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Open consultation

# Taxi and private hire vehicle: best practice guidance to assist local authorities

Published 28 March 2022

## Contents

[Foreword](#)  
[Executive summary](#)  
[Consultation proposals](#)

Consultation  
questions  
How to respond  
Confidentiality and  
data protection  
What happens next



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## Foreword

Taxis and private hire vehicles (PHVs) play a critical role in keeping our country moving, allowing people to travel safely and easily.

Whether those taxi and private hire vehicle journeys are for leisure, work or to go to the shops, many people in our communities, particularly those who are disabled and vulnerable, rely upon them.

The adoption of new technology by the sector and, most significantly, by the public has resulted in a much-changed sector since the Department for Transport (DfT) last refreshed its [Taxi and private hire vehicle licensing: best practice](https://www.gov.uk/government/publications/taxi-and-private-hire-vehicle-licensing-best-practice-guidance) (<https://www.gov.uk/government/publications/taxi-and-private-hire-vehicle-licensing-best-practice-guidance>) in 2010.

The biggest change is the ease with which passengers are able to engage services – using an app on a mobile phone, for example, was something unimaginable in 2010.

The increase in services has fuelled increases in the number of drivers in the sector, making a fundamental change to the way the industry works and how these services are delivered.

A further challenge is the transition to zero emission vehicles to mitigate the impact of travel on air quality and climate change.

Licensing authority policies should reflect the lead and assistance that government is providing in these areas. It is important they provide the certainty the sector needs so that it is able to plan ahead and invest.

Zero emission vehicles have far fewer moving parts than their petrol and diesel counterparts. They are easier and cheaper to maintain, and far more efficient to run.

While these benefits will be attractive for the private car owner, they could be transformative for the taxi and private hire vehicle industry.

A constant message I hear from stakeholders is the need for consistency in standards across licensing authorities.

I know that in respect of safeguarding issues, which are covered by the government's [Statutory taxi and private hire vehicle standards](https://www.gov.uk/government/publications/statutory-taxi-and-private-hire-vehicle-standards) (<https://www.gov.uk/government/publications/statutory-taxi-and-private-hire-vehicle-standards>), there was a great consensus around what those standards should be.

I am aware that this is not necessarily the case in respect of some of the issues covered in the best practice guidance. I appreciate that with over 270 licensing authorities in England there are going to be significant variations and, because of this, the recommendations are unlikely to be welcomed by all, but I am keen that we try and reach a consensus where possible.

In developing the consultation on best practice guidance, DfT has carefully considered the views expressed by a wide variety of stakeholders through ongoing engagement with the sector about what will make services even better than they are today.

A key message is that the government needs to take a position on the important issues in the guidance, and the consultation reflects this.

The government's commitment to introduce legislation, when parliamentary time allows, to enable the setting of national minimum licensing standards remains.

The measures in the final version of the best practice guidance, and the statutory taxi and private hire vehicle standards issued in 2020, are likely to be the starting point when setting any such future legislation.

The importance of licensing authorities to the safety of the public and the effective functioning of the sector cannot be downplayed, and the intention of the guidance is to help licensing authorities in carrying out this important job.

This is a crucial consultation on a range of significant issues and I urge you to share your views to help shape the final version of the best practice guidance, we are keen to hear what you have to say.

We have a shared vision for a safe and thriving sector and it is key that this is at the heart of the policies of licensing authorities that regulate the sector.

Baroness Vere of Norbiton

28 March 2022

## **Executive summary**

### **Introduction**

DfT first issued best practice guidance to licensing authorities in 2006 and this was refreshed in 2010.

Much has changed in the taxi and PHV industry over the intervening years and the time has come to update the guidance to ensure it reflects new ways of working, new technology and feedback from interested parties.

We are therefore seeking views on a new best practice guidance for taxi and PHV licensing authorities and any evidence that supports them.

The consultation will run for 12 weeks from 28 March 2022 until 23:45 on 20 June 2022.

