

Government Call For Evidence - Taxi & Private-Hire – September 2025

The Brighton & Hove Cab Trade Association is one of the several trade representatives of the Brighton & Hove taxi & private-hire trade and is responding to the governments ‘Call for Evidence’ for what could be major changes to the trade.

This submission document is endorsed by the following Brighton & Hove taxi and ph trade rep colleagues:

Brighton & Hove Streamline Taxis (est. 1936) – Owner Driver Association Cooperative - Brighton & Hove Sudanese Taxi Forum - Brighton & Hove Afghan Taxi Forum – Brighton & Hove Private-Hire Association – Brighton & Hove United Taxi Driver Association

References:

‘Taxi’ ‘Taxis’ refers to hackney carriages. ‘PH’ refers to private-hire. ‘PHV’s refers to private-hire vehicles.

Background

Along with other trade reps, the BHCTA works closely with the council, East Sussex Police and local associated groups on various local trade matters. A relationship that works very well.

Over the last few years the city has been flooded by out-of-town private-hire drivers/vehicles predominantly working in the city here actively encouraged by Uber. It should be noted that this is not considered to be illegal, However, none of those out-of-town drivers have that close local working relationship that the local trade has. None of which have to comply with the ‘Brighton & Hove Blue Book of Conditions of Licensing for Drivers, Vehicles & Operators.’

bhcta.co.uk/blue-book

Additionally, such out-of-town drivers/vehicles are unable to be monitored by Brighton & Hove Licensing Enforcement, nor their own respective Licencing Enforcement due to predominant remote working practices.

The Brighton & Hove taxi and private-hire trade, as a combined group, has a great deal of experience of out-of-town drivers/vehicles predominantly working in the city under ‘Predominant Out-of-Area Working’ (POAW), more commonly known as ‘Cross Border Hiring’, that breach their own respective licensing conditions. This includes illegally using Brighton & Hove taxi ranks, illegal street hirings, purposely removing licence plates, smoking in their vehicles.. and even such drivers living in their vehicles.

View the Havant Uber ph driver with a purposely removed licence plate who was working in the city. tinyurl.com/havantphv1

We have drivers/phv’s from Lewes DC, Southampton CC, Portsmouth CC, Havant DC, Chichester DC, Fareham BC and New Forrest DC, predominantly working here. A good number of these drivers live in Brighton & Hove but choose to ‘Licence Shop’ in areas of lesser requirements as Brighton & Hove has a high standard for issuing a ‘Dual Badge’. This is to be able to drive both a hackney carriage & a private-hire vehicle that requires a local ‘Knowledge Test’ for a professional driver service. **‘Licence Shopping’** seriously deprives local Licensing Departments of financial revenue to sustain a licensing service.

The BHCTA has regular direct contact with these other Licensing Authorities due to continuously having to report the breaching of licensing conditions of their respective phv drivers.

We do not experience issues with hackney carriage taxis from other Licensing Authorities due to the **‘Intended Use Policy’** applied to these vehicles as a condition of licence as referred to further on.

Taking all of this into consideration, such references to Brighton & Hove in this ‘Call for Evidence’ are used for the required requested ‘Evidence’ in this comprehensive document.

It should be noted that, it has not been stated if the government is looking for any changes to the taxi and private-hire trade for both the ‘London Private Hire Act 1998’ for the trade within London and/or just the ‘Local Government Miscellaneous Provisions Act 1976 – Part 2’ for the trade outside of London, of which the two ‘Acts’ are very different.

A Summary is provided for this extensive document at the end of this document

Questions from the government

GQ1: Do current licensing arrangements and tools enable local authorities to effectively regulate and oversee the taxi and private hire vehicle (PHV) sector across England, in terms of safety, accessibility and quality of service? If not, what improvements could be made?

Unfortunately, the question is ambiguous:

Is the question about local Licensing Authorities overseeing their own respective licensed drivers/vehicles under Local Licensing Enforcement ?

Or is the question about Licensing Authorities being unable to oversee out-of-town drivers/phv's that predominantly work in their area, out-of-sight and out-of-mind of their own respective Licensing Enforcement?

Each individual local Licensing Authority has to comply with the Local Government Miscellaneous Provisions Act 1976 – Part 2 (Plymouth has its own Act of 1975 for taxis and phv's). Yet all such licensing authorities have chosen to ignore section 75 (1)(a) of the Local Government Miscellaneous Provisions Act 1976 - Part II as referred to further on and defined here:

Section 75(1)(a) of the Local Government (Miscellaneous Provisions) Act 1976 states that nothing in Part II of the Act (which deals with hackney carriages and private hire vehicles) applies to a vehicle used to bring passengers or goods into a controlled district under a hire contract made outside that district, provided the vehicle is not made available for hire within the district.

Key Points

This section applies to vehicles operating under Part II of the 1976 Act, which governs the licensing and regulation of hackney carriages and private hire vehicles in designated controlled districts that have different local conditions of licensing.

The exemption is for vehicles hired under a contract (a booking) that is **made in** the controlled district that the vehicle is licensed in but **ending** the contract for hire in a different licensing area.

A crucial condition is; that the vehicle **entering** another controlled district must not be made available for hire **within** the newly arrived controlled district when that contract is completed.

This provision aims to allow for the natural movement of vehicles for hire from one area to **enter into another licensing area** when being hired on a contract (a booking). But, without that driver and vehicle having to comply with the same local licensing conditions requirements in that other controlled district that has been entered into where those local drivers and vehicles do have to comply to those local conditions of licensing. This is for the purpose for that out-of-town driver and vehicle to complete the hired contract/booking.

