

Private hire booking records: Clarification about destinations

There is a specific duty on private hire operators to keep certain records of their operation. These include booking records which must include 'the main destination specified at the time of the booking' (paragraph 4(d) of the PHV (London) (Operators' Licence) Regulations 2000 refers).

From experience of compliance inspections, it is clear that this provision is being interpreted in a variety of ways which do not always allow the main destination to be properly identified.

It is the view of the Licensing Authority that the purpose of the regulation is to ensure the safety of passengers and drivers by providing a complete and accurate record of the journey. It also allows the driver to plan the route in advance and the operator to accurately quote a fare.

To achieve this the main destination should be the street including the postal area at the very minimum (e.g. Penton Street, N1). At best it should be the full postal address (e.g. 15 Penton Street, N1). It is not sufficient to record just the postal area (e.g. N1) as that would cover too wide an area. However where the operator knows the full postcode (e.g. N1 9PU) that will suffice, as it would identify the street destination.

Since the introduction of licensing PCO Licensing Officers have promoted best practice by encouraging operators to record the main destination in detail but failure to do so remains a major reason for failed compliance inspections.

Any operator who is found not to be recording the 'main destination' as the destination street (including the postal area) at the very minimum is liable to fail a compliance inspection. If an operator fails to heed warnings to correct poor record keeping their fitness to remain licensed may be reviewed.

Mary Dowdye

Head of Standards & Regulations

24 June 2009

For previous PCO Notices visit tfl.gov.uk/pco

Private Hire Operators with operating centres in late night venues

To facilitate the provision of safe travel for those attending nightclubs and other late night venues, some existing operators have made arrangements with club proprietors to run operating centres from such venues, and have successfully applied to the PCO to have the venue's premises added to their PHV operator's licence as an licensed operating centre.

However, ongoing enforcement work by the PCO and the Metropolitan Police Service has shown that some operators are failing to comply with private hire legislation, PCO guidelines and other conditions of licensing in the way in which they take bookings at such venues.

Operators are reminded that they:

- must only accept bookings at the premises forming the licensed operating centre, that is, inside the building forming the venue. The Licensing Authority does not consider entrances to the building, or open areas adjacent to the street outside the building (whether cordoned-off, roped-off or divided with planters etc.) to form part of the licensed operating centre premises.
- must not, under any circumstances accept bookings on the street;
- must keep booking records securely on the venue premises, and they must be available for inspection by the PCO or police officers;
- must display a copy of their licence at each operating centre specified in the licence.

If an operator is found breaching his/her obligations under the Act by accepting bookings outside the licensed operating centre, after failing to heed a warning given by the PCO, the Licensing Authority will take steps to revoke the licence for that operating centre. Where public safety is at risk the decision may have immediate effect. The PCO will not hesitate to take firm action in these circumstances.

Any operator who accepts bookings other than at a licensed operating centre or from an operating centre that has been suspended or one that has been removed from his/ her licence is guilty of an offence under the Act and is liable to a fine of up to £1000.

Repeated breaches of licensing regulations could lead to the revocation of the operator's whole licence.

For further guidance on accepting bookings, operators should refer to section 4(1) of the Private Hire Vehicles (London) Act 1998 and PCO Notice 41/08.

Mary Dowdye

Dave Stock

Head of Standards & Regulations Head of Service Delivery

8 June 2009

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PCO Notices Transport for London
Public Carriage Office 

comment

The LPHCA rarely has any issues with PCO Notices but we have with two recently issued notices:

- **Private Hire Operators with Operating Centres in late night venues Notice 19/09**
- **Private Hire Booking Records – Clarification about destinations Notice 22/09**

In Notice 19/09 we have an issue with: *Operators are reminded that they must only accept bookings at the premises forming the licensed operating centre that is, **inside** the building forming the venue.*

The Licensing Authority does not consider entrances to the building, or open areas adjacent to the street outside the building (whether cordoned-off, roped-off or divided with planters etc.) to form part of the licensed operating centre premises.

We are of the opinion that this advice is not appropriate and have raised it at the last PCO quarterly meeting.

In Notice 22/09 we have an issue with: *It is the view of the Licensing Authority that the purpose of the regulation is to ensure the safety of passengers and drivers by providing a complete and accurate record of the journey. It also allows the driver to plan the route in advance and the operator to accurately quote a fare.*

To achieve this, the main destination should be the street including the postal area at the very minimum (e.g. Penton Street, N1). At best it should be the full postal address (e.g. 15 Penton

Street, N1). It is not sufficient to record just the postal area (e.g. N1) as that would cover too wide an area. However where the operator knows the full postcode (e.g. N1 9PU) that will suffice, as it would identify the street destination.

We are of the opinion that this advice is also not appropriate and have raised it as well at the last PCO quarterly meeting.

The LPHCA has also written to the PCO about both of these notices and we are sharing our legal advisor's interpretation with them. We are also having further dialogue with **Senior Managers at PCO** and if necessary with **TfL legal** as both of these notices, if not modified, will cause serious operational issues for operators that are operating in our opinion perfectly legally under current regulations.

Members will be E-Alerted with further news

CONTINUED ON
PAGE 40 

PCO Notice 26/09

Stopping at cash machines – Camden Trial

The London Borough of Camden has launched a trial allowing taxis and private hire vehicles (PHVs) to wait for passengers using ATMs at night on roads in the Borough. This follows Transport for London's (TfL) recent decision to formalise the exemption for taxis and PHVs on red routes.

From 27 July 2009, a six month trial will operate allowing taxis and PHVs to stop on yellow lines and wait for passengers to use cash machines in the London Borough of Camden.

As on red routes, the trial will operate every night between 22:00 and 06:00. Licensed taxis licensed and licensed PHVs displaying the red route exemption signage will be able to stop for up to five minutes to allow passengers to use a cash machine. Waiting is still prohibited at bus stops with wide yellow lines although taxis are allowed to stop at these to pick up and set down passengers. At all other times of the day the normal stopping restrictions apply.

This trial aims to address concerns about the safety of taxi and private hire customers using cash machines at night. If the trial is successful then Camden Council will consider making this exemption permanent, other boroughs may follow suit, but for now this exemption only applies on red routes or in Camden.

Drivers are reminded that they must always be mindful of the safety of their passengers and other road users, and may be penalised if they wait in locations where it is unsafe to do so. Drivers must not stop:

- on pedestrian crossings;
- on zig-zag lines;
- on bus stops marked with a wide red line;
- (PHVs only) on bus stops marked with a wide yellow line;
- in locations where stopping would cause a safety hazard or obstruction.

Information about the red route exemption signage is available on the TfL website at tfl.gov.uk/phvredroutes.

Further information on stopping restrictions can be found in PCO Notices 29/08 (Guidance on stopping restrictions for PHV drivers), 44/06 (Guidance on stopping restrictions for taxi drivers), and 04/07 (Wide red line).

Luke Howard

Senior Strategy & Integration Manager

10 August 2009

For previous PCO Notices visit tfl.gov.uk/pco

The LPHCA welcomes this trial by the London Borough of Camden and we hope this will become permanent and extend to other London Boroughs. It is yet another recognition of our fully licensed industry in London.

comment

Driver Safety, Public Convenience and co-operation between TfL and the London Boroughs has made this possible for which the LPHCA is very grateful. We hope the same level of sensible co-operation will be extended to parking tickets and future bus lane usage.

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