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TECHNOLOGICAL BOOKINGS PLYING FOR HIRE

Plying for hire is the very essence of what taxis do and they have been doing so since their inception. It has stood the test of time - despite the significant advances in technology which has facilitated the huge growth of Private Hire vehicles within London over the decades. The first stage of this was the land line telephone combined with the two way radio, next came the mobile telephone, followed shortly by the Internet and now today we have Sat Nav and mobile phone apps. Consequently the Law Commission asked the following proposals in its consultation paper and we responded accordingly.

PP16. HAILING & RANKING SHOULD NOT COVER TECHNOLOGICAL BOOKINGS

Our response to proposal 15 explains why we believe that plying for hire should be defined in statute. We assert that this new definition should be used to facilitate effective enforcement and, therefore, we believe that it should be kept as simple as possible. As such, we concede that technological bookings should be considered to be outside the scope of plying for hire. However, we are concerned that this type of technology, particularly mobile phone apps, could allow a service provider to act as a taxi or private hire company without a licence. We assert that the process of simply matching customers with vehicles, without a strict vetting procedure of drivers, would compromise public safety. A US company, Ubercab, recently developed a mobile phone app that accepts payment in return for matching drivers with customers.

The company was issued a cease and desist notice by the San Francisco Metropolitan Transport Commission and the Public Utilities Commission of California. The authorities were concerned that the Ubercab service did not comply with city and state taxi and limousine regulations. However, Ubercab insisted that they are merely an app provider, not an unlicensed taxi service. The RMTLTB note that this company appear to be willing to take payment for providing a 'service' without taking on any of the responsibilities that we would expect to protect public safety. The RMTLTB propose that new legislation should ensure that service providers who match vehicles to customers via a technological mechanism should hold an operator's licence.

PP19. PRE-BOOKING SHOULD BE THE ONLY WAY TO ENGAGE A PHV

The RMTLTB accept that new technologies have confused the boundary between pre booking and hailing. We also recognise that technology can evolve rapidly and this could mean that any new legislation could be difficult to enforce.

Our response to proposal 15 describes why we believe plying for hire, the distinguishing feature of the licensed taxi trade, should be defined in statute and that this definition should create a clear demarcation between the working practices of the licensed taxi and private hire trades. As such, we have adopted a pragmatic approach to this proposal, unless there are plans and methods available to strictly enforce this so that only taxis can be hired in this way we accept that a vehicle booked using a mobile phone app or via the internet should be regarded as pre-



**Putting the London
Cab back on Point**

booked, and is therefore outside the scope of plying for hire. The RMTLTB agree that pre-booking should remain the only way to engage a private hire vehicle and that this mechanism should fall outside the scope of plying for hire, unless methods are available to enforce this.

We believe it is imperative that plying for hire must not be repealed and that it must be defined. This is the starting point that everything else must hinge on if we are to secure our rights and our future. It may be wise to define the nature of pre bookings but not instead of our long established practice that of plying for hire.

Therefore a line in the sand must be drawn regarding these methods of engaging customers. Plying for hire must be defined in the traditional sense as we fail to see how including any form of technological booking method will allow for such a definition to be formulated not to mention the difficulties regarding enforcement and scrutiny within the courts, after all if a taxi is illegally plying for hire doing pre booked work what is a private hire vehicle doing given that this is their method of hiring.

THE LAW REGARDING TAXIS DOING PRE BOOKED WORK

The High court judgment in the Stockton-on-Tees Borough Council v Fidler 2010 case confirms that the law relating to cross border hiring is correctly laid down in Britain and Gladen, and as such licensed hackney carriages may still undertake pre-booked hirings anywhere in England and Wales.(source LACORS)

There is no doubt that London taxi drivers have benefited financially over many years being able to also obtain work via technological means, and many would argue that the more ways to put people into taxis is a positive thing. However many forms of technology have both positive and negative aspects to them and it may be too early to predict any possible negative aspects (if they exist?) of the latest developments in the technology for engaging taxis and PH. We must be on our guard for this. Should the line become too blurred there may come a time when London's taxis are forced to consider adopting the New York approach regarding methods of engagement, unless of course they are happy to receive the majority of their work via technological means where the shortest route is sent to you in advance and ranks are seen as obsolete. Is technology to decide our fate or are we?

Let's draw that line. Let's define Plying for Hire!

BE PROACTIVE – NOT REACTIVE

It's your job. It's your future!

Calling ALL Taxi Drivers help us to
"Put the London Cab back on Point"

Text: **4Hire** (along with your name and badge number)
to **60777**

(Your details will be treated in confidence)