Simply put:

If a private hire vehicle from '**District A**' is hired in '**District A**' under a contract (a booking) and is then used to transport a passenger into another controlled '**District B**', it remains exempt from the local licensing conditions under this section, as long as it is not then presented for hire within the controlled '**District B**'.

Ultimately, under Section 75 (1) (a) an out-of-town licensed driver/vehicle cannot accept contracts for hire **within** a controlled district for the purpose of **staying within** that controlled district without complying with the same local conditions of licensing **of that** controlled district.

Without this there is no point in having local conditions of licensing which is the exact reason why Parliament gave local licensing control to local authorities in the first place.

Why has no local Licensing Authority ever had the gumption to enforce Section 75 (1) (a) ?

Local Taxi/PHV Licensing Departments

An extremely important factor that is very unfortunately overlooked is that the majority of the 280 or so taxi/ph Licensing Authorities around the country do not have an exclusively dedicated Taxi/PHV Licensing Department. In fact some have what is known as watered down 'Shared Services' between areas. For example, in the South East, Lewes DC no longer has its own Licensing Department, instead, this is shared with Eastbourne BC. The same with Adur DC and Worthing BC.

It appears to be quite common that taxi/phv licensing is thrown in with licensing sex shops, poodle parlours, alcohol provision, ice-cream vans... and anything else that needs a licence to trade.

As such, dedicated taxi/phv Licensing Enforcement can be non-existent.

In Brighton & Hove there is a strong dedicated taxi/phv Licensing Department with a good team of Licensing Officers working exclusively with the local trade. Licensing Enforcement checks are made every week on the streets and ranks on the local trade at ad-hoc times to ensure that drivers and vehicles are up to the required standard for public safety. Trade Forum meetings are held every four months with trade reps, licensing officers, councillors the police and associated guests.

This is how the local taxi/ph trade should work, shoulder to shoulder with Licensing Officers, the council and the police as the local drivers are the 'Eyes & Ears' of local activity on the streets. We are often sent messages from the police for help and also the Licensing Department via the Licensing's dedicated 'Whatsapp' group. This would not be the same under the proposed and unknown, and most likely 'faceless entity' of 'Transport Authorities' taking over licensing as that would obliterate that local close collaboration.

Note: No such ad hoc Licensing Enforcement checks on the streets for public safety can be carried out on out-of-town drivers/phv's.

However, this is very different with nearby councils such as Lewes DC and Chichester DC (where the phv drivers/vehicles predominantly work in Brighton & Hove) and where the licensing for these drivers/vehicles is thrown in with the various other licensing matters as previously described.

Chichester, has recently confirmed that it doesn't even have any Licensing Enforcement officers, yet most of their phv drivers/vehicles (that are rapidly increasing in numbers) work outside of Chichester, out-of-sight and out-of-mind of Chichester licensing. It should be noted that Chichester does not even have the 'English Language Test' as required by other Licensing Authorities making it the ideal place to shop for a licence, thus the rapidly increasing number of licences being issued.

Licence Shopping Kills Sustainable Local Licensing Revenue

Driver applicants are '**Licence Shopping**' in areas where there are less strict 'Local Conditions of licensing', with no intention of actually working in those areas. This deprives other Licensing Authorities of licensing revenue to sustain Licensing Departments, yet those drivers predominantly work in those other areas. A prime example is where Wolverhampton has an income of millions, yet those licensed drivers/vehicles predominantly work elsewhere where they do not have to pay a licence fee, thus depriving those areas of the required sustainable finances to run an efficient Licensing Department, or have respective Licensing Enforcement checks.

The only 'control' of out-of-town drivers/vehicles in Brighton & Hove is via constant reports sent to those Licensing Authorities from the local Brighton & Hove trade of; missing rear vehicle licence plates/door repeater plates, illegally using Brighton taxi ranks, teetering-waiting on the edge of Brighton taxi ranks, smoking in vehicles and so on. If the local trade did not send those reports then those Licensing Authorities would be none the wiser of contraventions of respective licensing conditions and driver behaviour.

So no, there are currently no effective '**tools**' to regulate taxis/phv's that predominantly work out of area. especially where there is no dedicated taxi/phv Licensing Department exclusively dealing with taxi/phv licensing of such drivers/vehicles.

To rectify this, all councils must have a Licensing Department with properly trained Licensing Officers exclusively dealing with taxi/phv licensing... and nothing else.

National Standardised Code of Service for Licensing Departments

All Licensing Departments need a 'National Standardised Code of Service' applied to ensure that these departments service new applicants, existing licensed drivers/operators and respond to complaints and submitted reports efficiently and within a set time frame. Ten days seems to be the norm to reply to complaints. This is unacceptable when taking into consideration it is fully expected that a taxi/phv should turn up to a booking within minutes and taxi ranks should be full of taxis.

The taxi/private-hire trade have multiple conditions of licensing applied, but where are the conditions of service for Licensing Departments?

It has been suggested that there should be powers given to Licensing Authorities to be able to have control over all taxi/phv's wherever licensed, meaning all out-of-town licensed vehicles.

However, whilst the idea is interesting and could indeed work, this would be highly impractical under current circumstances unless the financial cost is taken into consideration. As previously explained, most councils do not have a dedicated taxi/phv Licensing Department.

