

TRANSPORT FOR LONDON

SURFACE TRANSPORT PANEL

SUBJECT: DELEGATION OF TAXI AND PHV REGULATION MAKING POWERS

MEETING DATE: 19 MAY 2009

1 PURPOSE

1.1 The purpose of this paper is to request that the Surface Transport Panel consider and make recommendations to the Board to amend the delegations in relation to TfL's regulation making powers in respect of PHVs and taxis.

2 BACKGROUND

2.1 TfL is the licensing authority for London's taxi and PHV services and makes regulations when permitted or required by law to do so.

2.2 TfL's regulation making powers in respect of taxis are set out in various pieces of legislation dating back to 1850 and are normally exercised through the making of a London Cab Order. Matters which may be prescribed include the appointment of standings, tariffs, minimum journey distance, conditions of licence and passenger numbers.

2.3 The Private Hire Vehicles (London) Act 1998 states that TfL may prescribe by regulation certain requirements or conditions relating to such things as PHV operator, vehicle and driver licences, retention of records, display of discs and badges and licence fees.

2.4 Currently, the making of new regulations and the amendment of existing regulations is a matter which is generally reserved to the Board under TfL Standing Order No 2 with a few exceptions.

2.5 At the Board meeting on 31 March 2009, the Board approved relatively minor changes to PHV driver and operator regulations in relation to PHV driver physical fitness standards and amendments consequential to the Mental Capacity Act 2005. Subject to the recommendation of the Panel, the Board at its meeting on 24 June 2009 will be asked to consider whether it should amend the delegations in relation to TfL's regulation making powers in respect of PHVs and taxis.

3 PROPOSED DELEGATION OF PHV AND TAXI REGULATION MAKING POWERS

3.1 The possibility of delegating TfL's regulation making powers in respect of PHVs and taxis was raised at the Panel's meeting on 24 February 2009 during discussion of the proposed amendments to PHV driver and operator regulations referred to above. Those amendments highlighted the fact that regulations in respect of PHVs and taxis often address issues of an operational nature which

could be more appropriately dealt with by the Commissioner or senior officers in Surface Transport. The need for such delegations has been made even more relevant by the recently enacted TfL Act 2008 which contains regulation making powers in respect of designating directional and rest ranks. Those regulations, together with other operationally focused regulations, need to be made on a regular basis which will be difficult for the Board meeting dates to accommodate.

- 3.2 Consequently, it is proposed that the Board delegate to the Commissioner or in his absence, the Managing Director, Surface Transport those London Cab Orders and PHV Regulations which deal with matters such as minimum journey distance, licence conditions, penalties and distinguishing marks.
- 3.3 In addition, it is proposed that regulations which have a more routine, operational effect be delegated to the Chief Operating Officer – Enforcement and Compliance, Surface Transport or in his absence, the Director of Taxi and Private Hire. The relevant regulations address the following matters:
- a) Designation of directional taxi ranks;
 - b) Designation of rest ranks;
 - c) Prescription of maximum lengths of time during which a hackney carriage may stand at a rest rank;
 - d) London Taxi Sharing Scheme Orders;
 - e) Modification or suspension of the operation of restrictions on operating privileged cab systems at stations; and
 - f) Appointment of standings, the boundaries of such standings, number of carriages to be allowed in the standing, the times at which the standing may be used, enforcement of order at standings and removal of any person from a standing.
- 3.4 The Board would have the authority to make London Cab Orders which prescribe fares and PHV regulations which prescribe licence fees.

4 EQUALITY AND INCLUSION

- 4.1 No implications.

5 ALTERNATIVES

- 5.1 Maintain current position.

6 CONSULTATION

- 6.1 Not required.

7 RECOMMENDATIONS

7.1 The Panel is asked to RECOMMEND to the Board that the making, amendment and revocation of the following regulations be delegated to the Commissioner or in his absence, the Managing Director, Surface Transport:

- a) London Cab Orders (other than those which prescribe fares or those which are delegated to the Chief Operating Officer – Enforcement and Compliance, Surface Transport); and
- b) PHV Regulations (other than those which prescribe licence fees).

7.2 The Panel is asked to RECOMMEND to the Board that the making, amendment and revocation of the following London Cab Orders, London Taxi Sharing Scheme Orders and such other orders and regulations as are listed below be delegated to the Chief Operating Officer – Enforcement and Compliance, Surface Transport or in his absence, the Director of Taxi and Private Hire:

- a) London Cab Orders made pursuant to section 9(1) of the TfL Act 2008 designating directional taxi ranks;
- b) London Cab Orders made pursuant to section 10(1) of the TfL Act 2008 designating rest ranks;
- c) London Cab Orders made pursuant to section 10(2) of the TfL Act 2008 prescribing the maximum lengths of time during which a hackney carriage may stand at a rest rank;
- d) London Taxi Sharing Scheme Orders made pursuant to section 10(4) of the Transport Act 1985 other than those which prescribe fares;
- e) London Cab Orders which modify or suspend the operation of section 2 of the London Cab and Stage Carriage Act 1907 (privileged cab system) in respect of a station;
- f) London Cab Orders which fix the stands of hackney carriages and the persons who may attend at such stands pursuant to section 9(2) of the Metropolitan Public Carriage Act 1869; and
- g) Orders and regulations made pursuant to section 4 of London Hackney Carriages Act 1850 appointing standings for hackney carriages, the boundaries of such standings, number of carriages to be allowed in the standing, the times at which the standing may be used, enforcement of order at standings and removal of any person from a standing.

7.3 The Panel is also asked to RECOMMEND that the Board authorise General Counsel to make the necessary changes to TfL Standing Order No 2 to reflect the proposed new delegation arrangements as set out above.

8 CONTACT

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