Improving Safety in Private Hire Vehicles Consultation
March 2018
Introduction

Transport for London (TfL) is a statutory body established by the Greater London Authority Act 1999 and is the licensing authority for London's taxi and private hire industries. It is the largest licensing authority in the country, being responsible for licensing over one third of all taxis and private hire vehicles (PHVs) in England and Wales.

Taxis and PHVs play an important role in delivering passenger transport services in London and it is important that standards set by TfL ensure passenger safety and provide appropriate levels of service.

Improving safety and security across the transport network is the key priority for the Mayor of London’s Transport Strategy and the Mayor has set out a Vision Zero approach to safety on London’s streets whilst ensuring the transport system is safe and secure for all passengers.

In 2015/16, we reviewed the regulations that govern the private hire trade in London to address concerns of passenger safety, and to ensure regulations kept pace with technology due to developments in the industry. The outcome of the review was presented to TfL Board in March 2016:

Background

The 2016 Mayor’s Taxi and Private Hire Action Plan stated the following: ‘Effective and strong regulation is the bedrock of passenger safety. To meet the safety challenges a dynamic taxi and private hire industry brings we will bring in a number of new measures’.

To deliver on the Action Plan, we are launching a public consultation focussing on public safety, which aims to review various aspects of the existing arrangements covering private hire services, and to invite comments and suggestions where improvements could be made or are deemed necessary.

The consultation will cover the following areas:

1. An advanced driving test;
2. Vehicle signage
3. Hire or reward insurance, including fleet insurance; and
4. Background character checks for private hire vehicle driver’s licence applicants.

The consultation is in two parts. Part one seeks views on proposals for specific measures relating to driving standards and vehicle signage.

Part two of the consultation seeks views more generally on what measures could be adopted relating to driver applicant character and conduct checks and PHV insurance. In relation to these aspects, any detailed proposals arising will be subject to further consultation as appropriate before implementation. We are inviting views on areas that we consider will strengthen the regulation of private hire services in London.

The Mayor’s transport strategy published in March 2017 seeks ‘to ensure that London has a safe, secure, accessible world-class taxi and PHV service with the opportunity for all providers to flourish’. It also seeks to ensure that this happens within the wider context of the Healthy Streets Approach and the vision for a healthier, greener, more sustainable city.

In recent years a number of new services have entered the PHV market transforming the industry and changing the way people access these services. New technology has made it easier and cheaper to book rides through apps resulting in increases in the number of people opting to use PHV services in particular. This has created challenges for transport authorities around the world including how to apply existing legislation, managing the impact of more vehicles moving around the city and ensuring a safe service for all.

Legislation within this sector was introduced before such technologies were developed. TfL recognises the need for clarity about what is required to ensure these standards are maintained and that services contribute positively to our strategic objectives for London. This is why in February 2018 we issued a policy statement setting out our expectations relating to PHV services in London.
In addition to this consultation, TfL will launch another consultation later this year focussing on additional safety measures for private hire services including ridesharing. TfL is also considering the impact of removing the Congestion Charge exemption for PHVs and depending on the outcome of this work this could be subject to a public consultation.

We have commissioned an independent Integrated Impact Assessment (IIA). The IIA will cover the equality, health, environmental and business and economic impacts of the proposals in this consultation. We expect to publish the IIA on this website in early May. If you are interested in the IIA you may wish to submit your response after we have published this.
Purpose of the consultation

The purpose of the consultation is to review various aspects of the existing arrangements covering private hire services, and to invite comments and suggestions where improvements could be made or are deemed necessary in the interests of public safety.

Consultees are invited to comment on any aspect of the proposals or make other suggestions and, in particular, are invited to provide any evidence relevant to issues or proposals that are discussed.

We are inviting views on areas that we consider will strengthen the regulation of private hire services in London.

Our overriding concern in developing these proposals is to improve passenger safety. We are also committed to further improving the quality, safety, accessibility and overall standard of private hire vehicle provision in London. We believe that this consultation will contribute to this aim.

The consultation is in two parts:

Part one seeks views on proposals for specific measures relating to an advanced driving test and vehicle signage.

Part two seeks views more generally on what measures could be adopted relating to driver applicant character and conduct checks and PHV insurance. In relation to these aspects, any detailed proposals arising will be subject to further consultation as appropriate before implementation.
Part One:

Views on proposals for specific measures relating to an advanced driving test and vehicle signage
1. Advanced driving test

Background

The Mayor’s Taxi and Private Hire Action Plan included a commitment to improving “the standards of driving across the [private hire] industry by requiring that private hire drivers pass an advanced driving test before they can be licensed or relicensed.”

As professional drivers are carrying fare paying passengers in an urban environment it is important for public safety that PHV drivers demonstrate a higher standard of driving than that required for a standard driving licence.

Similarly, TfL requires taxi and private hire drivers to meet a higher standard of medical fitness than that is required for a standard driving licence (Group 2).

In order to contribute towards safer travel initiatives such as Vision Zero which is an approach to road casualties, which aims to eradicate deaths and serious injuries on our roads, PHV drivers must demonstrate that they are considerate, safety conscious and have a high degree of vehicle control skills to make sure that customers travel in comfort and safety.

London taxi drivers are required to pass an enhanced taxi driving test before being licensed. Currently there is no similar requirement for London PHV drivers. Driving ability for PHV drivers is based on having held an UK or EU/EEA driving licence for at least three years.

Private Hire Vehicle drivers

PHV drivers are licensed in accordance with the Private Hire Vehicles (London) Act 1998 (1998 Act) and associated regulations.

To be granted a PHV driver’s licence, an applicant must:

- be at least 21 years of age
- have a full UK or other EU/EEA driving licence, and have held this licence for a minimum of three years
- be a fit and proper person; and
- meet any further requirements prescribed by TfL.

There is no requirement in the 1998 Act for PHV driver licence applicants to take any form of additional driving test and to date TfL has not set out in regulations that applicants should take such a test.
While PHV drivers must have held a full driving licence for three years, the length of
time a person has held a driving licence does not indicate when they last drove or
their standard of driving.