Additionally, areas such as Brighton & Hove are perceived as being a 'Honey Pot' and as such the city is flooded with out-of-town phv drivers/vehicles (out-numbering the local taxi/ph trade) predominantly working here and indeed encouraged by Uber to do so.

Therefore, the workload on the Brighton & Hove Licensing Department, and other similar 'Honey Pot' areas would be extreme in being expected to check those out-of-town drivers/vehicles by default.

Who would pay for this?

The burden of the extra enforcement costs should not be shouldered by the local taxi/ph trade through higher licensing fees, as that would be unacceptable unless the following is applied nationally:

This would be for a Licensing Authority to bill another Licensing Authority for each and every check/complaint they carry-out on their respective drivers/vehicles. The cost of this would then come out of the licensing fees paid by the drivers/proprietors from those areas. The more driver/phv licences that a Licensing Authority rubber stamps... with those drivers/vehicles predominantly working out of area... the higher the fees would be for those respective drivers/proprietors.

PHV – Capping Unbalanced Numbers

The government needs to carry out an investigation on any Licensing Authority where it is blatantly clear that the issuing of private-hire driver/vehicles licences is carried out in a grossly unbalanced way pro-rata to area's population with the power to cap ph licence numbers.

A clear example of this is in Wolverhampton where the population is around 252,000 yet the council has issued in excess of 45,000 ph licences (and still rising) where those drivers predominantly work outside of Wolverhampton.

GQ2: What is the impact on the travelling public and drivers of variation between licensing authorities? Is reform needed to bring greater standardisation?

We approach the notion of "...greater standardisation..." or rather the often mentioned 'National Standards' with extreme caution as it is considered that this is the governments way of supposedly tackling cross-border hiring by effectively creating a '**One Tier National Private Hire Licence**'... or by any other name.

If a 'National Standard' was in place the government would be able to claim that there would be no issue with cross-border hiring because of much larger boundaries....so by default... private-hire drivers/proprietors would actually be supported by the government to work hundreds of miles away from where the licences have been issued.

In other words.... Carry on as usual!

The government need to come clean and say exactly what it intends to do... and what it intends not to do... so we can all make our minds up to decide if we want to continue with a bleak future in the taxi/ph trade as it is likely to eventually be controlled by Uber who clearly intends to take it over.

The public are generally unaware of the standards expected of taxis/phv's as controlled by individual Licensing Authorities. Yet there can be many differences in the local standards required. What seems to be over-looked here is that there are indeed certain standards of requirements that are already in place such that should be known as a 'National Requirement' and not a 'National Standard' for the following:

- Enhanced DBS check for the initial application for a driver/proprietors licence with the requirement for the subscription to the 'DBS Updating Service' for continuous live Enhanced DBS checking.
- Disability awareness training course, with refresher courses every three years.
- CSE/Vulnerable Adults awareness training with refresher courses every three years.
- English Language Test – An absolute must for communication. *Currently not required by Chichester.*
- Group 2 Medical (as applied to bus and lorry drivers) for fitness to drive a taxi/phv upon application and then every five years until the age of 65 then annually.
- For Brighton & Hove the 'Knowledge Test' is required for both taxi and phv as Brighton & Hove issues a 'Dual licence' to drive either. This absolutely ensures all such drivers have a professional aptitude and spatial awareness without the need to rely on a satnav to be able to concentrate on the traffic with passengers on board.

For Vehicles:

Nationally there may be differences in vehicle age requirements which leads to questions as to whether vehicle requirements should be a condition of licensing. Some Licensing Authorities stipulate the maximum age upon for the first licence of a vehicle, where others do not.

Instead, maybe a standard national requirement should be that all taxis and phv's should have two standard MoT tests each year up to a certain age, and then three MoT tests per year beyond that. This would be from any MoT testing centre.

A national compulsory follow up 'Compliance Test' that includes the condition of the body-work/interior/licence-plates/livery-signage/meter-check (where fitted) should be carried out by a Licensing Officer in person at the time of the vehicle being licensed. Such a practice of high-standard that has always been in place in Brighton & Hove.

It is understood that a number of Licensing Authorities do not have such a final one-to-one inspections by a Licensing Officer as a last check prior to issuing the licence and where vehicle licence plates are just sent in the post.

Signage:

All licensed vehicles must carry distinctive and easy to read non-removable rear licence plates/repeater door licence plates (stickers).

These must permanently fixed in place by Licensing Officers and not sent in the post to the vehicle proprietor to 'casually' throw on. The practice of posting licence plates to be fixed on the licensed vehicle by the proprietor represents a low standard of licensing practice. Licence plates must be fixed in such a specific way to be accessible for only Licensed Officers to be able to remove.

Brighton & Hove taxis and phv's have permanent rear licence plates/repeater door plates that are in sticker format that once removed are rendered unusable.

Magnetic plates must absolutely not be allowed as these are easily removed by anyone and placed onto any car for unscrupulous reasons.

Lewes DC originally had such magnetic plates that were found in the roads all over Brighton & Hove until these were changed to permanently fixed-in-place ones, but only after reports with photo evidence provided by the BHCTA..

Rear door repeater plates duplicating the information of the rear licence plates must be used for quick and easy identification by the public.

It must be officially set in place that once a vehicle is licensed, either as a taxi or private-hire vehicle, it remains a licensed vehicle until such a time as the licence expires. As such, all licence identification cannot be removed until that expiry time and all conditions of licensing always apply, whether working or not. Drivers and proprietors of all licensed vehicles must made fully aware of this.

