

The Rt Hon John Hayes, CBE, MP
Minister of State for Transport
Legislation and Maritime
Department for Transport
Great Minster House
33 Horseferry Road
London
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Contact: Cllr Richard Overton

Our Ref:

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Dear Minister

Cross-border hiring and subcontracting of private hire vehicles and drivers under section 11 of the Deregulation Act 2015

Since October 2015 when section 11 of the Deregulation Act came in to force, it has been lawful for private hire operators licensed within a particular area to subcontract bookings to other operators in other licensed areas. When drafting the legislation, the Government considered including the condition that this could only be done with the express permission of the hirer; however this was omitted from the final legislation, presumably because it was felt too onerous on the operator to implement.

In practice, this creates huge difficulties for licensing authorities, as it allows drivers to lawfully operate anywhere in the country, regardless of where they are licensed. In Telford for example, vehicles and drivers licensed with Shropshire and Wolverhampton all operate in our Borough. This is confusing for members of the public and our licensing officers are dealing with complaints on a weekly basis from members of the public regarding private hire drivers who are licensed by our neighbouring authorities.

At the moment, standards vary widely across licensing authorities, so what may be acceptable in one area is not acceptable in another. This seems nonsensical, as we can refuse to grant a licence in Telford & Wrekin, and that person can simply walk in to a neighbouring (or other) authority and obtain one there, but still work within our area. In fact, a number of operators that have been established in Telford for some time have openly admitted to applying for and being granted an operator's licence in another area because the standards in that particular area are lower than in Telford, and drivers or vehicles not meeting the required standards in Telford can obtain a licence in this other area. We have evidence that licensed private hire drivers who have had their licences revoked by members of Telford & Wrekin Council's Licensing Committee for not being fit and proper and who lost their appeals against that decision in both the Magistrates Court and the Crown Court, have subsequently been licensed by another local authority. These drivers returned to drive for hire and reward in the controlled Borough of Telford & Wrekin. What is most worrying is that public safety is at the forefront of any decisions we make and if we refuse to grant a licence, it will be for legitimate reasons in order to protect the travelling public. For that licence to be granted in another authority just because they have lower standards than in Telford is simply not acceptable.

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If offences under the legislation are committed in their area, officers can take the appropriate action against any driver, regardless of where they are licensed. However, 'standing for hire' is notoriously difficult to prove, and other conduct or behavioural issues cannot be addressed as officers have no authority to do so. Furthermore, as standards and rules differ across authorities, officers in Telford & Wrekin lack the knowledge to know if infringements of these rules are actually happening in the first place.

Local authorities must be given the authority to protect the communities they serve. Telford & Wrekin Council believes that there is an urgent need for a change in the law regulating hackney carriages and private hire operators, so that all taxi and private hire journeys should either start or end in the controlled district of the local authority which issue the licences. We have been independently lobbying for these changes via the LGA and more recently with Government inspectors.

We are very happy to be part of any working group or lobbying group to share our experiences and lessons learnt.

Yours sincerely

A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke extending to the right.

Cllr Richard Overton
Deputy Leader of the Council
Cabinet Member for Housing & Enforcement