of Policy and Service Development
London Taxi and Private Hire
Transport for London





Palestra

I got this reply several times: each time showing a complete disregard for the Government's Best Practice Guidance that quotes the same information Simon Buggery relied on in 2009 and Karen Buck MP, before him, in 2005.

So what 'Strategy' was Tom Moody working from?

I replied to Tom a short while after:

Subject: Moody Reply

Thomas,

I have re-read your reply to me several times, in order to write to my MP, John McDonnell, and I wanted to take issue with a number of the comments that you make. But then suddenly, it struck me; the realisation that I had already explained to you that you were misinterpreting the way in which both Karen Buck MP and Simon Buggery had outlined the way in which the law was intended to be read.

Why would I want a reply from you when you already had two opportunities to give me the answers I was looking for. On both occasions, at the PH Show and at TfL's HQ in Victoria, you failed to give me the answer as to when the law had been changed or the Taxi trade notified that policy had been changed as we both know it hasn't!

In fact, your reply to me only further goes to highlight that you do not know what you are talking about, especially when you say:

"Secondly, you asked about the recent 'Shine' event. As you know, TfL has looked into this matter and found no evidence of illegal plying for hire. Our





investigation found that private hire vehicles were stopped and parked by the venue while waiting to be despatched on pre-booked journeys by the operator licensed for Billingsgate market. Siwan Hayward, in her email to you on 6 October, asked that you provide any evidence you have that drivers were inviting or accepting journeys directly from members of the public without pre-booking via an operator. If you do have any evidence, please do send it to us and we will investigate further."

Thomas, private hire vehicles are not allowed to be "stopped and parked by the venue while waiting to be despatched on pre-booked journeys by the operator"!

That is not a pre-booking!

Pre-booking is not allowing PHV's to wait for a job to be allocated! Case law already exists to stop PHV's from ranking illegally in view of the General Public! They are not allowed to wait on a 24-hour Red Route and (despite Siwan Haywards original protestations that they were not given a 'special dispensation' until she realised that they had) they were still breaking the law, even if they had been parked legally and Cab Enforcement were remiss in allowing this to take place. They were not allocated trips in advance and had not plotted a route! The Operator had only agreed a price in advance of the driver being given the trip. Tapping a postcode into a Sat Nav is not plotting and knowing a route! These drivers have not passed a test that Simon Buggiey says allows them to operate as Taxis nor are they using a vehicle that meets the Metropolitan Conditions of Fitness. As Buggiey says: "The main reason for the superior level of route finding skills required from a licensed taxi driver is the availability of the taxi for immediate hiring from a taxi rank or a street hail, which means that, unlike a pre-booked private hire vehicle, there is little, or no time for the driver to prepare for the journey."

These drivers had not prepared their route until they were given a piece of paper! They were not pre-booked or booked in advance by any stretch of the imagination and only an idiot would suggest otherwise!





To say that your reply shows that T&PH's left hand does not know what the right hand is doing would be a gross understatement! As I told you at the PH Show at Heathrow, you do not know what you are doing and do not understand current case law!

You then go on to compound this with a statement of gross stupidity that just belies belief when you state: "The power to make the PHV operator regulations is now vested in TfL, and we 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 that consultation will be publicised in due course and your participation in that process is welcomed."

I am not in the slightest bit interested, at this moment in time, in your intentions to hold consultations in the future! I am only concerned with what the Law currently states!

The Law Commission and future legislation is something that our trade will consider at the appropriate time, not 'here and now'!

Tom, if there is one gift you need to ask for at Christmas, it's a watch! We live in the present, not the past or sometime in the future. The laws that currently apply, govern us now!

I have asked my MP to get the replies I want from the Mayor of London, Boris Johnson, because you and your colleagues could not give the Taxi trade the answers we were looking for at the Licensing meeting. The answer that TfL TPH collectively gave was that you were not responsible for setting policy. That is quite clear from your moody reply and only further highlights your ignorance or unwillingness to share the information as to who set the policy and who is responsible.