For phv's, 'Prior Booking Only' must be shown on the doors. These can be designed as required by the Licensing Authority.

Company branding on doors **should** be permitted to be able to allow competition, especially with the global force of Uber that has previously objected to door signs as it did in Brighton & Hove, The DfT was absolutely wrong to suggest that such door signs should be removed in its '2023 Best Practice Guide'. Was this prompted by Uber?

However, phv's should not be able to use the term 'taxi' 'taxis' or 'cab' **anywhere** on the vehicle, including where any of those terms are used in the company name as is currently and absurdly allowed by some authorities, including Lewes DC. For example it is incredulous that Lewes DC allows 'Ace Taxis' to legally be displayed on the doors/windows of phv's as long as there is no such reference **above** the roof such as a roof sign. This has been used under: Section 64(1) of the Transport Act 1980: 'Roof-signs on vehicle other than taxis'. However, this is clearly countered under the LGMP ACT 76 Section 48 (ii) 'not of such design and appearance as to lead any person to believe that the vehicle is a hackney carriage;'

See for the reference to both legislations and examples: bhcta.co.uk/phv-signs

Whilst none of the above is currently required in London for TfL London phv's, this does not necessarily make it right.

When the London Private Hire Act 1998 was being constructed (officially known as the 'Private Hire Vehicles (London) Act 1998'...way after the long established LMGMP Act 1976) the London cab trade was extremely proactive in protecting itself and strongly objected to any distinctive licence plates or company branding/advertising being allowed on phv's.

This ended up with a quite ridiculous tiny, hard to read 'Roundel' disc in the front and rear screens that are rarely removed when the vehicle ends its life as a phv.

TfL allows none-licensed ph drivers to drive licensed phv's which is again, ridiculous. This is not allowed under the LGMP Act 1976 unless the vehicle is being road tested by a mechanic.

TfL also allows 'Dual' licensing of vehicles, effectively allowing a TfL phv's to be licensed outside of London under the LGMP Act 1976 where different/conflicting conditions of licensing apply, although it is not believed that any 'local' Licensing Authority allows this now.

Coloured Car Code Vehicle Registration Plates

Consideration should be given to taxis and phv's each having a different coloured vehicle registration plate. This provides the instant recognition of a licensed vehicle regardless of any rear local licence plate/side door repeater plates. This reduces the possibility of 'rogue taxi drivers' with ordinary white licence plates prowling the streets.

CCTV – Must be a condition of licence for the protection of the customer and the driver

One major difference in local licensing however is where compulsory cctv may be required by one Licensing Authority for the protection of both the customer and driver, yet another Licensing Authority does not consider it important enough.

The example here is where Brighton & Hove have had compulsory cctv for many years, but neither Chichester DC, doesn't, nor has shown any interest in this. Yet the majority of Chichester phv's seem to predominantly work in Brighton & Hove. This also applies Havant BC, New Forrester DC and Fareham BC. How can this make any sense?

It is incredulous that Wolverhampton City Council has issued, to date in excess of forty-five thousand phv licences. This number is ever increasing where Wolverhampton clearly intends to be the single 'One-Stop 'National Private Hire Licensing Authority' with those drivers predominantly working all over the country. Yet, irresponsibly, has shown no interest in having cctv as a condition of licensing. No doubt due to having to be the data-controller for all those vehicles.

Information Commissioners Office - CCTV

The ICO has decreed that where cctv is a compulsory condition of licensing, then the licensing authority is the data-controller, even where the installation has to be paid for by the proprietor of the vehicle. However, where there is no such compulsory condition of licensing for cctv, and cctv is installed on a voluntary basis by the proprietor of the vehicle, the proprietor is the data-controller.

How did the ICO come up with that?

The government needs to over-rule the ICO and remove Licensing Authorities as being the data-controller where it is a compulsory condition of licensing and where the proprietor of the vehicle has to pay for the cctv installation. This allows the proprietor to shop around for a compliant cctv system. This is unless the Licensing Authority has paid for the installation of the cctv system itself and therefore owns the cctv system.

When it is considered that licensed drivers are required to be of a very high standard with a continuous Enhanced DBS check, yet cannot be trusted to be the data-controller of the proprietor paid-for system, there is an incredible anomaly here. Especially where pub licensees may be required to have cctv as a condition of licence and yet there is no apparent requirement for the council to be the data-controller?

However, there is absolutely no point whatsoever in setting a minimum 'National Standard', *as has been frequently mentioned by the government Et al*, that would be aimed at ending drivers from 'Licence Shopping' around the many Licensing Authorities if Licensing Authorities are still allowed to set their own specific conditions of licensing.

However, to make it very clear, Licensing Authorities should be allowed to continue setting local conditions of licensing when the 'Intended Use Policy' (as referred to further on) is accepted by the government as a new and much needed national condition of licence, along with Licensing Authorities finally waking up and actually enforcing Section 75 (1) (a) of the LGMP Act 1976.

Nevertheless, If the government insists on a 'National Standard' then:

Who is going to set that standard... and how many years is that going to take?

However, it should be termed as a 'National Requirement' rather than a 'National Standard'.

GQ3: What would be the practical implications for licensing authorities and operators of more stringent or standardised licensing conditions in respect of safety, accessibility, vehicles, and driver conduct?

What would be regarded as '...more stringent or standardised licensing conditions..'?

This is a rather strange question and reference has to be made to the response at **GQ2** of the current requirements although adding the need for cctv being a condition of licensing should be a National Standard/National Requirement.