In 2011, TfL licensed around 60,000 private hire drivers. This has now risen to almost
120,000 licensed drivers – an increase of almost 100 per cent over a six-year period.
During this period TfL has received an increasing number of complaints and reports
about incidents involving PHVs that indicate that the standard of driving by some PHV
drivers is inadequate, potentially putting passenger and other road users at risk.

The following breakdown includes the number of private hire vehicle casualties in
London from January to September 2017 and is for the Metropolitan Police area only.
This is the latest data we have available and is still provisional and subject to change.

Private hire users

Killed         1
KSI           30
Slightly injured  473
All casualties  503

TfL has received an average of seven complaints about collisions involving PHVs and
85 complaints about poor driving by PHV drivers in each four week reporting period.

A sample of 365 drivers, who have been dismissed by their operators over the past
two years, revealed that 15 per cent were on the grounds of poor driving.

Other licensing authorities

In carrying the travelling public, taxi and PHV drivers perform a very similar role and
there is justification to provide a consistent level of driving skills assessment for all
licensed drivers. The view that taxi and PHV drivers should demonstrate a higher
standard of driving than that required for a standard driving licence is shared by the
majority of licensing authorities in other metropolitan areas of England and Wales who
require their taxi and PHV drivers to undergo a driving assessment before being
licensed. Similarly, the majority of authorities neighbouring London require an
additional driving test. A summary of these authorities is listed at Appendix D.

It is uncommon for licensing authorities to require a driving test for taxi drivers but not
for PHV drivers. Of the other licensing authorities specified in Appendix C only one
other (Wolverhampton) prescribes a driving test requirement for taxi drivers but not for
PHV drivers. Of the licensing authorities neighbouring London which prescribe driving
test requirements for taxi drivers (see Appendix D), all of them also prescribe driving
test requirements for PHV drivers as well.
New York is a world city of similar size and stature to London and a useful international comparator. The New York City Taxi and Limousine Commission requires all licensed drivers to complete a defensive driving course. This is a classroom based, six hour, comprehensive driver safety course which provides “knowledge and techniques for safe and lawful driving”. In addition to being a requirement for all new applicants, existing drivers must attend, complete and pass a defensive driving course at least every three years.

**Proposal 1: Introduce an advanced driving assessment for all new PHV drivers**

New taxi drivers are required to take and pass an advanced driving assessment. We propose to continue this requirement.

The proposed standard of the private hire driver advanced driving assessment will be the same as the taxi driver advanced driving assessment.

This requirement will also apply to the recently licensed taxi drivers, who have been licensed on condition that they will undertake the taxi driver advanced assessment once new arrangements are in place.

Of the licensing authorities listed in Appendix D only one other licensing authority treats taxi drivers and PHV drivers differently for the purposes of driving assessments. In addition, given the evidence of poor driving standards by some licensed PHV drivers, it is appropriate to extend this requirement to PHV drivers. The proposal for a new PHV driving assessment is based on the previous Driver and Vehicle Standards Agency (DVSA) taxi driving assessment, previously delivered by the DVSA but will be role specific and bespoke to London. TfL will be looking to procure the provision of this service rather than carrying out the assessment ‘in house’. The assessment will reflect the unique challenges of driving in London and include role specific questions on driving a taxi or PHV in the capital. An outline of the proposed content of the driving assessment is attached at Appendix B.

**Questions**

Do you agree or disagree with the proposal to introduce a advanced driving assessment for all PHV drivers? If you do not agree, please explain why.

Do you have any comments on a proposed outline driving assessment at Appendix B?

**Proposal 2: Introduce an advanced driving assessment for all existing PHV drivers on the next renewal of their licence**

We propose that all existing PHV drivers will be required to take and pass the advanced driving assessment before the next renewal of their licence. Requiring existing PHV drivers to meet the same standards as new PHV drivers as well as new and existing taxi drivers will provide for a consistent level of driving skills assessment of all licensed taxi and PHV drivers.

We propose that the only exemptions to this requirement will be existing PHV drivers who are also licensed by TfL as London taxi drivers.
All existing London taxi drivers have undergone a driving assessment on the streets of London, either by the DVSA or TfL/MPS. Where appropriate, re-assessment of either the driving or wheelchair elements (see below) could be used to address individual drivers’ failings.

**Question**

Do you agree or disagree with the proposal to require all existing PHV drivers to take the advanced driving assessment on the next renewal of their licence? If you do not agree, please explain why.

**Proposal 3: Introduce an enhanced wheelchair assessment for the drivers of all wheelchair accessible PHVs**

TfL maintains a list of designated wheelchair accessible PHVs, the drivers of which have to meet the duties set out in section 165 of the Equality Act 2010.

To assist the drivers of such vehicles in meeting their obligations under the Equality Act, we propose that they should take a wheelchair assessment similar to that taken by taxi drivers.

Requiring the drivers of wheelchair accessible private hire vehicles to take a wheelchair assessment would ensure consistency across the whole taxi and PHV industry and improve the service to wheelchair users.

The advanced driving test and enhanced wheelchair assessment will be undertaken by the same provider on behalf of TfL. The outline content of the wheelchair assessment can be found in Appendix C.

**Questions**

Do you agree or disagree with the proposal to introduce an enhanced wheelchair assessment for the drivers of all wheelchair accessible PHVs?

Do you agree or disagree that wheelchair accessible PHVs should only be driven by private hire drivers who have completed the wheelchair assessment, whilst undertaking a booking? If you do not agree, please explain why.
2. Private hire vehicle signage

Background

The Mayor’s Taxi and Private Hire Action Plan included a commitment Requiring details of our customer complaints procedure to be clearly displayed in PHVs, as they currently are in taxis, ensuring customers can comment about a journey

Minimising road danger is fundamental to the creation of streets where everyone feels safe walking, cycling and using public transport. This radical change to how London approaches road danger will aim for no one to be killed in or by a London bus by 2030, and for all deaths and serious injuries from road collisions to be eliminated from London's streets by 2041.