### **Who this consultation is aimed at**

We are seeking the views of all interested parties, including the public, licencing authorities, operators, drivers and representative bodies such as the Disabled Persons' Transport Advisory Committee (DPTAC), many of whom have influenced the best practice guidance document.

This is a public consultation and we are keen to hear from any other groups or individuals with an interest. This is your opportunity to help shape the final text on the important issues for the sector.

### **Our approach**

Stakeholders have called on government to set out its position on key issues with the desire to see consistency across the sector.

Given this, the consultation version has been drafted to set out DfT's proposed position and for the most contentious issues, the consultation paper also sets out the rationale for the proposed position.

This is designed to help the ongoing debates and enable respondents to provide alternatives if they do not support the rationale for the proposed approach.

The recommendations in the consultation version of the best practice guidance result from engagement and discussion with a range of bodies including representatives of licensing authorities, regulators, operators and drivers, and detailed consideration by DfT.

The consultation version of the best practice guidance contains a set of recommendations on what local authorities should and should not require.

It also includes information on existing legal obligations that licensing authorities are already required to meet. This is to provide as comprehensive a document as possible to assist them in administering the licensing regime.

Questions are not posed on every section or element of the guidance where there are already settled positions, such as:

- some parts are simply stating the law (for example, the text on the duration of licences)
- setting out existing government policies (for example, text that is taken from the statutory taxi and private hire vehicle standards)
- DfT's interpretation of the law (for example, the guidance on interim suspensions)
- signposting other information (for example, the community safety accreditation scheme)

The best practice guidance is non-statutory guidance that is intended to assist licensing authorities. Therefore, where the questions in this consultation document ask whether something 'should' or 'should not' be done, this is in the context of whether something should or should not be recommended best practice.

The questions are provided in this document and available through the [online response form](https://www.smartsurvey.co.uk/s/3ABP5T) (<https://www.smartsurvey.co.uk/s/3ABP5T>).

## Terminology

Taxis are referred to in legislation, regulation and common language as 'hackney carriages', 'black cabs' and 'cabs'.

The term 'taxi' is used throughout the consultation version of the best practice guidance and consultation document and refers to all such vehicles. Taxis are able to be hired by hailing on the street or at a rank.

Private hire vehicles (PHV) include minicabs, executive cars, chauffeur services, limousines and some school and day centre transport services.

All private hire vehicle journeys must be prebooked via a licensed private hire vehicle operator.

## Consultation proposals

The focus of the best practice guidance is on how licensing authorities can best use their existing powers to ensure that the taxi and PHV drivers and vehicles, and the PHV operators that they license provide a safe, inclusive, accessible and attractive service for the passengers they carry.

While the safety of the public is paramount, licensing authorities, as regulators, also have a duty to ensure that they carry out their activities in a way that supports the people and businesses that they regulate.

The best practice guidance aligns with overarching principles in the [Regulators' Code](https://www.gov.uk/government/publications/regulators-code) (<https://www.gov.uk/government/publications/regulators-code>) that unnecessary burdens should be avoided and that regulators should choose proportionate approaches.

The best practice guidance focuses on issues outside of the scope of the [statutory taxi and private hire vehicle standards](https://www.gov.uk/government/publications/statutory-taxi-and-private-hire-vehicle-standards) (<https://www.gov.uk/government/publications/statutory-taxi-and-private-hire-vehicle-standards>) that are focused on safeguarding.

The consultation version of the best practice guidance should be read before responding to the consultation. DfT has identified areas where further discussion of the issues is considered helpful to those responding to this consultation to reach a conclusion. This information is provided in [section 6](#) and [section 8](#).

## **Section 6: driver licensing – proficiency**

Unlike bus and coach drivers where an additional assessment is required to drive a public service vehicle, the vehicles used for taxi and PHV services are covered by standard driving licence categories such as category B for cars.