However, where cross-order hiring has unfortunately become the norm where Licensing Authorities and the local taxi/phv trade have been swamped with out-of-town phv drivers/vehicles predominantly working out-of-sight and out-of-mind of respective Local Enforcement.... *if it actually exists...* how can **driver conduct** be checked? It absolutely cannot!

Example evidence of driver bad conduct:

As Brighton & Hove has been flooded out-of-town ph drivers/vehicles, we continuously, on a weekly basis, we have to contend with these drivers illegally using the taxi ranks for parking up on, or just teetering on the edge of them effectively goading the local drivers, and removing/not displaying rear licence plates.

Additionally, out-of-town Uber 'ranks' are formed in high-footfall areas.

Yet, we have a local condition of licensing that forbids more than two Brighton & Hove phv's from parking up together as this would be regarded as a rank. This is the perfect example of where a local condition of licensing would exceed any National Standard/National Requirement.

Whereas in the case of any complaint against a Brighton & Hove licensed driver can be dealt with instantly, experience has shown that even when Brighton & Hove Licensing contacts an out-of-town drivers Licensing Authority for details, some of those Licensing Departments are painfully slow to respond. This is unprofessional of those Licensing Departments.

Accessibility

It should not be a 'national requirement' for all taxis to be WAV's (Wheelchair Accessible Vehicles).

This should be left to local Licensing Authorities to decide the requirements such as in Brighton & Hove where there are around six-hundred hackney carriage taxis, of which around 50% are compulsory WAV's. This was the long term goal agreement between the local trade, the council and local disability groups that has been achieved for a while now. All experienced licensed driver know that there are different types of disability where a WAV is not a requirement. As such, having a mixed fleet of WAV's and saloon taxis meets all such requirements.

GQ4: What steps should the Government take to address the challenges posed by cross border licensing in the taxi and PHV sector?

The question is muddled as there is no 'cross border 'licensing' per se.

There is only 'cross border hiring' if that is what is meant.

Nonetheless, it is now and often repeated that **'The taxi/phv trade is broken'**.

Well... who broke it? It was and will continue to be the **'Men in suites and over-paid barristers'** that have broken the system.

Unfortunately, we have to also add the misinformed, but mostly also well-meaning MP's who know little about the taxi/ph trade and have mostly never taken any interest in it.

Or those that bow down to multi-billion dollar, international, world dominating lobbying companies who are getting very near to nationally owning the majority of taxi/phv drivers/proprietors in the country.

There is only one way to tackle the unfair debacle that has been forced onto the trade caused by predominant cross-border hiring.. The result of which has led to what is effectively a loop-hole exploited by drivers and encouraged by Uber of getting licensed in one area, but predominantly working in another area.

This is to have a national condition of licence known as the 'Intended Use Policy'.

This would support the neglected enforcement of Section 75 (1) (a) and would be for all licensed vehicles. drivers and operators.

Currently, Licensing Authorities are able to apply an 'Intended Use Policy' for hackney carriages. This ensures that the hackney carriage taxi predominantly serves the area that is shown on the licence on the rear of the vehicle.

The Intended Use Policy for taxis was in fact recommended by the DfT in the 2023 'Best Practice Guide' although referred to the driver licence and not the vehicle licence that is considered to be an error:

"Licensing authorities should require an applicant for a taxi driver licence to declare that they intend to work predominately within the licensing authority's area. The residential address provided by the application should be considered in assessing the likelihood of this declaration being adhered to when assessing an application for a taxi driver licence."

Yet, apparently, it seems for some unknown reason, the 'Intended Use Policy' has never been applied to a private-hire vehicle? This has never been explained as to why not?

There has been the claim of a 'Right to Roam'.

All taxi and phv drivers have always had the right to roam but this does not mean to also make themselves available for hire in another areas as the right to roam does not trump Section 75 (1) (a) as previously clarified.

An 'Intended Use Policy' would not stop the natural required service of natural cross-border hiring that has been around since the LGMP Act 1976 – Part 2 - Taxi & Private Hire was introduced such as for rural areas.

However, it would fully ensure that drivers and vehicle proprietors would be fully aware of their condition of licence to predominantly serve the area that they are actually licensed in and not predominantly work outside their respective licensing area away from respective Local Enforcement.

This does not stop anyone from getting licensed in the area that they wish to predominantly work in, providing that person meets the local condition of licensing requirements of that area.

Operators would also be fully aware that the vehicles they operate must comply with the 'Intended Use Policy' and contractually make those drivers of those vehicles adhere to the 'Intended Use Policy' conditions of licensing. The penalty being for breaching the Operators 'Intended Use Policy' could be a loss of the licence and closure of the company.

In simple terms of defining 'Predominantly'.

In a standard eight-hour working shift, if 51% of the work undertaken is predominantly outside of the respective licensed area then the 'Intended Use Policy' condition of licence for the driver and vehicle is breached.

The same would apply to operators, where operators would have to introduce geo-fencing on their systems to ensure that the vehicles they operate do not breach the 'Intended Use Policy' of condition of licensing.

Declaration of Intent

The initial application/renewal of a licence would require a declaration from the applicant as to whether the driver/vehicle licence intends to be used out-side of the respective Licensing Authority.

If the intention is yes, then the licence would not be issued. If the intention is no, and the driver and the vehicle is predominantly used outside of the respective Licensing Authority then the licences could be revoked.

This makes it very clear and effectively at the start of being licensed and... 'Nips it in the bud'.

How is the 'Intended Use Policy' monitored?

