Appendix 2

**The Rt. Hon. John Hayes CBE MP**

Minister of State

Department for Transport

House of Commons

London

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Dear Sir

**Re: Cross-border hiring of Taxis and Private Hire Vehicles**

I am writing to you in my capacity as Leader / Portfolio Holder / Chair of South Ribble Borough Council’s General Licensing Committee. [DELETE AS APPROPRIATE]

As you will be aware, case law (such as that set out in Newcastle City Council v Berwick upon Tweed Borough Council and Stockton-On-Tees Borough Council v Fidler, Hussain & Zamanian) has had a considerable impact on local licensing regimes. These cases identified that once a vehicle has been licensed as a hackney carriage, it is a hackney carriage for the duration of that licence (wherever it is currently located) and can therefore be used for pre-booked (private hire) purposes in any district in England and Wales. The judgments make it clear that it is not an offence for a licensed private hire operator to take bookings but then dispatch a hackney carriage licensed by a district (or Transport for London) which is different from that which licences the operator.

At its meeting on 19 September 2017, this Borough Council’s General Licensing Committee authorised me to write to you in relation to this issue. Specifically, the Council would enquire about the government’s plans for a change in legislation to address the problems arising from the current cross-border hiring of hackney carriage / private hire vehicles. This issue is a matter of concern to South Ribble Borough Council as well as a great many councils across the country.

In the Borough of South Ribble, cross-border hiring usually comes in the form of a hackney carriage licensed by a different local authority, which is then lawfully used for private hire vehicle purposes in this district (outside of the area in which it has been licensed to operate). This situation is a cause for concern South Ribble Borough Council has formally adopted rigorous standards to ensure the professionalism of its licensed drivers and protect vulnerable service users. However, we note that there are disparities in conditions on licences imposed by various licensing authorities; a prospective driver may choose to become licensed at a particular licensing authority because it could be considered to have lower standards in driver testing and less rigorous pre-licence checks in comparison to those in South Ribble.

This problem is not merely experienced by this local authority, but it appears to be a national problem. Licensing authorities have no powers to intervene if a driver licensed elsewhere contravenes any conditions of the licence or provides a poor service to a passenger and the local community. It is also unfair on the local licensed trade within this Borough, as drivers undoubtedly face competition from drivers who may have paid lower licence fees due to fewer checks being completed to ascertain a driver’s fitness and propriety – the statutory test to hold the relevant licence.

As with some other local authorities, this Council has worked hard to improve its Safeguarding arrangements in relation to Child Sexual Exploitation (CSE). It is apparent that all licensed hackney carriage and private hire drivers will frequently come into contact with vulnerable members of the community at all hours of the day and night; as such this Council has worked hard to ensure that standards of driver probity are now of a high standard. For instance, the Licensing Convictions Policy has been amended to permit the taking into account of ‘soft’ intelligence with regards to drivers / applicants. However, such improvements are undermined by a legal framework which permits the cross-border hiring of hackney carriages / private hire vehicles (which then allows drivers over whom this authority has no control to operate on a regular basis in this Borough).

This Council only has legal control over those drivers which it licenses and has a robust approach to any CSE activities. Any driver licensed by an authority other than South Ribble Borough Council falls outside our legal jurisdiction and this authority would therefore be unable to take action against such a driver’s license (for example, revocation, suspension or the addition of conditions) should that driver fall below the standards expected of license holders in this Borough.

In addition, many drivers licensed elsewhere but operating in this Borough also have a lack of familiarity with the area. They have not completed the area knowledge test which this authority requires its applicants to undergo and indeed may have no connection to this Borough. The Council has received reports that the language skills and customer service/care skills of hackney carriage / private hire drivers operating in this district but licensed by another authority are often quite poor. This portrays a negative (and false) image of drivers licensed by South Ribble Borough Council, as the wider public does not always understand the technicalities of cross-border hiring and cannot always differentiate between a locally-licensed vehicle and a vehicle licensed by another local authority.

In conclusion, the problem of cross-border hiring is perhaps one of the most acute facing licensing authorities today. An urgent change in primary legislation is needed so that all hackney carriage / private hire journeys should either start or end in the area for which the vehicle, driver and operator are licensed. This would go a long way in addressing many of the problems experienced by local authorities in terms of cross-border hiring.

This authority fully supports the campaign for a change in law to reflect the above and offer any backing to enact this change.

Please do not hesitate to contact the Council if any further information is required.

Yours faithfully