

TRANSPORT FOR LONDON
PROTOCOL FOR THE JOINT AUTHORISATION OF
OFFICERS TO CARRY OUR TAXI AND PHV COMPLIANCE
AND ENFORCEMENT ACTIVITY

1 Introduction

- 1.1 The [Statutory Taxi and Private Hire Vehicle Standards](#) published by the Secretary of State under section 177(1) of the Policing and Crime Act 2017 recommend that Licensing authorities should, where the need arises, jointly authorise officers from other authorities so that compliance and enforcement action can be taken against licensees from outside their area.
- 1.2 This protocol sets out a framework that will enable TfL and licensing authorities elsewhere in England and Wales to enter into partnerships that will:
 - a) enable licensing authorities elsewhere in England and Wales to act against vehicles and drivers that are licensed by Transport for London (TfL) when they cross over boundaries; and/or
 - b) enable TfL to act against vehicles and drivers that are licensed by other licensing authorities when they are found working in London.
- 1.3 The protocol sets out the primary principles we would apply, the processes we would follow, and the information we would require, if another authority is seeking to be given authorisation under London taxi and PHV legislation. We would adopt a similar approach and principles when seeking to be granted enforcement powers by another authority. However, each case will be treated on its own merits, and individual agreements may warrant additional, detailed arrangements.
- 1.4 The primary purpose of the protocol is to advance the safety of the public travelling by taxis and private hire vehicles (PHVs) through enabling improved enforcement. The focus of the protocol is on immediate public safety risks and potentially significant offences. Compliance and enforcement activity will be guided by this primary purpose.
- 1.5 Jointly authorising officers is just one solution to compliance and enforcement issues. TfL Compliance Officers regularly carry out joint operations with neighbouring authorities and we will continue to do so, and all licensing authority officers have an existing range of powers at their disposal. Therefore, before jointly authorising officers, we will explore all potential solutions. Jointly authorising officers is complex, particularly when areas outside London operate under different legislation and London legislation is not designed to apply outside the capital, and should be seen as a solution of last resort.

2 Interpretation

- 2.1 For the purposes of this protocol, certain words or phrases will have the meanings listed in Appendix A.

3 Identifying need

- 3.1 Licensed vehicles working legitimately out of their home licensing authority area does not in itself give cause for delegating compliance and enforcement powers to another authority's officers. Many issues, such as illegal parking, unlawfully plying for hire, and misuse of taxi ranks can be dealt with using existing powers.
- 3.2 Any licensing authority that wishes its officers to be delegated authority by another licensing authority must provide sufficient evidence of the problem that needs to be addressed, why they need delegated powers, and to set out how they propose to use those powers.
- 3.3 Evidence to be provided should include, but not be limited to:
 - Approximate numbers of the other authority's vehicles working in their area;
 - The specific problems caused by those drivers and/or vehicles;
 - Alleged offences committed by those drivers and/or vehicles;
 - Whether those vehicles are taxis or PHVs, and
 - Vehicle safety concerns; and
 - The frequency and regularity of all such issues.
- 3.4 In considering the evidence provided and whether to authorise joint authorisation, the other licensing authority may undertake joint working in the area to establish the full extent of the issues that need addressing.

4 Delegating authority - General

- 4.1 Each participating authority is responsible for identifying competent and already authorised officers to be authorised by the other participating authority.
- 4.2 Each participating authority is responsible for providing appropriate training to officers in the other authority to ensure that are aware of local legislation, conditions, bylaws, etc.
- 4.3 The minimum functions that will be considered for delegation are listed in Appendix B in order to undertake relevant compliance activity. Powers to deal with other matters will be delegated on a case by case basis, determined by the need.
- 4.4 Appropriate identification and evidence of authorisation will be issued by each participating authority to the designated authorised officers in the other participating authority in an agreed format. All such authorisations will be time limited.
- 4.5 The licensing local authority which employs the authorised officers will retain responsibility for their conduct, behaviour and employment terms and conditions.

5 Delegating authority - Within TfL

- 5.1 After consideration of all the available evidence, a recommendation will be made by the Senior Operations Manager/Head of TPH Compliance to the Director of Compliance, Policing, Operations and Security (CPOS). Prior approval should be sought from the Head of Licensing in the Taxi and Private Hire Department before the recommendation is passed to the Director of CPOS.
- 5.2 The decision to delegate authority to any individual in another participating authority will be taken by the Director of CPOS.
- 5.3 TfL reserves the right to withdraw authority at any time if there is any evidence that the authority is being misused or where the standards that are expected by TfL officers is not met by officers from another authority.