With the 'Intended Use Policy' in place, the trade itself is the number-one live monitoring system to report to their own Licensing Authority and directly to the offending driver/vehicle Licensing Authority as happens now with out-of-town drivers breaching respective licensing conditions here in Brighton & Hove.

It is guaranteed that by having a mandated 'Intended Use Policy' as a condition of licence there would be enough of those in the trade to ensure that out-of-town drivers would absolutely be reported if they were 'hanging around' making themselves available for hire.

In addition to the 'Intended Use Policy' in supporting Section 75 (1)(a), licensed drivers would be compelled to return to their respective Licensing Authorities and not 'hang around' with the intention of possibly getting a job. A job of which could be covered by a locally licensed taxi/phv that adheres to local conditions of licensing and under the control of Local Licensing Enforcement.

An Operator would not wish to risk losing the Operator Licence for encouraging drivers to predominantly work in an area where they do not hold the required licences.

It will be an obligation of all Licensing Authorities to take action on all reports.

- **The 'Intended Use Policy' 'does not stop any driver/proprietor from gaining a licence in the area that they predominantly wish to work in.**
- **The 'Intended Use Policy' 'gives back full control to Licensing Authorities.**
- **The 'Intended Use Policy' 'ends the obliteration of the local taxi/private-hire trade.**
- **The applicants declaration of the 'Intended Use Policy' knows from the start their position.**

Triple Lock

The 2015 Deregulation Act clarified what is required when **Operator 1** sub-contracts out to another operator, **Operator 2**.

Operator 2 could be within the same Licensing Authority as **Operator 1**, or another Licensing Authority.

Operator 2 undertaking the sub-contracted work must have three specific licences in place. These being the Driver, Vehicle and Operator licences that must be issued by the same Licensing Authority of **Operator 2**.

Nothing else in that Deregulation Act specified the right for licensed drivers to predominantly work outside of the respective Licensing Authority that issued the licence. This is a terrible misconception that it has been misinterpreted that way and wrongly used.

Sub-Contracting under the 'Triple Lock'

It is ridiculous that there is no legislated condition of an operator's licence for the operator/company to inform a customer that a different cab company with different licensing conditions will be undertaking the booking instead of the customers chosen company. As such, the vehicle provided, that could be registered a hundred miles away, may not have cctv as a condition of licence as the customer thought.

The customer may in fact be provided a sub-contracted service by an operator/company that the customer specifically does not want to use. That needs to be changed

Additionally, no operator/company operating in an area where the customer is none-the-wiser that when ordering a car and presumes that the driver/vehicle is locally controlled is sent a driver/vehicle that is not licensed in that area. That needs to be changed.

All operators/companies need to provide the licence area of the driver/vehicle to the customer.

Currently Ignored Legislation

Enforcement of section 75 (1)(a) of the LGMPA 1976 as previously defined has been woefully, and indeed shamefully ignored by all Licensing Authorities.

Actual enforcement of current legislation would absolutely go hand-in-hand with the 'Intended Use Policy' as this would mean that once a vehicle has dropped-off a passenger in another Licensing Authority they would not be able hang around to receive another booking until they returned to within the boundaries of their respective licensed area.

- No more illegal ranking up in other Licensing Authority areas and greater control for Local Enforcement.
- The 'Intended Use Policy' absolutely does not affect a driver of a licensed vehicle of the 'Right to Roam' to pick-up/drop-off anywhere nationally.

Dual Licensing for Driver Licences (Not vehicles)

Serious consideration should be given to the standard issuing of 'Dual Licensing' of driver licences that enables drivers to drive both a hackney carriage and a private-hire vehicle, albeit not in London.

Brighton & Hove does this as well as other Licensing Authorities.

The original concept of this was for Licensing Authorities to be able to apply conditions of licensing to a driver of a hackney carriage that can only be applied to private-hire drivers.

This also means that there is a high standard equally applied to both hackney carriage taxi, and private-hire driver licenses as being a requirement to be a professional driver that includes the local 'Knowledge Test'. It is utter tosh to believe that a private-hire driver is always given an address for a booking and it is unprofessional to be reliant and distracted by a sat-nav for a local service. Would you get someone in to service your boiler who had to do this via instructions from YouTube?

Insurance

When proprietors of licensed vehicles apply for insurance it is a requirement to state which Licensing Authority has issued the licence. The premium is then calculated on the risks attached to the area where the vehicle licence is issued.

If a licensed vehicle proprietor has been provided insurance based on that factor, yet predominantly works hundreds of miles away, even living hundreds of miles away meaning the vehicle is not 'kept over-night' in the area where the insurance premium is calculated on... then surely this is a major issue that has never been addressed?

Again, the 'Intended Use Policy' ensures that the vehicle predominantly works in the area that it is licensed in and has insurance based on that area.

GQ5: What would effective reform look like in terms of enforcement, passenger safety and safeguarding, and regulatory consistency? Is there a role for regional transport authorities?

It should be made clear that there has never been any information of what a 'Transport Authority' actually is? On this basis it has to be presumed that this would be a huge faceless entity controlling a large number of the currently licensed drivers, taxis, phv's and operators licensed under existing Licensing Authorities.

This would then remove all local licensing that exists today.

The formation of another government department cannot be imagined when we all know how the archaic and snail-paced DVLA works!

It cannot be imagined in any way shape or form to effectively remove licensing control from Licensing Authorities to be replaced by 'faceless' entity.

