

Agenda Item 12c

Ordinary Council Meeting of: 19 July 2022
Bosher/Gosling

AGENDA ITEM 12 (c) - Review of the cross border licensing legislation and its negative impact on local authorities

Amendment:

Para 5 - Add 'private hire vehicles' after 'out of area'

Para 10 - Delete and replace with:

'In Portsmouth City Council alone, the licensing department have already highlighted and had reports of over fifty licensed private hire vehicles working in the city and these vehicles are licensed to Wolverhampton City Council. Portsmouth City Council licensing department has also had reports of vehicles that, as a local licensing authority, the authority would deem as not fit for purpose completing private hire jobs for our residents via a local operator. The number of private hire vehicles in Portsmouth that are licensed by distant authorities such as Wolverhampton is increasing heavily every single month.'

Para 11- Delete and replace with:

' Full Council asks the Chair of the Licensing Committee and Leader of the Council to write a joint letter to the Secretary of State for Transport and Rt Hon Penny Mordaunt MP and Stephen Morgan MP to ask that a review takes place as follows:-'

Para 13 - Delete and replace with:

'Full Council suggests the Department for Transport reviews the current loophole in relation to cross border hiring, particularly in relation to localised enforcement action towards private hire workers with the city. Full Council believes, local controls need to be brought back to the local authority to ensure the safety of the travelling public, while placing significant weight to the need to implement policies which are relevant to the local area. '

Para 14 - Delete and replace with:

Full Council requests the Department for Transport to commit to a full review of the current cross border hiring legislation, with a focus on the negative impact it has on a local authorities all over the country. Full council

also request that the Department for Transport works with Portsmouth City Council as a licensing authority to help develop future legislation that focuses on localism within the licensing regime.

The amended motion to therefore read:

A local extract from the recent LGA Councillor Handbook on HG/PH highlighted the issues relating to licensed vehicles. Councils have a wide range of powers that can be used to regulate taxis and PHVs, protecting the public and supporting local economies; but there are also some anomalies within the existing system.

Local councils have the power to attach conditions to the licences of operators, taxis (vehicles), PHVs, and PHV drivers, but not the licences of taxi drivers. They can also influence the local context in which vehicles operate, and a range of licensing policies have been developed to do this by councils. However, over time this has led to a variety of different standards being applied and a lack of consistency.

Many licensing authorities have reviewed and strengthened their licensing policies following high profile cases. However, these efforts have been undermined by out of area working by drivers who have been licensed in other areas where the licensing requirements may not be as strict. For example, some councils have introduced a mandatory CCTV policy which drivers licensed with them are required to comply with, but out of area drivers can continue to operate without CCTV because they are subject to different licensing conditions.

This has caused huge frustration to councils and local drivers who have complied with more rigorous standards, and the LGA has argued that this could be addressed by the introduction of greater national consistency through national minimum standards. Whilst it is good that the Government has published new statutory standards which may go some way to raising standards, this does not negate the need for wider reform.

Out of area private hire vehicles working has increased significantly partly due to new app-based models which make it easier for individuals to book a PHV that is licensed elsewhere. As well as varying driver and vehicle standards, another key issue for councils is the limited enforcement powers they have to take action against PHVs that are licensed by another authority.

First and foremost, councils have no ability to stop vehicles, which leaves them only able to intervene when a vehicle is stationary, and unable to prevent it being driven off - only the police may stop a vehicle.

Secondly, a council may only take action against a vehicle or driver that it has licensed, meaning that there is absolutely nothing that a council can do if a vehicle or driver licensed elsewhere is operating in their area, other than complain to the 'home' authority.

It's been argued that enforcement officers should be able to take action against any PHV operating in their area. Councils have explored and started to implement the use of joint enforcement or joint warranting agreements at a regional level, which allow licensing enforcement officers to enforce against vehicles which have been licensed in other areas, an approach that is recommended in the statutory standards. However, these agreements only extend to those authorities who agree this at the local level.

The issues above highlight how outdated legislation is no longer fit for purpose and we need to call for new legislation to be brought forward as soon as possible. Whilst in the short term there is no commitment to a complete overhaul of the licensing regime, new statutory standards should address at least some of the key issues facing councils.

In Portsmouth City Council alone, the licensing department have already highlighted and had reports of over fifty licensed private hire vehicles working in the city and these vehicles are licensed to Wolverhampton City Council. Portsmouth City Council licensing department has also had reports of vehicles that, as a local licensing authority, the authority would deem as not fit for purpose completing private hire jobs for our residents via a local operator. The number of private hire vehicles in Portsmouth that are licensed by distant authorities such as Wolverhampton is increasing heavily every single month.

Full Council asks the Chair of the Licensing Committee and Leader of the Council to write a joint letter to the Secretary of State for Transport and Rt Hon Penny Mordaunt MP and Stephen Morgan MP to ask that a review takes place as follows:-

The current statutory private hire and vehicle standards makes no reference specifically to cross border hiring. But it does mention enforcement of the licensing regime that proposes joint authorisation of enforcement officers so that would give us authorisation under to act to stop and investigate on behalf of another licensing authority albeit we

would not receive any income to facilitate such compliance checking. This is not sufficient to address the problem and is in realism not possible to implement.

Full Council suggests the Department for Transport reviews the current loophole in relation to cross border hiring, particularly in relation to localised enforcement action towards private hire workers with the city. Full Council believes, local controls need to be brought back to the local authority to ensure the safety of the travelling public, while placing significant weight to the need to implement policies which are relevant to the local area.

Full Council requests the Department for Transport to commit to a full review of the current cross border hiring legislation, with a focus on the negative impact it has on a local authorities all over the country. Full council also request that the Department for Transport works with Portsmouth City Council as a licensing authority to help develop future legislation that focuses on localism within the licensing regime.

Proposed by (Name) Councillor Simon Bosher

Signed _____

Seconded by (Name) Councillor Lewis Gosling

Signed _____