The [Road safety statement 2019: a lifetime of road safety](https://www.gov.uk/government/publications/road-safety-statement-2019-a-lifetime-of-road-safety) (<https://www.gov.uk/government/publications/road-safety-statement-2019-a-lifetime-of-road-safety>) is clear that the need to improve road safety does not end with the driving test. Nor does it exclude those who drive or ride professionally or as part of their job.

Elsewhere in the best practice guidance, it is proposed that the granting of a taxi or PHV driver licence should be subject to a higher standard, for example, in the medical and vision assessment.

This is considered proportionate because drivers carry members of the general public who have expectations of a safe journey and drivers are on the road for longer hours than most car drivers.

DfT's guidance on [licensing motorcycles as PHVs](https://www.gov.uk/government/publications/licensing-motorcycles-as-private-hire-vehicles/licensing-motorcycles-as-private-hire-vehicles-a-guidance-note-from-the-department-for-transport#c2--driver-licences) (<https://www.gov.uk/government/publications/licensing-motorcycles-as-private-hire-vehicles/licensing-motorcycles-as-private-hire-vehicles-a-guidance-note-from-the-department-for-transport#c2--driver-licences>) recommends that applicants for a motorcycle PHV driver's licence should, as a minimum, have successfully completed the [IAM RoadSmart](https://www.iamroadsmart.com/) (<https://www.iamroadsmart.com/>) or the [Royal Society for the Prevention of Accidents \(RoSPA\)](https://www.rosipa.com/en/) (<https://www.rosipa.com/en/>) advanced rider schemes or another course that is demonstrably equivalent or superior.

Successful completion of one of these courses is a good indicator of an individual's ability to ride safely and competently in terms of awareness, anticipation, vehicle handling and general roadcraft.

The majority of licensing authorities require additional driver assessment. As of 31 March 2021, 155 of 281 licensing authorities required taxi drivers to complete advanced driver training and 154 for PHV drivers (as seen in [table TAXI0109](https://www.gov.uk/government/statistics/taxi-and-private-hire-vehicle-statistics-england-2021) (<https://www.gov.uk/government/statistics/taxi-and-private-hire-vehicle-statistics-england-2021>)).

## **Section 6: driver licensing – vocational training and assessment**

Some licensing authorities require drivers to obtain formal vocational qualifications, such as a BTEC in Introduction to the Role of the Taxi and Private Hire Driver.

Although a vocational qualification may provide a degree of transferability among licensing authorities, it is a snapshot of training and assessment undertaken. The curriculum of the qualification at that time may not include elements that most licensing authorities are expected to require of drivers.

The need for training to evolve to meet new challenges is best illustrated by the issues of safeguarding training, which has evolved in recent years in recognition that this is a broader issue than the original focus on sexual exploitation and should now include awareness of county lines.

This snapshot issue may deter licensing authorities from exempting holders of vocational qualifications from in-house training requirements as it could not be assured the same curriculum was covered and/or up-to-date content was included.

DfT acknowledges there may be additional customer service benefits to vocational qualifications, but these are a commercial decision for drivers and PHV operators to consider rather than a requirement that enhances safety or the provision of an accessible service.



## **Section 8: vehicle licensing – tinted windows**

As of 31 March 2021, 87 of 281 licensing authorities had a minimum light transmission policy for rear (those that are rear of the B pillar) windows in taxis and 86 for private hire vehicles ([table TAXI0108 \(https://www.gov.uk/government/statistics/taxi-and-private-hire-vehicle-statistics-england-2021\)](https://www.gov.uk/government/statistics/taxi-and-private-hire-vehicle-statistics-england-2021)).

A restriction on the level of window tinting (which reduces the transmission of light) is usually on the grounds that passengers should be able to see the vehicle is unoccupied before entering and that enforcement officers can see that vehicles are not carrying more passengers than for which the vehicle is licensed.

It is expected that the greatest concerns over visibility will be at night when ambient light levels are low.

Passengers are, however, able to request that the rear windows of a vehicle are opened before entering.