We have taken this opportunity to review all PHV signage in a vehicle to ensure they remain appropriate and to ensure passenger safety.

We are committed to taking a more active role in the investigation of complaints about the behaviour of private hire drivers and have dedicated staff available to process all complaints about all licence types. This is to ensure that we have a better understanding about types and nature of complaints in the private hire industry and also allows us to take appropriate action where necessary.

Complaints about private hire operators, driver behaviour, standard of driving, the condition of vehicles or accessibility issues should be reported to TfL so that we can investigate these and take action where appropriate. It is therefore important that private hire passengers know how to contact us.

Proposal 1: Contact information signage in PHV's

It is proposed to introduce new mandatory signage displaying contact information for display in licensed private hire vehicles. The intention is to raise awareness amongst passengers that they can contact TfL if they want to comment on a private hire journey and how they can do this.

It is proposed that the new signage combines the existing no-smoking signage with information advising passengers of how to contact us if they want to comment on a private hire journey.

To improve passenger safety and reduce the risk of injury in the event of a collision it is proposed that messages also include advising passengers to wear their seatbelt and look out for cyclists when getting out of the vehicle. In London, taxis and private hire vehicles make up less than 1 per cent of vehicles - but they are involved in about 10 per cent of serious cyclist doorings (where the door of the vehicle has been
opened into the path of an oncoming cyclist), due to the number of journeys they make on a daily basis.

It is proposed that the new signage would be double sided and it is envisaged that in most licensed PHVs it would be placed on the nearside and offside passenger windows. Where there are additional seats at the rear of the vehicle then the signage could also potentially be placed in the nearside and offside rear windows.

However, a wide range of vehicles are licensed as PHVs in London and the different makes and models mean that being able to place the new signage in the same position in all licensed PHVs is unlikely to be feasible. Where it is not feasible or appropriate to place the new signage on the nearside or offside passenger windows or the rear side windows then alternative locations will be considered.

We’re interested in any suggestions you have for how or where the signage can be displayed in different makes or models of vehicles.

Passengers may board private hire vehicles from the nearside and offside and so the opportunity has been taken to include the seatbelt message on both sides.

Smoking is prohibited in licensed private hire vehicles and it is important that passengers are advised of this. Passengers may board private hire vehicles from the nearside and offside and so the opportunity has been taken to include the no-smoking sign on both sides. We would advise passengers to normally get out of private hire vehicles on the nearside/kerbside and not get out on the offside as they will be potentially opening the door into the path of oncoming traffic and stepping into the road. However, we acknowledge that on some occasions passengers will get out on the offside and so the cycle ‘dooring’ sign is displayed on this side to make sure passengers look out for cyclists when opening the door.

There may be a situation where a sign can only be displayed on the nearside of a PHV and if so, then three of the four messages will still be displayed. We expect that the nearside is the side most passengers board and alight from they would still see the seatbelt sign, no smoking sign, and (once inside the PHV) the contact information.

Attached at Appendix E are images of some of the vehicles most commonly licensed as PHVs and showing where the signage could be displayed.

Questions

Do you agreed or disagree with the proposal to introduce signage in private hire vehicles which will display customer contact information?

Do you agree or disagree with the proposal to introduce mandatory signage in private hire vehicles which will display dooring cycle safety sign?
Do you agree or disagree with the proposal to introduce additional signage in private hire vehicles which will advise passengers to wear their seatbelt

Do you agree that these messages should be displayed in one combined sign?

Do you have any alternative suggestions to ensure that passengers are aware of this contact information?

Proposal 2: Introduction of coloured licence discs

The purpose of the licence disc is to demonstrate that the vehicle is currently licensed. This assists TfL’s on street compliance activity enabling compliance officers to identify the validity of the vehicle’s licence status.

We propose to replace the existing PHV licence discs displayed in the front and rear windscreens of private hire vehicles, with more visible fluorescent coloured licence discs that change when the vehicle is relicensed.

As the signage would be more visible it would make it simpler for Compliance Officers and members of the public to identify if a vehicle has a valid private hire vehicle licence and enhance public safety.

The purpose of the colour of licence discs changing each year enables compliance officers to identify expired or counterfeit licences, which enhances public safety.

Questions

Do you agree or disagree with the proposal to change the colour of the vehicle licence disc on an annual basis?

Do you have any other ideas as to how expired licences can be identified?

Proposal 3: Increasing the visibility of PHVs

Since PHV licensing commenced in 2004 licensed PHVs have been required to display a yellow licence disc in the front and rear windscreen. A small number of exemptions from displaying the licence discs have been granted.

In 2007, PHVs were allowed to stop on the red route to pick up and set down passengers. To facilitate enforcement and avoid confusion among other motorists and ensure continued high compliance with red route stopping controls, this exemption was conditional on additional, prominent signage shown on PHVs. TfL intended this dual signage to be an interim measure to facilitate the introduction of the red route exemption.

Outside of London a number of local authorities have introduced requirements that private hire vehicles display certain signs on their vehicles to indicate they are
appropriately licensed and there is no national approach to the question of how PHV’s can best be identified.

TfL takes the view that increasing the visibility of private hire vehicles to indicate they are appropriately licensed, would improve public safety, by enabling, compliance and enforcement offices and police officers to recognise unlicensed vehicles easily. There are reported problems with some PHV drivers working outside of the area, referred to as ‘Cross Border Hiring’, and we believe that more visible signage could help identify and tackle problems associated with this.

The introduction of the Mercedes Vito taxi and the Nissan eNV200 in London; the use of other vehicles similar to common PHVs as taxis in other authorities; and the introduction of partitions in some PHVs have led to increasing risk of confusion between taxis and PHVs. Clearer ways of distinguishing between taxis and PHVs, should be considered.

We are also aware of concerns that making PHVs easily identifiable makes it easier for private hire drivers to attract jobs illegally, without a booking, and could cause confusion among passengers, particularly late at night, who may not be aware of the need for private hire journeys to be booked.