Transport Minister Simon Lightwood stated:

"We believe administering taxi and private hire vehicle licensing across a larger footprint would increase the consistency of standards and enable more effective use of enforcement powers across a whole functional economic area and facilitate integrated local transport planning. Greater economies of scale should also increase the efficiency in taxi and private hire vehicle licensing and the sector. This should reduce the factors that induce people to license out of their usual working area."

This was a shocking statement to the trade!

"Over a larger footprint".

It has to be stated that this sounds exactly like the faux 'Mythical Uber Regions' that Uber introduced a few years ago that calved up the country into 'Regions'. This was to appease local councillors into restricting a number of drivers/vehicles from Licensing Authorities within a 'Region' to work cross-border across those 'Regions'.

For example, Brighton & Hove is in the Uber 'Mythical South East Region' and Uber has restricted, or rather encouraged, drivers of phv's from Portsmouth, Southampton, Havant, New Forest, Fareham, Chichester and Lewes to only work within that mythical South East Regions area.

Meaning, drivers of phv's licensed elsewhere, where Uber holds an Operator licence are unable to do so, in theory.

For all intentions and purposes it seems the government is bending over to the 'wants' of Uber for a complete change in the licensing system to suit its own needs.

What does it mean by “Greater economy of scale...” when the financial cost of running a taxi/ph Licensing Department does not involve any public expenditure as all such licensing costs are ring-fenced and paid for by the taxi/ph trade licence holders. Does that statement show a lack of understanding from Mr Lightwood on how the licensing of drivers, taxis, phv's and operators is actually financed?

If it is such a good idea then why not have every aspect of licensing, such as for sex shops, poodle parlours, gambling, alcohol and ice-cream vans Et al under one massive regional licensing centre?

Is it the government's intention to create new massive licensing areas that then creates honey-pot and neglected areas?

Is this the governments perceived way of tackling the debacle of cross-border hiring by just creating bigger areas? Then why not make theft legal...and as such reduce the crime rate?

Additionally, if the 'faceless entity' of a 'Transport Authority' covered a new large area of existing Licensing Authorities (as presumed) then how would the hackney carriage 'knowledge test' be carried out?

This will destroy the current good working relationship that the trade has with the licensing teams, local councils and police all over the country in the same way the local trade has in Brighton & Hove.

Instead, the government must lay out the standards that are required by local Licensing Departments that should include the maximum time-period expected to process licensing applications, whilst subject to the applicants proficiency in reaching requirements.

Leave Licensing Local... Not National

Transport Minister Simon Lightwood also commented on the Casey Report, stating:

“In response, Transport Minister Simon Lightwood said the Government is considering legislative changes to tackle the problem, with public safety and effective enforcement at the centre of the review.

Lightwood acknowledged findings from Baroness Casey's recent report on child sexual exploitation. He said the DfT will act on the recommendations, aiming to create consistently high safeguarding standards without reducing access to services relied on by vulnerable users, including women, girls and disabled passengers.”

For all intentions and purposes this sounds like Mr Lightwood has no intention to stop cross-border hiring on the unjustified presumption that suddenly no taxi/ph would be available.

Mr Lightwood has demonstrated that he does not have any understanding of the taxi/private-hire trade.

Very clearly, with drivers/proprietors being made by default to actually be licensed in the area they predominantly work in, no such “.... reduced service relied on by vulnerable users.....” would ever be the case.

The Casey Report absolutely set out the major issue of cross-border hiring and the involvement with taxi/phv drivers that has shamefully been ignored for many years.

The activity and apparent full support from the government of cross-border hiring is the perfect disguise for the unscrupulous licensed trade to transport vulnerable children/adults for ulterior motives without any issue. This is down to cross-border hiring being the norm to see licensed vehicles predominantly working away from their own licensing areas and being allowed to...get away with it.

GQ6: How are digital ride-hailing platforms impacting standards in the sector, and is further regulation in this area required?

Everyone is producing a new 'taxi/cab/ride-sharing app'. We constantly see them being advertised in trade publications as being the 'next best thing'.

'White Label' apps can be purchased off the shelf by anyone and customised to suit specific needs from someone's bedroom.

All taxi/cab/ride-sharing apps must be compelled to comply to a specific standard that includes the security of data control of the customers private data.

Data breaches of these apps must be seriously dealt with.

All Licensing Authorities must be provided with the full details of the app used by an Operator.

Only properly licensed Operators should be able to use taxi/cab/ride-sharing apps.

GQ7: How effective is the National Register for Revocations, Refusals and Suspensions (NR3S). in supporting consistent licensing decisions across local authorities? What barriers, if any, are limiting its use or impact?

This question is mainly directed at local Licensing Authorities that use the NR3 national data base.

However, for clarity: The NR3 refers to the 'National Register of Taxi and Private Hire Licence Refusals and Revocations, a national database that records information on individuals whose taxi or private hire driver's licence has been refused or revoked by a local authority. Hosted by the National Anti-Fraud Network (NAFN), this register helps prevent individuals who have had a licence revoked in one area from obtaining a new one from another council by simply not disclosing their past. The NR3 contains personal details like name, date of birth, and contact details, as well as the decision made, the date of the decision, and when it became effective, and this information is retained for 25 years.

It is understood that the NR3 works very well and an essential tool for local licensing.

Public Accessible Taxi/Ph Register

However, added to this for public safety should be the compulsory requirement for all Licensing Authorities to provide and make available an on-line freely assessable 'Public Register' of all licensed drivers, vehicles and operators that is fully kept up-to-date.

