

**TO: LICENSING AND SAFETY COMMITTEE  
18 OCTOBER 2018**

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**OUT OF AREA PRIVATE HIRE OPERATORS  
Public Protection Manager**

**1 PURPOSE OF REPORT**

- 1.1 To advise the Committee on the issue of 'out of area' private hire vehicles working within the Borough and to propose a number of steps the Council could take in response to the concerns expressed by the trade in the petition presented to this meeting.

**2 RECOMMENDATION**

**2.1 That the Committee:**

- i) Note the contents of the report**
- ii) Formally write to the relevant Minister of State and local Member of Parliament for Bracknell to bring to their attention this Council's concerns regarding the current licensing legislative framework**
- iii) Formally write to Transport for London setting out the concerns of this Council with the current licensing arrangements and ask that they consider if licence conditions could be used to rectify the current situation.**
- iv) Formally write to the Local Government Association and Institute for Licensing to bring to their attention this Council's concerns regarding the current licensing legislative framework**

**3 REASONS FOR RECOMMENDATION(S)**

- 3.1 To bring to the attention of the Committee the concerns of the trade with respect to 'out of area' private hire vehicles working in the borough.
- 3.2 To bring the issue to the attention of the relevant Minister of State, local MP and relevant bodies this Council's concerns in order that they are aware of those concerns within their constituency and at key policy and legislative development level.

**4 ALTERNATIVE OPTIONS CONSIDERED**

- 4.1 None

**5 SUPPORTING INFORMATION**

- 5.1 Further to a request from the trade, a meeting was held on 28 June 2018 attended by members of the trade as well as representatives from the licensing authority. The purpose of this meeting was to discuss the concerns that the trade have with the number of 'out of area' private hire vehicles (vehicles which are not licensed by Bracknell Forest) which are working within Bracknell, in particular vehicles licensed by Transport for London ('TfL') working for Uber.
- 5.2 At the meeting a petition signed by 108 people was submitted, to raise awareness and to call for a solution to the problem.

## Unrestricted

- 5.3 Under the existing legislation, private hire vehicles are not restricted geographically; meaning they are not limited to working in the area in which they are licensed. The legislation, being the Local Government (Miscellaneous Provisions) Act 1976, and subsequent case law, confirm that as long as the driver, vehicle, and operator licence are all issued by the same local authority (or TfL), the actual journey can take place anywhere in the country.
- 5.4 Recently there has been a rise in the number of TfL licensed vehicles working in Bracknell. While this is lawful, it causes issues from a regulatory stand point, particularly in relation to enforcement matters, as the local authority has no powers to test vehicles and TfL will not be carrying out enforcement checks outside of their area. It is also asserted by individual operators and drivers licensed by Bracknell Forest that this amounts to unfair competition because they are not subject to the same licensing regime as a result of differences in standards, i.e. drivers licensed by TfL do not have to undergo all of the same checks as those in Bracknell before a licence is issued or renewed.
- 5.5 It is the view of the trade that whilst legal, this is an unsatisfactory position. It is also the case that whilst one authority receives the fees, another may be tasked with the policing of the regime, again placing unfair demands on the local licensing authority.
- 5.6 It has also been suggested that TfL vehicles have been illegally plying for hire (picking up without a booking) within the borough, but no substantiated evidence has yet been received to support this claim.

## **6 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS**

### Borough Solicitor

- 6.1 The legal implications are identified within the report.

### Borough Treasurer

- 6.2 The financial implications are identified within report.

### Equalities Impact Assessment

- 6.3 There are no implications arising from the recommendation in this report.

### Strategic Risk Management Issues

- 6.4 There are no implications arising from the recommendation in this report.

## **7 CONSULTATION**

### Principal Groups Consulted

- 7.1 Bracknell Forest Licensed Taxi Drivers and Private Hire Operators representatives

### Method of Consultation

- 7.2 Meeting on the 28 June 2018 held as a request of the licenced trade

Representations Received

7.3 Petition presented to this meeting

Background Papers

None

Contact for further information

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