Options to make PHVs more easily identifiable whilst also allowing the pre-booked signage to be removed may include:-

- Replacing the existing licence disc and pre booked sticker with a new sign which will provide passengers and other road users with a clear understanding that the vehicle is licensed.
- Introducing a licence plate fixed to the vehicle body or attached to a bracket using the number plate fastenings Introducing a single separate licence plate at the rear of the vehicle containing all relevant information
- Introducing a combination of rear licence plates and vehicle signage on both sides of the vehicle.
- Any additional signage could potentially include the TfL roundel, Operator’s name, PHV licence number and messages such as ‘pre booked only’, ‘no booking no ride’, ‘TfL licensed PHV’

Questions

Do you support the proposal that private hire vehicles should be more identifiable and do you have any comments on the options listed above?

Proposal 4: Exemptions from displaying the licence disc

Some PHVs have an exemption from displaying PHV licence disc. Exemptions are granted on a case by case basis and when a vehicle owner applies for an exemption we will take into account:

- Any exceptional circumstances
• The nature of the work the PHV is being used for
• The security of the passengers

Exemptions from displaying the rear licence disc are only be granted if the vehicle owner can prove that displaying the rear licence disc is not possible due to the design of the vehicle.

At present there are only nine PHVs with an exemption from displaying the rear licence disc and 1,354 PHVs with an exemption from displaying both licence discs.

It is proposed that exemptions from displaying the new signage would be considered on a case by case basis and vehicle owners would have to clearly demonstrate why the new signage should not be displayed inside their vehicle. This would include a review of all existing exemptions upon renewal of their licence. If any exemptions were to be granted PHVs would still have to display the TfL no-smoking signs.

**Question**
Do you agree with the proposal that exemptions from displaying the proposed mandatory signage should be considered by TfL on a case by case basis?

**Proposal 5: Private hire driver ID**

All licensed PHV drivers are issued with an ID card showing a photo of the licensed driver, the driver's name, their licence number and the expiry date of their licence. PHV drivers are required to wear their ID card at all times when they are working.

A small number of PHV drivers have been granted an exemption by us from wearing their ID card. Exemptions will be considered if:
• Wearing an ID card presents a specific risk to the driver
• The passenger requests that the driver refrain from wearing their ID card

When a passenger makes a booking the operator must send the passenger a booking confirmation including
• The PHV registration mark
• The first name of the driver
• The driver's private hire licence number

Where a passenger can receive it, a photo of driver should also be included in the booking confirmation.

We advise passengers to check the driver’s details before getting into a PHV. However, as the current PHV driver ID card is the same size as a credit card it can be difficult for passengers to be able to clearly see the information, especially at night or when the lighting is poor. Furthermore not all passengers will be able to receive a photo of their driver and so won’t be able to check this.
We’re not planning any changes to the driver ID card however, we’re proposing that a version of the PHV driver’s ID card should be displayed on the nearside of the PHV on the front windscreen in the top corner.

We are interested in your views on whether the information contained on PHV driver ID cards should be more visible from outside of PHVs and our proposal.

Questions

Do you agree or disagree that the information contained on PHV driver ID cards should be more visible from outside of PHVs?

Do you agree or disagree with the proposal that a version of the PHV driver’s ID card should be displayed on the nearside of the PHV on the front windscreen in the top corner?

If you do not agree that the information contained on PHV driver ID cards should be more visible from outside of PHVs or support our proposal please specify why?
Part Two:

Seeking views on PHV insurance arrangements and what measures could be adopted relating to driver applicant character and conduct checks.

3. Hire or reward and operator fleet insurance

Background

In carrying fare paying passengers, PHVs must be correctly insured and this means having a policy of motor insurance that covers the vehicle being used for ‘hire or reward’.

The Mayor’s Taxi and Private Hire Action Plan included measures to implement and ensure compliance with changes arising out of the Private Hire Regulations Review including “Robust ‘hire or reward’ insurance requirements that will mean a policy has to be in place for the duration of the vehicle licence, including when the vehicle is presented to us for inspection. The Action Plan also included a commitment to ‘Explore the potential for private hire operators to have their own hire or reward or fleet insurance, covering all their registered drivers and vehicles’.

We are reviewing the insurance requirements for PHVs to ensure that they remain appropriate and fit for purpose in the interests of public safety.

Current requirements

It is an application requirement for a vehicle to be licensed as a PHV that ‘there is in force in relation to the use of the vehicle a policy of insurance or such security as complies with the requirements of Part VI of the Road Traffic Act 1988’.

Furthermore, it is a condition of PHV licences that the owner shall not use the vehicle, or permit it to be used, as a PHV unless there is a policy of insurance in place that covers the use of that vehicle to carry passengers for hire or reward.

While a policy of hire or reward insurance must be in place when the vehicle is being used as a PHV, hire or reward insurance is not currently required when the vehicle is being used for other purposes.

2016 amendments

In June 2016, following a the Private Hire Regulations Review, TfL introduced requirements for hire or reward insurance to be in place at the time of licensing and at all times when a PHV is licensed.

The consultation indicated that there was strong support for PHVs being covered by hire or reward insurance at all times and we decided to make the change having weighed up the benefits to public safety against such factors as the additional costs for licensees.
We considered that requiring hire or reward insurance at all times whilst a PHV is licensed would remove any ambiguity or uncertainty regarding whether hire or reward insurance was in place at the time of any private hire journey. It was also felt that it would support our compliance work as drivers would be required to demonstrate that hire or reward insurance was in place regardless of whether they claimed that the vehicle was in personal use.

We are now reconsidering the necessity for PHVs to have hire or reward insurance at all times in light of the role played by the Motor Insurers’ Bureau (MIB). It remains the case that vehicles must be covered by hire or reward insurance when being presented for licensing and when in use as a PHV.

We welcome consultees’ views as to whether there should be a requirement for PHVs to have hire or reward insurance at all times taking into account protection provided by the MIB in relation to any uninsured losses. Please explain the reasons for your view.