The need for compliance and enforcement officers to check whether a vehicle is overloaded is not disputed. Vehicles are licensed to carry a maximum number of passengers to ensure their safety. The extent to which window tinting makes a significant difference in ascertaining at night whether a moving vehicle is overloaded is not known.

To confirm whether a vehicle was overloaded would require a check when the vehicle is stationary. If a vehicle is stationary, the compliance and enforcement officer can ask that any windows are opened and so the benefits in prohibiting tinted rear windows is unclear.

Licensing authorities that require the removal of factory-fitted tinted windows sometimes allow exemptions from light-transmission requirements for executive hire services.

Most commonly, these vehicles are defined by the list price of the vehicle used. These are, though, licensed as PHVs and it is difficult to prevent them from being used for normal services, nor is it possible to establish a sub-category of drivers that are extra fit and proper.

Given that all PHV drivers are vetted to the same level, regardless of the nature of their work, there seems no rationale for one vehicle being permitted to have tinted windows and another not.

The replacement of rear windows can cost many hundreds if not thousands of pounds.

If licensing authorities are concerned about the safety of passengers, a better option could be for them to consider, after taking into account potential privacy issues, whether the installation of CCTV in vehicles would have either a positive or an adverse net effect on the safety of taxi and PHV users as recommended in the statutory taxi and private hire vehicle standards.

## **Section 8: vehicle licensing – identification and signage**

There are a number of factors to consider in relation to vehicle signage and identification: safety, competition, commercial arguments and the fact that there are a wide variety of approaches taken by licensing authorities.

The government's view is that safety should be the prime consideration and the recommendations in the best practice guidance reflect this.

The intention is to try and make taxis the most noticeable and distinctive vehicle to members of the public who want to engage a taxi or PHV and to make it clear that only taxis can be hired without being prebooked.

Increasing the differentiation between taxis and PHVs, so that taxis are easy to identify and PHVs are less visible would simplify safety messaging to the public that they should only get into a vehicle that looks like a taxi unless prebooked.

Operators should provide information that enables the passenger to identify the driver and vehicle allocated.

Licensing authorities could promote this personal safety messaging to ensure that residents understand

the distinction between taxis and PHVs and how each service can be legally and safely engaged.

This also supports the distinction between the two elements of the trade and reduces the opportunity of unscrupulous drivers (licensed or not) from illegally standing for hire.

An approach that says PHVs should not display signage other than the licence plate or disc and a prebooked only door sign means it's easier for drivers to work with more than one operator.

A requirement to display operator details means, at best, that drivers would need to carry multiple sets of magnetic signs and, at worst, replace adhesive stickers multiple times per shift.

Magnetic signs may be stolen from, or possibly shared by, the licensed trade. If PHV signs continue to be required, the use of magnetic signs also increases the risk of passengers unknowingly using unlicensed drivers and vehicles. A vehicle with a sign may be assumed by the public to be a taxi.

There may be instances where a driver and vehicle proprietor has an exclusive relationship with an operator and both parties may agree that they want to display the operator details.

In these circumstances, the licensing authority could allow the operator details to be displayed discreetly, for example, through small branding on the rear of the vehicle, so as not to undermine the overall objective of enabling the public to easily differentiate between taxi and PHVs.

Many licensing authorities already exempt some services from their PHV signage requirements.

Executive hire services are licensed as PHVs and licensing authorities should assure themselves that, given the signage on private hire vehicles may be negligible, there is sufficient justification to exempt these vehicles from a requirement to display a small plate or disc in the absence of an effective means to prevent the vehicle from being used for normal private hire work.

## **Section 8: vehicle licensing – age limits**

Most licensing authorities have a policy that is focused on the age of a vehicle rather than the outcomes that the policy is intended to deliver, such as clean air.

While an age-based policy will ensure that there is regular turnover of vehicles within the fleet and prevent cliff-edge cases where significant proportions of the fleet must be replaced (to comply with clean air requirements, such an approach may have disbenefits compared to more targeted outcome-based policies, for example).