Brighton & Hove Licensing does this.

Oddly, TfL only provides this online information for private-hire vehicle's, phv drivers, & Operators, but no details are available for hackney carriage, drivers and vehicles?

A number of Licensing Authorities already do this, but areas such as Lewes DC and Eastbourne BC do not. The reason being that these areas have bowed down to the ICO for ridiculously decreeing that vehicle registration numbers of licensed vehicles is 'private-data'.

To make it clear, where Licensing Authorities have such a freely accessible Public Register for drivers, taxis and phv's, no personal details such as home addresses are included.

The government needs to over-rule the ICO on this for the matter of public safety.

GQ8: What are the implications for taxi and PHV licensing of the future rollout of autonomous vehicles?

This subject is not considered to relate to taxi and phv licensing at this stage as it is seriously doubted that any such autonomous vehicle will ever reach the same level of service that is currently available.

This is includes:

Assistance with luggage.

Assistance with disability needs.:

Assistance with an aged customer.

Provision of Wheelchair Accessibility

Special needs transportation services .i.e. School Transfers.

Compliance of vehicle condition of safety.

If and when such autonomous vehicles are ever seriously considered as a part of public transport then all of the above, plus the clarification as to what party is responsible for licensing the Operator that provides such autonomous vehicles, such as a Local Authority, must be taken into consideration before ever being allowed.

The provision of providing a full and proper service for wheelchair users must be a condition applied to any Operator of an autonomous private-hire service under Equality.

Maybe create a new department for autonomous public carrying vehicles and call it the 'Autonomous Transport Authority'.

Summary

- 1:** The current taxi/ph trade has been stated to be ‘...broken...’ but has only been broken by ‘Men in suits and over-paid barristers’ to support a global takeover of the industry. Will the same ‘Men in suits and over-paid barristers’ finally destroy the local taxi and private-hire trade and hand it over to multibillion dollar, world dominating entities?
- 2:** The ‘Intended Use Policy’ for drivers, vehicles and operators must be a national condition of licensing that supports Section 75(1)(a) of the LGMP Act 1976.
- 3:** Mandate the enforcement of Section 75(1)(a) of the LGMPA 1976
- 4:** Mandate Operators to have ‘Geo Fencing’ of licensed vehicles to control cross-border hiring.
- 5: Keep Licensing Local** - Scrap any notion of a ‘**Transport Authority**’ and keep licensing for taxis, phv’s, drivers and operators at the existing local level.
- 6:** At all cost, maintain the existing taxi/ph licensing ‘Zones’ for local licensing control.
- 7:** Apply a ‘Standardised Code of Service’ for Licensing Departments to provide an efficient service.
- 8:** Mandate local Licensing Authorities to process licence applications within a set time-period and subject to the requirements as provided by applicants.
- 9:** Have any ‘National Standard/National Requirement’ as per the current requirements as described at Q2.
- 10:** PHV Number Capping: The government needs to carry out an investigation on any Licensing Authority where it is blatantly clear that the issuing of private-hire driver/vehicles licences is carried out in a grossly unbalanced way pro-rata to area’s population with the power to cap ph licence numbers.
- 11:** Do not consider the *‘ABBA’ system where a licensed vehicle can only pick-up from or drop-off too the vehicles licensed area as this is extremely restrictive. *See further down for information*
- 12:** Mandate CCTV for the protection of the customer and driver as a condition of vehicle licensing, with the strict condition of licensing that the system must be activated when the vehicle is working. Override where the ICO has decreed that the data controller of the CCTV system has to be the Licensing Authority of the vehicle.
- 13:** Why is it that there appears to be far more control on Ice-Cream vans/vendors that may work outside the area they are licensed to trade than there is on the licensed taxi/ph trade?

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Document download: bhcta.co.uk/call-for-evidence

Information on the draft ‘Intended Use Policy’ and background: iupolicy.co.uk

Submission reference: GJ1220692

*The "ABBA rule" is not a formal law but a proposed concept within the UK taxi and private hire industry to address the issue of cross-border licensing. It refers to the idea that a licensed vehicle licensed in one authority should only be allowed to undertake journeys that start and/or end within that same licensed area.

Proponents argue it protects local operators and drivers private-hire and hackney carriage taxis, while opponents, such as the Licensed Private Hire Association (LPHA), believe it would be too restrictive and bad for the environment.

What the ABBA Rule Proposed in 2018:

- **End Cross-Border Loopholes:**

The "ABBA rule" was a suggestion to close what's known as the "cross-border loophole".

- **Licensing Limitations:**

It aimed to ensure that a licensed driver/vehicle, licensed by a specific council, would only be permitted to take bookings for journeys that began and/or concluded within the boundaries of that licensing authority.

- **Operator Protection:**

The goal was to put a greater obligation on the operator's licensed area, preventing drivers from one authority from dominating business in another. This would equally apply to hackney carriage drivers.

Arguments Against the ABBA Rule:

- **Restrictive for Passengers:**

Critics argued it would limit passenger choice, as they might not be able to book a car hire transport service from their preferred local supplier if that supplier was based just over the border. Additionally, rural areas could be badly affected.

- **Practical Difficulties:**

Drivers could face difficult choices, like having to refuse a journey because it did not start and/or or finish within their licensed area.

Current Status:

- The concept was discussed as a proposal to reshape taxi and private hire operations in England in 2018 under the 'Task & Finish Group – Taxis & Private Hire' but was not adopted into government policy, with the government choosing not to recommend the rule.