**Operator fleet insurance**

All operators must keep a copy of the hire or reward insurance certificate for each vehicle available to carry out bookings.

We are considering whether it would be appropriate to introduce a requirement for private hire operators to have their own hire or reward fleet insurance, as primary cover for all of the private hire drivers and vehicles available to them and welcome views on this. Please explain the reasons for your view.

Operator fleet insurance is in existence in small pockets of the private hire industry with some operators providing this insurance cover on their vehicles to ensure all passenger journeys are covered by the appropriate insurance.

By introducing such a requirement it will ensure that all licensed PHV Operators take a greater role in ensuring that all private hire vehicles have appropriate insurance when licensed.

**Questions**

Do you think any changes are needed to the existing PHV hire or reward insurance requirements?

- Yes
- No
- Don’t know
- No opinion

If you answered yes what changes do you think are needed?

- Hire or reward insurance should be in place at all times the vehicle is licensed as a PHV
- PHV operators should be required to have hire or reward fleet insurance in place covering all of the private hire vehicles available to them
• Other (please specify)
• What evidence do you have to support the changes you think are needed and why do you feel this enhances public safety?

**Carry or display of insurance details**

Following the Private Hire Regulations Review, we also introduced a licence condition for insurance details to be displayed in PHVs at all times for the duration of the licence. This was intended to assist our Compliance Officers when carrying out on-street vehicle checks.

We also looked at introducing an obligation for drivers to carry evidence that they were covered by the applicable vehicle insurance policy. This was intended for the eventuality in which a vehicle was subject to a commercial insurance policy covering multiple vehicles and it was not immediately clear that the relevant driver was covered.

We are now reviewing the requirement for insurance details to be displayed in all PHVs having regard to the practicalities of its implementation.

One of the reasons for the review is that there are a variety of vehicle types licensed as PHVs and this means it can be impractical to specify exactly where and how the details should be displayed.

It is also recognised that insurance industry does not have a consistent format for insurance certificates. In some cases a certificate may not be provided. It is increasingly common to find that Insurance companies provide an email to confirm the policy details.

We consider that it may be impractical for a vehicle licensee to display insurance details when different insurance arrangements may be in place depending on who a driver was working for at any given time. There may also be particular difficulties in complying with the requirement where the driver is not the vehicle licensee.

We consider that it would be more appropriate for drivers to have evidence that they are covered by the applicable insurance policy and to produce this for inspection upon request.

Examples of evidence to be carried could include a copy of the relevant insurance certificate (if his or her name is included) or alternatively a letter signed by the insurer or the policy holder which includes the policy number, type of cover, start and end dates of the policy and confirmation that the relevant driver(s) are covered by that policy.

A driver could carry the letter or printed copy of the insurance certificate with them or keep it in the vehicle (e.g. in the glovebox) or alternatively present it upon request by means of a smartphone, tablet or other electronic device.

**Questions**
Should PHV drivers be required to produce evidence to TfL compliance officers that they are covered by the applicable hire or reward insurance policy for inspection?

- Yes
- No
- Don’t know
- No opinion

If so, what form should the evidence they produce take?

- Original certificate
- Photocopy of original certificate
- Letter from insurer or insured person
- Electronic copy of original certificate
- Other (please specify)
4. Background character checks for private hire driver licence applicants

The Mayor’s Taxi and Private Hire Action Plan included a proposal to investigate ‘the feasibility of introducing a minimum three-year enhanced Disclosure and Barring Service check for drivers to guarantee that a full and comprehensive period of criminal history is available for consideration as part of the licensing process’.

There are a number of requirements that applicants are required to meet prior to being issued with a PHV driver’s licence.

Section 13(2)(a) of the Private Hire Vehicles (London) Act 1998 (“the PHV Act”) requires that an applicant for a PHV driver’s licence:

(a) be at least 21 years of age;
(b) have been authorised to drive a vehicle for at least three years;
(c) be a ‘fit and proper person’ to hold a PHV drivers licence.

Character

Character will normally be assessed on the basis of an enhanced character check supplied by the Disclosure and Barring Service (DBS).

The DBS provides a ‘one-stop shop’ service to those requiring criminal records disclosures and barring checks for employment purposes. The DBS searches police records and, in relevant cases, barred list information, and then issues a DBS certificate which allows employers and licensing authorities to make informed decisions.

The DBS certificate will not disclose all driving offences as police records only contain the most serious driving offences. Full details of an applicant’s driving convictions and licence endorsements will therefore be obtained from the Driver and Vehicle Licensing Agency (DVLA).

Comments on the suitability of an applicant may also be obtained from the Commissioners of Police of the Metropolis and City of London under section 8(4) of the Metropolitan Public Carriage Act 1869 (as amended by the GLA Act) for taxi drivers and section 13(4) of the Private Hire Vehicles (London) Act 1998 for PHV drivers.

DBS checking process

Before submitting an application to become a PHV driver, all applicants must apply for an enhanced DBS check through GB Group, TfL’s service provider. DBS certificates obtained for the purpose of TfL taxi or PHV driver licence applications that have not been obtained through TfL’s service provider will not be accepted.

When the checking process is complete the applicant will receive a certificate from the DBS detailing the result. The only information that will be provided to TfL directly will be to advise whether or not the disclosure sent to the applicant contained any
information or was clear. If we are advised that information has been disclosed to the applicant, TfL’s service provider will write to the applicant and ask them to send us their original certificate. Once its authenticity has been verified, TfL’s service provider will take a copy and pass this copy to TfL. TfL’s service provider will return the original certificate to the applicant.

In accordance with DBS requirements, TfL will destroy its copy once the licensing process has been concluded.

In the event that an applicant fails to provide their DBS certificate when requested to do so, the application will be treated as incomplete and discontinued.

Any DBS certificates submitted to TfL must have been issued no more than four months prior to the date of application.