A requirement for a vehicle to be 3 years old or less at first licensing, say, would mean a 5-year-old used electric vehicle could not be licenced. A better approach could be the introduction of an emissions policy, if that is required/desired, giving the trade a timeline for moving to zero emission, for example.

Removing age limits should not undermine safety, providing those vehicles are maintained appropriately and inspected rigorously.

The best practice guidance recommends annual vehicle test for all taxis and PHVs and proposes that a daily vehicle inspection is conducted by all drivers and that records are kept of vehicle inspection failures. The latter will enable licensing authorities to consider the propriety of vehicle proprietors who consistently present poorly maintained vehicles.

## **Consultation questions**

DfT has carefully considered the recommendations proposed in the draft best practice guidance, but these are, of course, subject to change following this consultation.

While it is useful to have indications of the quantity of respondents that agree or disagree with these proposals, DfT wants to ensure that the final recommendations are informed by all available evidence and suggestions where these can be improved.

Most of the questions ask for quantifiable (agree, disagree or no opinion) and qualitative (comments) responses.

Ahead of the consultation questions, we would like to collect some information about you and your use of and/or role in the taxi and PHV trade. This information will be used to help to give context to the responses we receive from individuals and organisations.

#### **Section 4 : accessibility**

In your view, should licensing authorities introduce Inclusive Service Plans for taxis and PHVs?

Do you agree that licensing authorities should introduce the accessibility measures proposed in the best practice guidance?

In your view, are there any other measures licensing authorities should take to improve accessibility of taxis and PHVs?

#### **Section 5: enforcing the licensing regime**

##### **Point-based enforcement systems**

Do you agree that any points incurred through a points-based enforcement regime should remain on the record for 3 years for drivers from the date of the incident?

Do you agree that points incurred through a points-based enforcement regime should remain on the record for 5 years for PHV operators from the date of the incident?

#### **Section 6: driver licensing**

##### **Driver proficiency**

Do you agree licensing authorities should require taxi and PHV drivers, as professional drivers, to evidence a higher degree of driving ability than is required for private motorists?

##### **Vocational training and assessment**

Do you agree that licensing authorities should not require drivers to obtain a vocational qualification?

##### **Topographical knowledge tests**

In your view should a PHV driver be required to pass some form of topographical knowledge test?

If a PHV driver has to pass a topographical test, should this be the same test as a taxi driver? Or, should it evaluate the candidate's ability to plan a route or safely use a navigation system?

##### **Vehicle condition check**

Do you agree licensing authorities should require drivers to conduct daily checks on their vehicle similar to the checklist provided?

What, if any, comments do you have on the vehicle condition checklist?

#### **Section 8: vehicle licensing**

##### **Vehicle safety ratings**

Do you agree licensing authorities should consider the safety benefits to passengers, drivers and pedestrians of vehicles which have received a higher Euro NCAP rating (where these have been assessed) when setting its vehicle requirements?

##### **Seating capacity**



Do you agree that each person, regardless of age, should be counted as a passenger?

Do you agree taxis and private hire vehicles should not be licensed to carry more people than the number of seats and seatbelts available?

#### **Tinted windows**

Do you agree that licensing authorities should only require the removal of 'factory fitted' tinted windows as part of vehicle specifications if it can evidence that this is necessary and proportionate?

#### **Vehicle testing**

Do you agree licensing authorities should, where possible, obtain details of vehicle tests, including failures?

Do you agree licensing authorities should require testing stations to provide the outcomes of all examinations carried out, including where vehicles were subject to advisory notices?

#### **Vehicle age limits**

Do you agree licensing authorities should not impose age limits for the licensing of vehicles?

#### **Vehicle identification and signage**

Do you agree licensing authorities should not permit roof signs of any kind on PHVs?

Do you agree that licensing authorities should not impose a livery requirement on PHVs?

Do you agree that private hire vehicle signage requirements should be limited to the authority licence plate or disc and a 'pre-booked only' door sign?

Do you agree that licensing authorities should not require the displaying of private hire vehicle operator details on vehicle?

