

<b>TITLE</b>	<b>'Out of Area' Operators</b>
<b>FOR CONSIDERATION BY</b>	Licensing and Appeals Committee 13 November 2018
<b>WARD</b>	Non-specific
<b>DIRECTOR</b>	Sean Murphy - Public Protection Manager

## **OUTCOME / BENEFITS TO THE COMMUNITY**

The Licensing Section seek to provide clarification to the trade and members of the public regarding out of area vehicles working with the Borough.

## **RECOMMENDATIONS**

- (i) Note the contents of the report
- (ii) Formally write to the relevant Minister of State and local Member of Parliament for Wokingham 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

## **SUMMARY OF REPORT**

This report details the issue of 'out of area' private hire vehicles operating in Wokingham.

## **Background**

A number of emails have been received from licence holders in relation to the issue of 'out of area' private hire vehicles (vehicles which are not licensed by Wokingham) which are working within Wokingham, in particular vehicles licensed by Transport for London ('TfL') working for Uber.

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.

## Analysis of Issues

Recently there has been a rise in the number of TfL licensed vehicles working in Wokingham. 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 Wokingham 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 Wokingham before a licence is issued or renewed.

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.

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.

The September 2018 report published by the Task and Finish Group commissioned by the Minister of State at the Department of Transport includes recommendations on the subject of cross board and out of area working. The recommendations include calls to introduce provisions for licensing authorities to carry out enforcement and compliance checks on any licensed vehicle within their area, and for taxi/private hire journeys to either begin or end within the area for which the driver, vehicle and operator are licensed

## FINANCIAL IMPLICATIONS OF THE RECOMMENDATION

***The Council faces severe financial challenges over the coming years as a result of the austerity measures implemented by the Government and subsequent reductions to public sector funding. It is estimated that Wokingham Borough Council will be required to make budget reductions in excess of £20m over the next three years and all Executive decisions should be made in this context.***

	How much will it Cost/ (Save)	Is there sufficient funding – if not quantify the Shortfall	Revenue or Capital?
Current Financial Year (Year 1)	No impact	N/A	N/A
Next Financial Year (Year 2)	No impact	N/A	N/A
Following Financial Year (Year 3)	No impact	N/A	N/A

### Other financial information relevant to the Recommendation/Decision

None

### Cross-Council Implications

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

<b>List of Background Papers</b>
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Taxi and Private Hire Vehicle Licensing: Steps towards a safer and more robust system, September 2018 Task and Finish Group report.
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