In view of the time period which elapses between application and grant of licence, in the case of taxi applicants, a further DBS check must be obtained shortly before the driver’s licence is issued. Even at this stage an application can be refused where current convictions or an earlier failure to admit convictions are revealed.

DBS Update Service

Applicants are encouraged to register for the DBS Update Service. This will allow TfL to check whether there have been any changes recorded by the DBS since the first certificate was issued.

The DBS Update Service enables anyone who applies for a criminal record check to then pay an annual subscription which will allow them to keep their criminal record certificate up-to-date so that they can take it with them from role to role, within the same workforce.

The Update Service will allow TfL to carry out instant online checks of an individual’s certificate, to check that it is up-to-date. When an applicant is subscribing to this service, TfL will only have to seek a new criminal record check if the DBS tells us something has changed.

In order to determine whether taxi or PHV applicants satisfy the ‘fit and proper person’ test, TfL requires all applicants to request an enhanced DBS check via TfL’s approved service provider. There are two levels of DBS check: ‘standard’ and ‘enhanced’. Both contain details of spent/unspent convictions, cautions, reprimands and final warnings. This information comes from the Police National Computer. The enhanced check is the higher level of DBS check and is only available for those in certain roles that involve working with children or vulnerable adults. This is appropriate for taxi and PHV drivers as the role can, at any time and without prior knowledge, involve being in sole charge of passengers under 18 and vulnerable adults.

An enhanced DBS check will also include information held on the DBS’s children and adults barred lists and information held locally by police forces which they consider is relevant to the application. Before an enhanced DBS certificate is issued, the police
are asked to provide any information which they ‘reasonably believe to be’ relevant and ought to be included in the certificate, having regard to the purpose for which the certificate is sought (s.113B(4) of Police Act 1997).

This ‘soft intelligence’ can inform TfL whether there have been allegations against applicants in the past that have been dropped before proceeding to Court and reasons for this. The enhanced check is considered vital to how TfL determines that an individual is suitable for a licence because it allows TfL to consider patterns of behaviour evident in information that is unavailable through other checks.

**Overseas criminal history checks**

Any applicant who has lived in a country other than the UK for one or more continuous periods of three or more (other than periods of extended vacation) within three years of the date of application is required to produce a ‘Certificate of Good Conduct’ (COGC) from the relevant country. This is in addition to the enhanced DBS check that we require for all applicants. The application form for this process TPH/205 can be found at Appendix G.

The applicant will then be asked to produce a from the relevant country. The responsibility for obtaining such a document falls to the applicant and not TfL. The COGC should be an extract from the judicial record or equivalent document issued by a competent judicial or administrative authority for the relevant country. The COGC should document any convictions recorded against the individual or to confirm ‘good conduct’. This requirement is in addition to the enhanced DBS check which is required for all applicants.

To obtain a COGC the applicant should approach the relevant embassy, consulate or high commission. A translation is required if it is not provided in English. Applicants who need to provide a COGC will need to ensure that they provide proof of its authenticity from the UK embassy, consulate or high commission of the country of issue.

Where an applicant is unable to provide the above they must explain why and provide references from individuals/bodies who can confirm their conduct for their time in the country (the referee must not be a family member).

The absence of a COGC or references will not prevent an application from being considered but the failure to do so will be taken into account at the decision making stage.

TfL requires applicants who have spent more than three months living outside the UK within the previous three years to provide a Certificate of Good Conduct (CoGC) from the authorities in the countries concerned. TfL has been concerned that not all countries provide a CoGC, and where provided the information is generally of less detail than that contained in the Enhanced DBS check. In particular, a CoGC does not supply the ‘approved’ and ‘additional information’ that is made available by the Enhanced DBS check. As a result, TfL may not be aware of convictions or misconduct by people who have lived overseas.
Each case must be considered on its merits and the production of a COGC is not a guarantee of a licence. Particular consideration will be given to assess whether the applicant has demonstrated that they have provided all the available evidence or made every effort to obtain the information.

**Asylum seekers**

Any applicant who has been granted or is awaiting a decision to be granted asylum/refugee status will not be required to produce a COGC from the country they are claiming asylum from.

The applicant will, however, be required to obtain a COGC from any other country they have resided within the three years prior to the date of application.

To gain this exemption, the applicant must provide a clear and legible photocopy of either their Certificate of Registration or a letter issued by UK Visas and Immigration, an executive agency of the Home Office.

**Consideration of disclosed criminal history**

Where the DBS reports previous criminal convictions and/or other significant comments, consideration will be given to each applicant’s suitability for licensing against the following criteria:

- nature of the offence(s);
- circumstances in which any offence was committed;
- subsequent periods of good behaviour;
- overall conviction history;
- sentence imposed by the court; and
- any other character check considered reasonable (e.g. personal references).

Where an applicant has lived in a country other than the UK, TfL will consider any previous convictions detailed in the COGC. However, one of the main issues with the COGCs is the difficulty in verifying their authenticity and the fact that information is generally of less detail than that contained in an enhanced DBS check. We also need to rely on a high quality translation as the original version will be in the relevant country’s national language, there is also concern that COGCs from some countries may not be based on as thorough and rigorous checks as those checks conducted via the enhanced DBS process. This means TfL may not be aware of convictions or misconduct by people who have lived overseas.

TfL is seeking to improve the vetting of private hire driver applicants to ensure a full and comprehensive period of criminal history is available for consideration as part of the licensing process.

TfL needs to have confidence that an applicant’s past criminal behaviour is known if individuals have lived for an extended period outside the UK or come to the UK from another country.
A number of steps could be considered to address this issue including self-declaration of criminal convictions by applicants, references from professionals or those of standing in the country of origin; or a minimum residency in the UK requirement for example.

Questions

Please provide your views on how TfL can best establish background character information for persons who have lived for an extended period outside the UK or come to the UK from another country?

Please provide any evidence to support your comments.
How to respond to this consultation

This consultation document seeks views on issues relating to the licensing of private hire vehicles in London. Respondents are invited to comment on the proposals and are also invited to provide relevant information to support our decisions on this issue.