6 Working arrangements

- 6.1 Authorised officers will deal with taxis and PHVs, and their drivers, licensed by the other participating authority in the same way they would deal with vehicles and drivers licensed by their own licensing local authority.
- 6.2 This protocol places no obligation on a participating authority to inspect taxis or PHVs, or interview drivers licensed by the other participating authority. It will be for each participating authority to determine the extent to which they use delegated authority.
- 6.3 The exact arrangements and terms of agreement for each instance of delegated authority will be determined on a case by case basis, based on the specific needs to be addressed by the delegation. However, in general, the principals in paragraphs 6.4 – 6.11 below will apply.
- 6.4 In all cases, authorised officers are normally only permitted to deal with taxis and PHVs within the boundary of their own licensing authority, unless assisting another participating authority in their district on a pre-arranged basis, such as a joint operation.
- 6.5 Unless there is an immediate risk to public safety, authorised officers will record relevant information and evidence and pass it to the home authority for appropriate action in line with the home authority's licensing policy. This includes compliance activity that resulted in no adverse issues being identified.
- 6.6 Authorised officers will be delegated the necessary powers to take appropriate action where there is an immediate risk to public safety provided that the officer would normally have taken similar action against a vehicle licensed by their own licensing authority in the same circumstances. The home licensing authority for a licensed vehicle or driver will be responsible for ensuring remedial action is monitored or completed.
- 6.7 Safeguarding concerns should be reported to the police immediately and the home licensing local authority should be notified at the earliest opportunity. Wherever possible this should be within 24 hours.
- 6.8 In the event of obstruction or conflict between a driver and an authorised officer, the home licensing authority should be provided with as much information as possible the next working day to allow a decision to be made.

- 6.9 In all cases, relevant information will be passed to the home authority within timescales specified by the data sharing agreement (see Section 7).
- 6.10 Where licensing action is deemed necessary by the home authority as a result of information provided by the other participating authority, the authority providing that information will provide all reasonable and necessary assistance, including, if necessary, the provision of witness statements and attendance at court.
- 6.11 The cost of enforcement action against drivers and vehicles from the other participating authority can be discussed between the participating authorities. However, the first consideration is that TfL would not reimburse for time spent inspecting London licensees. Unless there is prior agreement between participating authorities, no reimbursement will be made by one participating authority to another for time spent or costs incurred by any authorised officer exercising powers delegated under this protocol.

7 Sharing information and intelligence

- 7.1 Participating authorities will enter into a data sharing agreement that ensures the safe and secure exchange of information.
- 7.2 Each participating authority will designate a single point of contact to whom information, concerns and intelligence gathered in relation to any of its taxi and PHVs and drivers can be passed by secure means.
- 7.3 The form of any documentation used for sharing information and intelligence, and the means of sharing, will be agreed between the participating authorities.
- 7.4 Each participating authority will provide the other with real-time access to a complete and up to date list of its licensees.
- 7.5 Information and intelligence provided by participating authorities shall only be used for the purpose intended and shall not be divulged to third parties unless to do so would be lawful.

Appendix A: Interpretation of terms

1843 Act	London Hackney Carriages Act 1843
1847 Act	Town and Police Clauses Act 1847
1869 Act	Metropolitan Public Carriage Act 1869
1976 Act	Local Government (Miscellaneous Provisions) Act 1976
1998 Act	Private Hire Vehicles (London) Act 1998
1934 Cab Order	London Cab Order 1934
Authorised Officer	an officer authorised in writing by TfL for the purposes of the 1998 Act and Public Carriage Examiners (any person appointed by TfL to examine and inspect [taxis] for the purposes of the 1869 Act); or an officer authorised under s80 of the 1976 Act
Licensing authority	in relation to any area in England and Wales, the authority responsible for licensing taxis and PHVs in that area.
Home licensing authority	the local authority responsible for licensing the taxi, PHV or its driver.
Participating authority	any authority acting in partnership under this protocol
Private hire vehicle	a vehicle licensed under: s7 of the 1998 Act; s48 of 1976 Act; or an equivalent provision of a local enactment.
Private hire vehicle driver	a person who holds a licence under: s13 of the 1998 Act; s51 of the 1976 Act; or an equivalent provision of a local enactment.
Taxi (hackney carriage)	a vehicle licensed under: s6 of the 1869 Act; or s37 of the 1847 Act
Taxi (hackney carriage) driver	a person who holds a licence under: s8 of the 1869 Act; or s46 of the 1847 Act

Appendix B: Delegated powers

	London		Outside London
	Taxi	PHV	Taxi and PHV
Driver to wear badge/Require driver to produce badge	s17 1843 Act	s14 1998 Act	s54 1976 Act
Require driver to produce licence	Article 28 1934 Cab Order	s21(1) 1998 Act	s53(3) 1976 Act
To inspect a licensed vehicle and suspend the licence if not satisfied as to its fitness	Article 19 1934 Cab Order	s9 1998 Act	s68 1976 Act
Removal of licence plate or discs	Article 19 1934 Cab Order	s22(7) 1998 Act	s58 1976 Act
Obstruction of authorised officer	-	s27 1998 Act	s73 1976 Act