Do you agree that when an exclusive relationship exists between the vehicle proprietor, driver and operator, licensing authorities should permit the display of private hire vehicle operator details in a discreet manner?

Do you agree with our suggested practice regarding the use of the words taxi or cab, as well as similar meaning words, for display on private hire vehicles?

#### **Environmental considerations**

Do you agree that taxis and private hire vehicle with internal combustion engines should be tested more frequently than annually?

#### **Section 11: taxi rank provision**

Do you agree that taxi rank provision should be reviewed every 3 years?

#### **Annex B: model byelaws for Hackney carriages**

What, if any, comments do you have on the model byelaws?

#### **Annex F: sample notices between taxi driver or PHV driver and passenger**

What, if any, comments do you have on the sample notices?

#### **Annex G: staying safe – guidance for taxi drivers**

What, if any, comments do you have on the staying safe guidance for taxi drivers?

## **Annex H: staying safe – guidance for the PHV trade**

What, if any, comments do you have on the staying safe guidance for the private hire vehicle trade?

## **Annex I : useful questions when assessing taxi quantity controls**

What, if any, comments do you have on the questions for assessing taxi quantity controls?

## **Final comments**

Do you have any other comments?

## **How to respond**

The consultation period began on 28 March 2022 and will run until 23:45 on 20 June 2022. Please ensure that your response reaches us before the closing date.

Alternative formats of this consultation document, such as Braille and audio CD, for example, can be requested at [taxis@dft.gov.uk](mailto:taxis@dft.gov.uk).

You may send your response by:

- completing the [online survey \(https://www.smartsurvey.co.uk/s/3ABP5T/\)](https://www.smartsurvey.co.uk/s/3ABP5T/)
- downloading the [response form \(https://assets.publishing.service.gov.uk/government/uploads/system/uploads/consultation\\_response\\_form\\_data/file/952/taxi-and-private-hire-vehicle-best-practice-guidance.odt\)](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/consultation_response_form_data/file/952/taxi-and-private-hire-vehicle-best-practice-guidance.odt) and emailing us the return form at [taxis@dft.gov.uk](mailto:taxis@dft.gov.uk)
- emailing [taxis@dft.gov.uk](mailto:taxis@dft.gov.uk) directly with your comments
- post to:

Department for Transport  
Local Passenger Transport Division  
Taxi and Private Hire Vehicle Best Practice Guidance Consultation 2022  
Great Minster House  
33 Horseferry Road  
London SW1P 4DR

When responding, state whether you are responding as an individual or representing the views of an organisation.

If responding on behalf of a larger organisation, make it clear who the organisation represents and, where applicable, how the views of members were assembled.

If you have any suggestions of others who may wish to be involved in this process, contact us.

## **Confidentiality and data protection**

DfT is carrying out this consultation to gather views and evidence on measures for inclusion within the best practice guidance issued to taxi and PHV licensing authorities.

This consultation and the processing of personal data that it entails is necessary for the exercise of our functions as a government department.

If your answers contain any information that allows you to be identified, DfT will, under data protection law, be the Controller for this information.

As part of this consultation, we are asking for your name and email address. This is in case we need to ask you follow-up questions about any of your responses. You do not have to give us this personal information. If you do provide it, we will use it only for the purpose of asking follow-up questions.

We may contract a third party to analyse the responses we receive to the consultation. If you provide your contact details, we may share this information with a contractor in case they need to contact you regarding your consultation response.

[DfT's privacy policy](#) has more information about your rights in relation to your personal data, how to complain and how to contact the Data Protection Officer.

Your information will be kept securely and destroyed within 12 months after the consultation has been completed. Any information provided through the online questionnaire will be moved from their system to our internal systems within 2 months of the consultation end date.

## What happens next

A summary of responses, including the next steps, will be published. Paper copies will be available on request.

If you have questions about this consultation, contact: [taxis@dft.gov.uk](mailto:taxis@dft.gov.uk).

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