We are publishing this document online at consultations.tfl.gov.uk//taxis/improving-phv-safety and are sending a notice initially to the organisations and individuals listed in Appendix A. Comments from other interested organisations or individuals are also welcome. You are invited to pass this link or document on to anybody else that you think should see it. We welcome suggestions as to other organisations that should be aware of this consultation.

Please let us know your views on these proposals by visiting our consultation website at consultations.tfl.gov.uk//taxis/improving-phv-safety. Responses must be received by 18 June 2018.

You can also contact us by emailing consultations@tfl.gov.uk, stating 'Improving Safety in Taxis and Private Hire Vehicles Proposals’ in the subject line. Please state your views on the questions set out above, as well as any other comments you wish to make. If you are responding on behalf of an organisation, please provide background information about your organisation and the people that you represent.

The Freedom of Information Act 2000 requires public authorities to disclose information they hold if it is requested. This includes information contained in responses to public consultations. If you ask for your response to be kept confidential this will only be possible if it is consistent with TfL’s obligations under the Freedom of Information Act and if certain grounds for confidentiality under the Act apply.

Further copies of the consultation document can be obtained via the TfL consultation website shown above.

Enquiries about the contents of this consultation document may be made by email to consultations@tfl.gov.uk. Please put ‘Improving Safety in PHVs Consultation’ in the subject field.

Alternatively, you can contact us by post at:

Improving Safety in PHVs Consultation
FREEPOST TFL CONSULTATIONS
APPENDIX A – INITIAL CONSULTATION LIST

Consultees are welcome to forward the consultation document to other interested parties and responses from these parties are also invited.

Private Hire trade associations
- Private Hire Operators
- Private Hire Drivers

- Chauffeur and Executive Association
- GMB (Greater London Private Hire
Drivers Branch)
- Institute of Professional Drivers and
Chauffeurs
- Licensed Private Hire Car
Association
- Private Hire Board
- Driver Guides Association
- British Bangladesh Minicab Drivers
Association

Taxi driver associations
- Heathrow Airport Taxi Drivers United
- Licensed Taxi Drivers Association
- London Cab Drivers Club
- London Suburban Taxi Drivers Coalition
- RMT Cab Trade Section
- Unite the Union Cab Trade Section
- United Cabbies Group

Other Licensing authorities
- National Association of Licensing and
Enforcement Officers
- Senior Traffic Commissioner
- Institute of Licensing

User groups and other stakeholders
- Action on Hearing Loss
- Age UK
- City of London Police
- Department for Transport
- Disabled Persons Transport
Advisory Committee
- Equality and Human Rights
Commission
- Guide Dogs
- Heart of London
- Heathrow Airport Ltd
- Inclusion London
- Living Streets
- London Accessible Transport
Alliance
- London Assembly Members
- London Chamber of Commerce
and industry
- London City Airport Ltd
- London Councils
- London Cycling Campaign
- London First
- London local authorities
- London MP’s
- Home Counties MP’s
- London TravelWatch
- Metropolitan Police Service
- Network Rail
- New West End Company
- Passenger Focus
- People 1st
- RNIB
- Society of West End Theatres
- Suzy Lamplugh Trust
- Transport for All
- Visit London (London & Partners)
APPENDIX B – TAXI AND PHV DRIVING ASSESSMENT: OUTLINE CONTENT

All assessments shall be undertaken in London in a TfL licensed taxi or PHV.

Eyesight test
The applicant will be required to read a number plate from a distance of 20 metres. Applicants must use glasses or contact lenses during the whole test if needed to read the number plate. Applicants will not be permitted to take the driving part of the assessment if they fail the eyesight test.

Pre-drive vehicle checks
Applicants will be required to demonstrate basic vehicle safety checks prior to driving the vehicle.

These will be the same as those required for the DVSA driving test: Applicants will be asked 2 vehicle safety questions known as the ‘show me, tell me’ questions. These test that applicants know how to carry out basic safety checks.

Driving element
The observed drive will be between 45-60 mins in length. This will allow the assessor to plan the test route to encompass as many diverse driving conditions as possible.

The drive will incorporate a short commentary element to assess the driver’s spatial awareness, concentration levels, observation skills and problem solving. The drive will also include a period of driving without being given turn-by-turn directions by the assessor. During this driving part of the test, most PHV candidates will be asked to follow directions from a sat nav.

Skills assessed to include:
- expert handling of controls
- appropriate use of speed
- appropriate use of gears
- appropriate use of brakes
- steering
- negotiating junctions
- motorway driving
- overall stability of vehicle
- safety and comfort of paying passengers
• emergency stop
• vehicle manoeuvre e.g. turning the vehicle in the road
• stopping safely at the kerbside as if picking up or setting down a passenger
• dealing with driver distraction
• awareness of vulnerable road users (e.g. pedestrians, cyclists, motorcyclists)

The drive shall also incorporate elements of the SAFED (Safe and Fuel Efficient Driving) scheme, as this will benefit the driver with lower fuel use, reduced wear to vehicle and reduce emissions.

Post-drive questioning
• Highway Code questions
• Role specific questions
APPENDIX C – ENHANCED WHEELCHAIR ASSESSMENT: OUTLINE CONTENT

Applicants wishing to drive wheelchair accessible vehicles will need to pass the enhanced wheelchair assessment. Applicants will have to provide a TfL licensed wheelchair accessible vehicle for the purposes of the assessment.

Applicants will need to show their ability to:

- deploy the wheelchair ramp/lift (including any ramp extension)
- safely load a DfT reference wheelchair in the vehicle
- secure the wheelchair in the correct position in accordance with the vehicle design
- use the wheelchair brakes to secure and release it
- fasten the seat belts or safety harness, including any extension belts
- secure any wheelchair belts or clamps fitted to the vehicle
- reverse the process

Applicants will be required to identify and demonstrate using other features in the vehicle designed to assist disabled passengers e.g. auxiliary step, swivel seat, use of powered lifting ramp, winch, etc.