If my tone offends you, please be aware that as a licensed London Taxi Driver of 30 years and representing many others, what you and your colleagues are doing to my trade disgusts me!

You and TfL are destroying what has been acclaimed as the World's best Taxi service and you show absolutely no concern for what you are doing!

I have asked previously who was responsible for the policy of allowing PH to work outside the terms and conditions of their licence? You all said "Garrett Emmerson and Leon Daniels!" Please forward my email to Garrett Emmerson to answer the questions I have asked and that you have totally ignored, before replying with a complete load of nonsense!

Please take this as a formal complaint and see that it is also lodged with both Mr Emmerson and London Travel Watch.

I will be asking John McDonnell to take this further with the London Assembly and the Mayor and referring it to Simon Hughes, the Minister of Justice, for his attention.

You are allowing PH Operators and Drivers to operate outside the terms and conditions of their licence and infringe my rights as a bona fide Taxi Driving licence holder. I reserve the right to show this correspondence to a Judge in a Court of Law.

Yours sincerely,

Mark White.

Silka, most of the stuff on your Agenda tomorrow, stems from the lack of a cohesive, integrated, Taxi and PH transport strategy.





I know TPH do not like my emails or the tone I adopt but if you cannot see the problem then you all need to get down to Specsavers?

Seriously!!!

TPH have been working without a Strategy since at least 2009-10!

The fact that TfL TPH have been working without a strategy, aligned to a distinct lack of enforcement, is the reason for all the failed policies at TPH and the distinct lack of joined up thinking that threatens the existence of the London Taxi trade!

Mark White

On 19 Apr 2016, at 17:50, Kennedy-Todd Silka wrote:

Hi Mark

You'll see from my email below that I said:

I am not aware of any written strategies for TPH that existed prior to the publication of the provisional strategy on 30 September; hence why one was written and shared on that date. I have asked the question and if any are flagged with me I will let you know.

You asked:



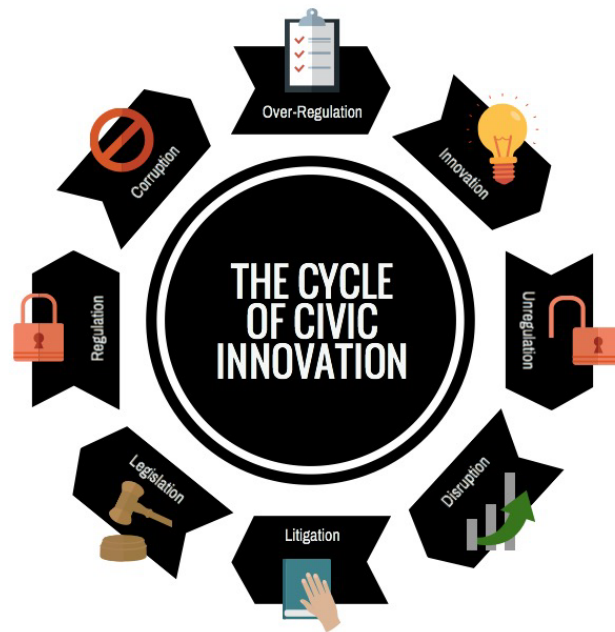


Can you also send me a copy of the old Taxi and PH Strategy that TFL were working with prior to that and any other ones in the preceding years?

Can you also send me the copy of the Strategy that TFL got from the PCO when TFL took over the running of the Taxi and PH Industry, so we can look at the changes for discussion on Wednesday?

I am unable to send you a copy of a strategy that has not been written down. I trust this closes this matter.

Regards



Silka

No, Silka, it doesn't.

Sorry, but whether you find one or not-which is highly unlikely-it's the fact that TPH do not have one that is important! It is the fundamental issue that causes all the problems!





Align that to inadequate enforcement and, in a nut shell, we have the position that we have today-TPH mismanaging the Taxi/PH Industry!

Mark

Mark White

(LCDC)