Applicants will be questioned on their duties under section 165 of the Equality Act 2010.
APPENDIX D – OTHER LICENSING AUTHORITIES

Driving test requirements\(^1\) of licensing authorities classified as ‘urban conurbation/city’ licensing 1,000 or more drivers\(^2\)

<table>
<thead>
<tr>
<th></th>
<th>Taxi driver licences</th>
<th>PHV driver licences</th>
</tr>
</thead>
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<tr>
<td><strong>North East</strong></td>
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</tr>
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<td>Rochdale</td>
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<td>✓ ✓</td>
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<tr>
<td>Salford</td>
<td>✓ ✓</td>
<td>✓ ✓</td>
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<tr>
<td>Stockport</td>
<td>✓ ✓</td>
<td>✓ ✓</td>
</tr>
<tr>
<td>Wigan</td>
<td>✓ ✓</td>
<td>✓ ✓</td>
</tr>
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\(^1\) All licensing information sourced from the licensing authorities’ own websites

\(^2\) Source: Department for Transport Taxi and PHV statistics 2015
<table>
<thead>
<tr>
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<td>✔</td>
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<tr>
<td>Leeds</td>
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<td>Wakefield</td>
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<td>✔</td>
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<td>South Yorkshire and Humber</td>
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<td>Leicester*</td>
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<tr>
<td>Nottingham*</td>
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<td>East</td>
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<td>Luton</td>
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<tr>
<td>Peterborough</td>
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<tr>
<td>South and South East</td>
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<td>✔</td>
</tr>
<tr>
<td>Brighton and Hove</td>
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<td></td>
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</tbody>
</table>
Portsmouth | ✗ | ✗ 
Southampton | ✓ | ✓  

**South West**  
Bristol | ✓ | ✓ 
Plymouth | ✓ | ✓  

**Wales**  
Cardiff* | ✓ | ✓ 

* only issue dual taxi and PHV driver licences

**Driving test requirements**\(^3\) of licensing authorities neighbouring London

<table>
<thead>
<tr>
<th></th>
<th>Taxi driver licences</th>
<th>PHV driver licences</th>
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<td>Brentwood</td>
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<td>Reigate and Banstead</td>
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\(^3\) All licensing information sourced from the licensing authorities’ own websites
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<td>✔</td>
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<tr>
<td>Three Rivers</td>
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<td>Watford</td>
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<td>Welwyn Hatfield</td>
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</tr>
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</table>
APPENDIX E EXISTING PHV SIGNAGE

PHV licence disc

All PHVs must be licensed by TfL and in order to be licensed the vehicle must pass a licensing inspection. A PHV licence is valid for up to 12 months and once a vehicle has passed the annual inspection, a licence disc must be displayed in the front windscreens unless they have been granted an exemption from doing so.

The information on the rear of the licence discs includes the phone number and email address to use if passengers wish to comment on a private hire journey but we recognise this can be improved and made more visible.

Example of PHV licence disc:

No-smoking signage

On 1 July 2007, it became an offence to smoke in virtually all enclosed public places, workplaces and public and work vehicles under the Smoke-free (Signs) Regulations 2007. Since then all licensed PHVs have had to display no-smoking signs in the vehicle. There are no exemptions to this requirement and every licensed PHV must display the approved TfL no-smoking signage. The current signage also covers the use of e cigarettes and vape sticks.
Example of no smoking signage:

Cycle safety signage (dooring signage)

TfL has encouraged the use of signage advising passengers to look out for cyclists since 2013. While the signage is not mandatory, it is intended to reduce the number of incidents where passengers open the door into the path of a cyclist.

This supports the Mayor’s wider ambitions to improve safety for cyclists and an important message to inform passengers.

Example of cycle safety signage:

CCTV Signage

The Information Commissioner’s CCTV Code of Practice requires that signage must be displayed where CCTV is in operation. TfL’s Guidelines for CCTV systems in Licensed London Taxis and Private Hire Vehicles requires that all PHVs fitted with a CCTV system must display the sign shown below in a prominent position.
The positioning of this signage is at the discretion of the owner but it must be displayed in such positions so as to minimise obstruction of vision and to make it as visible as possible to passengers, before and after entering the vehicle.

Example of TfL CCTV sign for taxis and PHVs:

![CCTV signage](image)

**Signs and logos identifying licensed operators**

Private hire operators may apply to display their company name and details on the rear and roof panels of private hire vehicles.

TfL will also consider applications for additional signage, for example a private hire operator that only uses low or zero emission vehicles.

Warning and safety signs are permitted as appropriate and subject to our approval and these are considered on a case by case basis.

Applications for signage on Private Hire Vehicles for a limited period for specific events will also be considered on a case by case basis.

**PHV red route signage**

These are placed in the rear of the vehicle allowing PHVs to pick up and drop off passengers on red routes and are permitted at the discretion of TfL.

Example of PHV red route signage
APPENDIX F PHV SIGNAGE – PLACEMENT ON VEHICLE OPTIONS

Ford Galaxy

Signage at top of window on nearside and offside

Where there are seats in the rear signage at top or bottom of rear window on nearside and offside

BMW 520

Signage at top of window on nearside and offside

Alternative position is signage at top of window on nearside and offside although the space is limited
Citroen C4 Grand Picasso

Signage at top of window on nearside and offside

Where there are seats in the rear signage at top or bottom of rear window on nearside and offside

Toyota Prius

Signage at top of window on nearside and offside
APPENDIX G - CURRENT CERTIFICATE OF GOOD CONDUCT

PROCEDURES

Any applicant who has lived in a country other than the UK for one or more continuous periods of between three and 12 months (other than periods of extended vacation) within three years of the date of application is required to produce a Certificate of Good Conduct (CoGC) from the relevant country.

The CoGC should be an extract from the judicial record or equivalent document issued by a competent judicial or administrative authority for the relevant country. This Certificate should document any convictions recorded against the individual or to confirm ‘good conduct’. This requirement is in addition to the enhanced DBS Disclosure which is required for all applicants.

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